



DOÑA ANA COUNTY

Community Development Department

Memorandum

To: CRRUA Extra-Territorial Planning and Zoning Commission	Date: July 11, 2014
From: Luis Marmolejo, Senior Planner	
Subject: Amendment to the Extra-Territorial Planning and Zoning Commission (ETZC) By-laws and Open Meetings Policy	

Tom Figart, Legal Counsel for CRRUA, is proposing to amend the Open Meetings Policy and By-laws to correct inconsistencies for the notice requirements and voting quorum policies for the posting of regular, special and work session meetings. This recommendation is necessary in order to reflect that of State Statutes and those of the DAC Community Development policies and procedures. If you recall, CRRUA and DAC entered into an agreement where DAC policies and procedures will be applied for such meetings as described in Section 9.D of the Joint Powers Agreement between DAC and the City of Sunland Park.

Attached are the proposed amendments to Open Meetings Policy and By-laws. New language is delineated by underlining and deleted items are shown as a strikeout. Please review and feel free to propose additional amendments.

Memorandum to CRRUA Re: Voting Requirements for ETA Board; ETZ

To: Sue Padilla, CRRUA Contract Manager
CRRUA ETZ
Dan Hortert, DAC Community Development Director
Luis Marmolejo, DAC Senior Planner

From: Tom Figart, Esq.
Date 6/23/14

Subject: The Need to Amend the ETA/ETZC By-Law Voting Requirements

I did some research on voting requirements for Land Use matters that will come before CRRUA as the Extra-Territorial Board (ETA) and its appointed Extra Territorial Zoning Commission (ETZC) and have discovered that the voting requirements set forth in the recently enacted By-Laws will need to be amended to comply with statutes and DAC voting requirements. You will recall that the Land Use Services Contract between CRRUA and DAC provides that DAC community development policies and procedures will be applied.

Currently, the CRRUA Board Rules of Practice and Procedure provide that motions and other decisions on cases/matters coming before the Board must be approved by a "majority of all Board Members present and voting." These Rules of Practice and Procedure were adopted by the Board and have been used by the Board in its Water and Wastewater jurisdiction. When the Board assumed its Land Use jurisdiction, it carried over the same rules practice and procedure to be applied when the Board is acting as the ETA, to include the voting requirement. That voting requirement will need to be changed to require that cases and other matters coming before the CRRUA Board acting as the ETA need to be approved by "a majority of all its members" unless a greater than such a majority is required by NM statute.

With regard to Water and Wastewater cases and other matters coming before the CRRUA Board, the original "majority of all Board Members present and voting" still applies unless the Board wishes to make a similar change for approval of those water and wastewater matters.

Currently, the ETZC voting requirement for approval of cases and other matters that come before that body is "a majority of the members present and voting." DAC voting requirements provide that "approval of a proposed action shall require a favorable vote from the majority of the planning and zoning commission members present" unless differently provided for by NM statute. The CRRUA ETZC voting requirement in its By-Laws will need to be changed to require "approval by a majority of its members present" at a particular meeting.

Essentially, the "present and voting" language is being replaced in both the ETA and the ETZC voting requirements. In given situations, the change will impact the number of member votes for an approval.

These voting requirement changes discussed above will need to be set forth in amended rules of practice and procedure (for the CRRUA Board as the ETA) and in amended By-Laws (for the ETZC) and placed on A CRRUA Board agenda for adoption.