

**DOÑA ANA COUNTY
PLANNING AND ZONING COMMISSION
2019 BY-LAWS**

**ARTICLE I
PURPOSE**

The general purpose of the Doña Ana County Planning and Zoning Commission (hereinafter "Commission") is to promote and guide County Planning in the unincorporated portions of Doña Ana County (hereinafter "County"), consistent with the existing and future needs of the County. The Commission oversees proposed development, implementing the County's various land use regulations, as well as formulating and recommending updated and revised land use policies for adoption by the County, 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 Commission conducts its business.

**ARTICLE II
MEMBERSHIP**

The membership of the Commission is established by the Doña Ana County Board of County Commissioners (hereinafter "Board") in accordance with the provisions of NMSA 1978, §4-57-1 et. seq. The Commission consists of seven (7) members, appointed by the Board, to serve staggered two (2) year terms. Should a vacancy occur during the term of a Commissioner, by reason of death, resignation, disability or otherwise; notice of said vacancy shall be given to the Board and the position shall be filled by appointment for the remainder of the unexpired term. The Commission serves at the discretion of the Board. Upon a recommendation for removal for cause by the Commission, the Board may remove a member of the Commission by a majority vote of its members.

**ARTICLE III
MEETINGS**

A. Types of Meetings/Notice Requirements

1. Annual Meeting. Unless otherwise posted, the Commission shall hold an annual business meeting on the second Thursday of January of each calendar year. At that meeting, the Commission shall elect, within its membership, a Chairperson, a Vice-Chairperson, and a Secretary. Also at that meeting, the Commission 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 Commission shall be held on the second and fourth Thursday of each month (except no second Thursday meeting in November and December), at 9:00 a.m. in the Commission Chambers of the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, NM.

3. Special and/or Emergency Meetings. A special or emergency meeting may be called by the Chairperson or at the request of a majority of the Commission members, the Board, County Manager or County Community Development 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 County Community Development Staff (hereinafter "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 seventy-two (72) hours in advance of the meeting date. Notice requirements are met if notice of the date, time and place and agenda is timely delivered to newspapers of general circulation in the County, if required by law, and posted at the Government Center. Copies of the notice and agenda shall be made available for the public at the Community Development Office. 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 the Commission's meetings.

Notice of a special or emergency meeting shall be met by posting notice of the date, time, place and agenda in the County Government Center seventy-two (72) hours in advance of the meeting, unless the threat of personal injury or property damage require/ justify less notice for an emergency meeting. Copies of the notice and agenda shall be available at the Community Development Department. 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) 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.

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 Office of the ADA Coordinator at 525-5884 (voice) or 525-2951 (TTY), or write to The Doña Ana County Government Center, 845 North Motel Blvd., Las Cruces, New Mexico 88007 as soon as possible. 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.

B. Order of Business

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

1. Roll Call of Officers
2. Approval or Changes to the Agenda
3. Approval of minutes of the previous meeting(s)
4. Old Business
5. New Business
6. Presentations
7. Committee Reports
8. Administrative Approvals
9. Staff Input
10. Commission 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 Commission may ask questions regarding Staff's report;
 - d. Each person addressing the Commission shall 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. Commission may ask questions of those having made presentations; and
 - i. The Commission shall act on the agenda item by a motion, second, discussion and roll call 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 exceptions 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 Commission may elect to deliberate in closed session to consider and weigh the evidence.
3. Translation. Presentations by those appearing before the Commission may be made in a language other than English, but it will be the responsibility of the presenter to provide for an interpreter to translate into English for understanding by the Commission and the public. The Commission 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 Commission, 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 Commission in making the best decision for the County. The Chairperson may impose a reasonable time limit for each speaker.

D. Participation by Telephone

Commission members may participate in meetings by telephone or similar electronic communication, in accordance with NMSA 1978, §10-15-1(C). A Commissioner 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. Commissioners desiring to participate telephonically shall coordinate with the Chairperson and with Staff to ensure that the telephonic equipment necessary is available.

E. Quorum and Voting

Four (4) Commission members shall constitute a quorum. All actions of the Commission shall require a majority vote of the members present, unless applicable Ordinances or State law mandates otherwise.

ARTICLE IV DUTIES AND RESPONSIBILITIES

A. Reports and Recommendations

The Commission is charged with making reports and recommendations for the planning and development of the unincorporated portion of Doña Ana County for use by the Board and/or any other public or private entity.

The Commission is also charged with the formulation, interpretation, and revision as needed, of the Doña Ana County Comprehensive Plan, all regional, area and sub-area Master Plans, the Unified Development Code, and other land use regulations.

B. Duties of Individual Commission Officers and Members

1. Officers

a. Chairperson

1. Preside at all meetings of the Commission.
2. Call special meetings/emergency meetings of the Commission.
3. Sign official documents on behalf of the Commission.
4. See that all actions of the Commission are properly taken.

5. Schedule or cancel meetings as the needs of the Commission and public dictate.
 6. Act as spokesperson/liaison between the Commission, the public and the Board 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 Commission in the absence, disability or disqualification of the Secretary.
 - c. **Secretary**
 1. Authenticate documents on behalf of the Commission.
 2. Coordinate with Staff the preparation of the Minutes for approval by the Commission.
 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 ordinances 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 a Commission meeting.
 - e. Attend all Commission meetings. If a Commissioner fails to attend two (2) consecutive regular meetings without an absence excused by the Chairperson, the Commission may recommend removal of said Commissioner to the Board 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 Commission 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 Commission or from the community. The Commission shall approve the purpose and membership of its committees so appointed. Any committee appointed by the Commission shall compile data and report their findings and recommendations to the Commission. The Chairperson may coordinate with the Community Development Director for the Commission's appointed committee to utilize Doña Ana County Staff support services.

**ARTICLE VI
CONFLICT OF INTEREST**

Any member of the Commission who has a personal, financial, or professional interest in any matter that will be formally acted upon by the Commission shall disclose 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 Commissioner has a question as to whether a conflict exists, either personally or in reference to another member, he or she shall state the possible conflict at the beginning of the meeting and the Commission shall make a determination by a majority vote of the members present. All conflicts shall be duly noted in the record.

**ARTICLE VII
AMENDMENTS**

These By-laws may be amended at any meeting of the Commission by a vote of at least four members of the Commission, provided that the proposed amendment has been properly noticed to the public as required by law. These By-laws supersede all previous versions of the By-laws.

Approved this 10th day of January 2019 by the Doña Ana County Planning and Zoning Commission.

Mel Acosta, Chairperson

Robert J. Czerniak, Vice-Chairperson

Tom Phillips, Secretary

Bruce Jackson, Member

Bill Shattuck, Member

Kenneth R. Thurston, Member

John S. Townsend, Member