

**CAMINO REAL REGIONAL UTILITY AUTHORITY
EXTRA-TERRITORIAL PLANNING AND ZONING COMMISSION
2017 BY-LAWS**

***ARTICLE I*
PURPOSE**

The general purpose of the Extra-Territorial Planning and Zoning Commission (“ETZC”) is to promote and guide Planning in the Subdivision, Zoning, Planning and Platting Areas in accordance with the provisions of the February 24, 2009 Joint Powers Agreement (“JPA”) between the City of Sunland Park and Doña Ana County. The ETZC oversees proposed development, implementing the Extra-Territorial Zoning Authority (“ETA”) various land use regulations, as well as formulating and recommending updated and revised land use policies for adoption by the ETA in order to promote the public health, safety, and general welfare, and in order to promote efficiency and economy in the process of development. These By-Laws provide procedural guidelines by which the ETZC conducts its business.

***ARTICLE II*
MEMBERSHIP**

The membership of the ETZC is established by the ETA in accordance with the provisions of the JPA. The ETZC consists of five (5) members appointed by the ETA, to serve staggered two (2) and three (3) year terms. Should a vacancy occur during the term of an ETZC member, by reason of death, resignation, disability or otherwise; notice of said vacancy shall be given to the ETA and the position shall be filled by appointment for the remainder of the unexpired term. The ETZC serves at the discretion of the Board. Upon a recommendation for removal for cause by a majority of the members ETZC, the ETA may remove a member of the ETZC by a majority vote of the ETA’s members.

***ARTICLE III*
MEETINGS**

A. Types of Meetings/Notice Requirements

1. **Annual Meeting.** Unless otherwise posted, the ETZC shall hold an annual business meeting on the first Monday of January of each calendar year. At that meeting, the ETZC shall elect, within its membership, a Chairperson, a Vice-Chairperson and Secretary. Also at that meeting, the ETZC shall adopt a schedule of meetings for the upcoming year and shall take up such other business as required on an annual basis.
2. **Regular Meetings.** Unless otherwise specified, regular meetings of the ETZC shall be held on the first Monday of each month at 4:00 pm., in the Gadsden Independent School District Administrative Offices located at 4950 McNutt Road, Sunland

Park, NM.

3. Special and/or Emergency Meetings. A special or emergency meeting may be called by the Chairperson or at the request of two the ETZC members, the ETA, Executive Director or the County Planning Director. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and general welfare of citizens.
4. Notice Required. Notice of cancellation of a regularly scheduled meeting shall be announced and/or posted by staff after notification by the Chairperson. Although other statutory or regulatory notice and publication requirements may also apply, notice of regular meetings shall be given at least seven (7) calendar days prior to the meeting. Notice of Special Meetings and Work Sessions shall be given at least seventy-two hours prior to the meeting. Notice requirements are met if notice of the date, time and place and agenda are timely posted at the Office of the Authority, the County Government Center, the City of Sunland Park City Hall, the US Post Offices at Sunland Park and Santa Teresa, the Sunland Park State Motor Vehicle Division Office, the Sunland Park Library and the New Mexico Public Health Office at Sunland Park. The CRRUA staff will also provide notice by mail, telephone, facsimile transmission, or other means of electronic communications to those broadcast stations licensed by the FCC and newspapers of general circulation that have made a written request for notice of the ETZC's meetings.

Notice of an emergency meeting shall be met by posting notice of the date, time, place and agenda at the Office of the Authority, the County Government Center, the City of Sunland Park City Hall, the US Post Offices at Sunland Park and Santa Teresa, the Sunland Park State Motor Vehicle Division Office, the Sunland Park Library and the New Mexico Public Health Office at Sunland Park at least twenty four (24) hours prior to the meeting, unless the threat of personal injury or property damage require/ justify less notice for an emergency meeting. The CRRUA staff shall also provide notice by mail, telephone, facsimile transmission, or other means of electronic communications to those broadcast stations licensed by the FCC and newspapers of general circulation that have made a written request for notice of public meetings. Within ten (10) of taking action on an emergency matter, the public body shall report to the Attorney General's Office the action taken and the circumstances creating the emergency.

- B. In addition to the notice provisions above, all notices of meetings shall include the following language: If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Office of the ADA Coordinator at The Authority's Americans with Disabilities Act Coordinator may be contacted at the Gadsden Independent School District Board Room, 4950 McNutt Rd., Sunland Park NM 88063, or call 575-589-1075. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the ADA

Coordinator, above, if a summary or other type of accessible format is needed.

Unless otherwise changed by the Chairperson without challenge, the normal order of business at meetings shall be as follows:

1. Roll Call of ETZC members
2. Approval of Agenda
3. Approval of minutes of the previous meeting(s)
4. Public Input for items not on the Agenda.
5. Old Business
6. New Business
7. Presentations
8. Committee Reports
9. Staff Input
10. ETZC Input
11. Adjournment

C. Presentation of an Agenda Item

1. Order of Presentation:

- a. Chairperson summarizes the process for the benefit of the attending public;
- b. Staff presents its report, *i.e.* its recommendation and/or the case history;
- c. The ETZC may ask questions regarding staff's report;
- d. If a Quasi-judicial hearing, each person addressing the ETZC shall be sworn in, speak from the podium and shall identify himself or herself for the record;
- e. Applicant may make presentations;
- f. Any proponents and opponents may make presentations;
- g. Applicant, proponents, and opponents may rebut points raised and may engage in reasonable cross examination;
- h. ETZC may ask questions of those having made presentations; and
- i. The Chairperson shall act on the agenda item by a motion, second, discussion and call the vote.

