

ORDINANCE 14-12

AN ORDINANCE OF THE CITY OF ROSWELL AMENDING SECTIONS 2-97 AND 2-137 OF THE ROSWELL CITY CODE BY REDUCING THE NUMBER OF MEMBERS ON THE CEMETERY BOARD FROM SEVEN TO FIVE, PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT, PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, Section 3-40-2 NMSA 1978 allows for a municipality to create a cemetery board, and provides for the method of appointment of its members, the term of office of its members, and that the board is to consist of five (5) members; and

WHEREAS, the City of Roswell created the Cemetery Board of Roswell which currently consists of seven (7) members, which composition is in conflict with the aforesaid state statute; and

WHEREAS, it is necessary for the City to reduce the number of members of the Cemetery Board of Roswell from seven (7) to five (5) members in order to comply with Section 3-40-2 A (2) NMSA 1978;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

Section 1. Section 2-97 of the Roswell City Code is hereby amended to read as follows:

Section 2-97. Membership

- (a) Qualifications. Qualifications of members of boards shall be as follows:
- (1) Every person appointed to any board shall be a resident of Chaves County, except as set out otherwise.
 - (2) No person regularly employed on a full-time basis by the city shall be appointed to any board, unless stated otherwise.
 - (3) The officers of the city, not appointed as regular members, may be appointed as ex officio nonvoting members.
 - (4) No member of the immediate family of any elected city officer shall be appointed to any board.
 - (5) A member may not be appointed by the city to serve on more than one board at the same time. This subsection does not apply to members of the city council, city staff or ex officio, ad hoc, or select committee members.
- (b) Appointments. Appointments to boards shall be made as follows:
- (1) The mayor, with the advice and the consent of the city council, shall appoint all Board members. Board members shall select their own chair.
 - (2) Each member appointed to a board by the city shall be given notice of appointment by letter, which shall state the appointment, date of expiration, and shall bear the signature of the mayor.
 - (3) All appointments shall clearly state that such appointment is made subject to all the provisions outlined in this article.
 - (4) All boards shall consist of seven members, with the exception of the Cemetery Board of Roswell, which shall consist of five members, and

the Roswell Museum and Art Center Board, which shall consist of eleven members whose tenure shall be subject to paragraph 8 below.

(5) Every member, unless removed as provided in this section, shall hold office until a successor has been duly qualified and appointed.

(6) Board members shall serve staggered terms of four years, so there will be an overlapping of initial tenure. The terms of three members will expire at the end of one two-year period and the terms of four members will expire at the end of one four-year term. Thereafter the terms shall be fixed. The expiration date of all ordinary terms shall be March 31, or until the member is replaced.

(7) No member shall be appointed by the city to serve on a particular board for more than eight consecutive years. An appointment to complete an unexpired term and an appointment to an initial two-year term for purposes of staggering a term does not apply toward the eight-year limitation. However, time served prior to the effective date of the ordinance from which this section derives shall apply.

Section 2. Section 2-137 of the Roswell City Code is hereby amended to read as follows:

Section 2-137. Membership

- a) A member of the City Council may be appointed by the Mayor to serve as an ex-officio member of the board. Other city personnel may be appointed or assigned as liaisons to the board by the City.
- b) Board members shall serve without compensation.
- c) The number of board members shall be ~~seven~~ five. All other provisions of the City Code relating to boards and commissions shall apply to this board unless otherwise provided.

Section 3. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

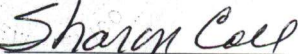
Section 4. If any section, paragraph, clause or provisions of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.


Section 5. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED and APPROVED the 11th day of December, 2014.

CITY SEAL

ATTEST:


Sharon Coll, City Clerk


Dennis Kintigh, Mayor