

**EXTRA-TERRITORIAL ZONING COMMISSION  
BY- LAWS  
2016**

**SECTION 1: PURPOSE**

The Extra-territorial Zoning Commission shall be governed by the general objective of guiding and accomplishing a coordinated and harmonious development of the Extra-territorial Zone, which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provision for light and air, the promotion of safety from fire and other dangers, adequate provision for public utilities and other public requirements.

**SECTION 2: GENERAL NOTICE REQUIREMENTS**

Las Cruces Extra-territorial Zoning Commission generally meets the first and third Thursday of every month at 6:00 p.m. for a public meeting in the County Commission Chambers, 845 North Motel Blvd., Las Cruces, New Mexico. Meetings may be held at other locations at the direction of the Commission, and upon proper notice. Only items listed on the agenda may be considered during a meeting. A work session, special meeting, or an emergency meeting may occur upon direction of the Chairperson of the Extra-territorial Zoning Commission, or two Commissioners, from time to time as needed. An agenda of the topics to be discussed or cases to be heard during any meeting shall be issued and circulated to the media through the County or City Public Information Officer, and posted on bulletin boards of the Doña Ana County Government Center as well as the Doña Ana County web site. An electronic copy of the Agenda shall be provided to the City of Las Cruces for posting at their discretion. Notice shall include broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice. The ETZ holds public hearings as required by the ETZ Subdivision Ordinance and the ETZ Zoning Ordinance. Notice of those public hearings shall be sent by mail and published consistent with the applicable provisions of those Ordinances. Such meetings shall be held in compliance with the Open Meetings Act (1978 NMSA, Sections 10-15-1 through 10-15-4); and in compliance with the Commission's Statement of Reasonable Notice of Meetings, which shall be adopted by the Commission during the Annual Meeting. Any agenda may be amended up to seventy-two (72) hours before a scheduled meeting, provided all other applicable notice requirements have been met.

**SECTION 3: ANNUAL MEETINGS**

The annual meeting of the Extra-territorial Zoning Commission shall be the first regularly scheduled ETZ county meeting in January of each year or at the next regularly scheduled city or county meeting, at the discretion of the Chairperson, if

said meeting is cancelled due to unforeseen circumstances. At the annual meeting the Commission shall consider the election of officers, the Commission's By-laws and the Statement of Reasonable Notice for Meetings, and other business or policies related to the ensuing year. Only items listed on the agenda may be considered during annual meetings.

#### **SECTION 4: REGULAR MEETINGS**

The Extra-territorial Zoning Commission generally meets the first and third Thursday of every month at 6:00 p.m. The Commission determines that reasonable notice of regular meetings of the ETZ shall include the issuance, distribution, and posting of an agenda for each meeting by 5:00 p.m. on the Friday preceding a regular Thursday meeting, but no less than seventy-two (72) hours before the meeting.

#### **SECTION 5: WORK SESSIONS**

Work sessions may be held from time to time as needed, upon call of the Commission Chairperson or by any two Commissioners. Reasonable notice for a special meeting or work session shall require the issuance, distribution, and posting of an agenda at least seventy-two (72) hours prior to the time of the special meeting.

#### **SECTION 6: SPECIAL AND EMERGENCY MEETINGS**

A special meeting or an emergency meeting may occur upon direction of the Chairperson of the Extra-territorial Zoning Commission, or two Commissioners, from time to time as needed. Reasonable notice for a special meeting shall require the issuance, distribution, and posting of an agenda at least 72 hours prior to the time of the special meeting. Reasonable notice for an emergency meeting shall require the issuance, distribution, and posting of an agenda at least seventy-two (72) hours prior to the time of an emergency meeting, unless the threat of personal injury or property damage requires/justifies less notice for an emergency meeting. Within ten (10) days 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.

#### **SECTION 7: QUORUM**

At any public meeting of the Extra-territorial Zoning Commission, a quorum shall consist of four (4) members. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

In the event that a member of the Commission cannot attend a public meeting the member shall inform staff and the Chairperson, thereby giving adequate notice to determine whether a quorum shall be reached. In lieu of an emergency, lack of notification shall be considered an unexcused absence.

## **SECTION 8: VOTING**

At all public meetings of the Extra-territorial Zoning Commission, each member attending shall be entitled to cast one vote. Decisions of the Extra-territorial Zoning Commission shall be approved by four (4) affirmative votes of the Commission. A roll call vote shall be taken of each Extra-territorial Zoning Commission member by the Secretary.

No Commission member shall direct that significant amounts of staff time or public funds be used in the support of the Extra-territorial Zoning Commission without a decision to that effect by a majority vote of the total membership, and provided the appropriate funds are available from the City and County.