The Chairperson may exclude repetitive or irrelevant testimony/discussion. Persons advocating the same position may be asked to designate a representative; alternatively, the Chairperson may allow each person to speak for an equal, but limited, amount of time.

2. Quasi-Judicial Administrative Hearings. The order listed above is generally followed, with the exception that at the beginning of the presentation by each party, witnesses are sworn in. Prior to making a decision in the case before it, the ETZC may elect to deliberate in closed session to consider and weigh the evidence.
3. Translation. Presentations by those appearing before the ETZC may be made in a language other than English, but it will be the responsibility of the applicant to provide for an interpreter to translate into English for understanding by the ETZC and the public. The ETZC members shall not act as interpreters. A staff member

may act as an interpreter with the consent of the individual staff member offering interpretation services and with the consent of the individual needing interpretation services, however, this practice is highly discouraged and should be reserved only for unusual circumstances where the interests of justice demand.

4. Public Input. After the parties to a quasi-judicial administrative hearing have presented their cases, the ETZC, at its discretion, may permit input from the public at large if it feels that the testimony and/or questions from the public are relevant to the issue and would assist the ETZC in making the best decision for the ETA. The Chairperson may impose a reasonable time limit for each speaker.

D. Participation by Telephone

ETZC members may participate in meetings by telephone or similar electronic communication, in accordance with NMSA 1978, §10-15-1(C). A ETZC member may attend a meeting by means of conference telephone or other similar communications equipment *when it is otherwise difficult or impossible for the member to attend the meeting in person*, provided that each member so participating is identified when speaking; all participants are able to hear each other at the same time; and members of the public attending the meeting are also able to hear. ETZC members desiring to participate telephonically shall coordinate with the Chairperson and with Planning staff to ensure that the telephonic equipment necessary is available.

E. Quorum and Voting

Three (3) ETZC members shall constitute a quorum. All actions of the ETZC shall require for approval of a majority vote of the members present, with the exception of an Appeal to the ETZC from a decision of the Community Development Department which will require a majority vote of all the ETZC members to approve and / or unless another Ordinance or New Mexico Statutes mandate otherwise.

ARTICLE IV DUTIES AND RESPONSIBILITIES

A. Reports and Recommendations

Pursuant to the JPA between the City of Sunland Park and the County, the ETZC is charged with making reports and recommendations for the planning and development of the Subdivision, Zoning, Planning and Platting Area for use by the ETA and/or any other public or private entity.

1. Officers

a. Chairperson

1. Preside at all meetings of the ETZC.
2. Call special meetings/emergency meetings of the ETZC.

3. When so authorized, sign official documents on behalf of the ETZC.
 4. See that all actions of the ETZC are properly taken.
 5. Schedule or cancel meetings as the needs of the ETZC and public dictate.
 6. Act as spokesperson/liaison between the ETZC, the public and the ETA on planning issues.
- b. Vice-Chairperson**
1. Exercise the duties of the Chairperson, during his or her absence, disability or disqualification.
 2. Authenticate documents on behalf of the ETZC.
- c. Secretary**
1. Authenticate documents on behalf of the ETZC.
 2. Coordinate with staff on the preparation of the Minutes for approval by the ETZC.
 3. Exercise the duties and shall assume the responsibilities of the Chairperson, during the absence, disability or disqualification of the Chairperson and the Vice-Chairperson.
- 2. All Members**
- a. Adhere to the requisites of due process in its quasi-judicial and policy setting decision-making.
 - b. Be familiar with the pertinent land use regulations and decide cases based on the standards set forth therein.
 - c. Avoid misfeasance, malfeasance, or nonfeasance or face potential removal action.
 - d. Call or otherwise inform the Chairperson, and if possible, staff in the event of any anticipated absence from an ETZC meeting.
 - e. Attend all ETZC meetings. If an ETZC member fails to attend two (2) consecutive regular meetings without an absence excused by the Chairperson, the ETZC may recommend removal of said ETZC member to the ETA for further action.
 - f. Disclose *ex parte* communications.
 - g. Disclose conflicts of interest.

ARTICLE V STANDING AND AD HOC COMMITTEES

The Chairperson may appoint standing committees from members of the ETZC and/or from the community, as it deems necessary. Similarly, the Chairperson may appoint an *Ad Hoc* committee for a particular purpose from members of the ETZC or from the community. The ETZC shall approve the purpose and membership of its committees so appointed. Any committee appointed by the ETZC shall compile data and report their findings and recommendations to the ETZC.

**ARTICLE VI
CONFLICT OF INTEREST**

Any member of the ETZC who has a personal, financial, or professional interest in any matter that will be formally acted upon by the ETZC shall disclose the same at the beginning of the meeting, or as soon as the potential conflict becomes evident, and from that point shall not participate in any discussion or vote on the matter in the hearing. In the event a ETZC member has a question as to whether a conflict exists, either personally or in reference to another member, he/she shall state the possible conflict at the beginning of the meeting and the ETZC shall make a determination by a majority vote of the members present and voting. All conflicts shall be duly noted in the record.

**ARTICLE VII
AMENDMENTS**

These By-laws may be amended at any meeting of the ETZC by a vote of at least three (3) members of the ETZC, provided that the proposed amendment has been properly noticed to the public and a hearing is held as required by law.

Approved this 13st day of January, 2017.

**CAMINO REAL REGIONAL UTILITY AUTHORITY
EXTRA-TERRITORIAL PLANNING AND ZONING COMMISSION**

_____ Chair	_____ For /Against
_____ Vice Chair	_____ For /Against
_____ Secretary	_____ For /Against
_____ Member	_____ For /Against
_____ Member	_____ For /Against