## **SECTION 9: CONFLICT OF INTEREST**

In the event that any member shall have a personal interest of any kind in a matter before the Commission, the member shall identify that a conflict exists and be disqualified from discussing or voting upon the matter. The Secretary shall so record in the minutes that no vote was cast by such member. In the event a Commissioner has a question as to the existence of a conflict of interest, either personally or in reference to another member, the member shall state the possible conflict prior to deliberation on the item in question. The Extra-territorial Zoning Commission shall then determine whether a conflict of interest exists. Should a conflict of interest be found to exist, the member in conflict shall abstain from discussing or voting on the matter and the member shall leave the room. The Secretary shall so record in the minutes that no vote was cast by such member.

## **SECTION 10: PROCEEDINGS**

At any meeting of the Extra-territorial Zoning Commission, through its Chairperson it shall adopt the order of business as posted or published on the agenda.

## **SECTION 11: RULES OF PROCEDURE**

All meetings of the Extra-territorial Zoning Commission shall be conducted using Robert's Rules of Order as a guide. The Commission may also adopt specific rules of procedure.

## **SECTION 12: OFFICERS**

The officers of the Extra-territorial Zoning Commission shall consist of a Chairperson, Vice Chairperson, and Secretary elected by the Commission at the annual meeting for a term of one year. In the event the Secretary shall be absent from any meeting, the officer presiding shall designate an acting Secretary.

## **SECTION 13: DUTIES OF OFFICERS**

The duties and powers of the officers of the Extra-territorial Zoning Commission shall be as follows:

### A. Chairperson:

1. To preside at all meetings of the Commission;
2. To call special meetings and/or work sessions of the Commission in accordance with Sections 4 and 5 of these By-Laws;
3. To sign official documents previously approved by the Commission; or designate another to sign on the behalf of the ETZ Commission; and
4. To see that all actions of the Commission are properly taken.

### B. Vice-Chairperson:

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all duties and be subject to all the responsibilities of the Chairperson.

### C. Secretary:

1. Minutes of the meeting shall be prepared by the Planning Staff for the Secretary's signature;
2. To sign official documents of the Commission; or designate another to sign on behalf of the ETZ Commission;
3. Notify Extra-territorial Zoning Authority of any vacancy that occurs on Commission; and
4. Shall keep track of motion wordings and take roll call on each vote.

### D. Commissioner Designated Signature Authority:

Should the Chairperson, Vice-Chairperson, or Secretary not be available for signature, another Commissioner shall be assigned signature authority.

## **SECTION 14: VACANCIES**

Should any vacancy occur among members of the Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Extra-territorial Zoning Authority by the Secretary, acting Secretary, or staff. The original appointing body shall select a new member to serve for the remainder of the vacant term. Should any vacancy occur among the officers of the ETZ Commission, the vacant office shall be filled in accordance with Section 11 of these By-laws.

## **SECTION 15: AMENDING THE BY-LAWS**

These By-laws may be altered, amended, or repealed by discussing them at a regular meeting and voting upon them at the next meeting; provided, however, that no such amendment shall be effective until the same has been approved by the Extra-territorial Zoning Authority.

**SECTION 16: CRITERIA FOR DECISIONS**

The Extra-territorial Zoning Commission shall be consistent with the provisions of applicable New Mexico State Statutes in the evaluation and formulation of its' decisions.

**SECTION 17: POWERS**

The Extra-territorial Zoning Commission shall exercise those powers within the Extra-territorial Zone delegated to it by New Mexico State Statutes and the Joint Powers Agreement between the City of Las Cruces and Doña Ana County.

**SECTION 18: ABSENCE**

In the event a member of the Extra-territorial Zoning Commission has two consecutive unexcused absences without sufficient justification or notification as determined by majority of the Commission as whole, the Commission shall declare a vacancy to exist and shall fill the vacancy created.

**SECTION 19: ADOPTION OF BY-LAWS**

By the signatures of the Extra-territorial Zoning Commission members and the signatures of the Extra-territorial Zoning Authority affixed hereon, these By-laws shall be considered approved, and the Extra-territorial Zoning Commission agrees that it shall hereafter be governed by these By-laws.

**The Extra-territorial Zoning Commission**

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John Villescas, Chairperson

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Kenneth Allin, Vice-Chairperson

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Jeannette M. Acosta, Secretary

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John S. Townsend, Member

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Robert C. Hearn, Member

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Tim Sanders, Member

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Vacant, Member

**Adopted January 21, 2016**

## **Extra-territorial Zoning Authority**

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Benjamin J. Rawson, Chairperson

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Kasandra Gandara, Member

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Jack Eakman, Member

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Leticia Dúarte-Benavídez, Member

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Billy G. Garrett, Member

**Approved February 17, 2016**