



DOÑA ANA COUNTY

Community Development Department
Departmental Memorandum

To: Planning and Zoning Commission Members	Date: December 5, 2014
From: Janine Divyak, AICP, Chief Planner <i>J. Divyak</i>	
Subject: Public Input Agenda Item	

Per the request of the P&Z regarding “Public Input for Items **Not** on the Agenda”, this item is recommended to be revised as follows:

Public Input—*The Commission will listen to but not engage in discussion during this portion of public input. Furthermore, the public shall refrain from commenting on matters that are either on the agenda for this meeting or involve quasi-judicial matters that are pending or impending before the Commission.*

The above language is included on the agenda to save the chairperson the trouble of reading it from a script, and it conforms with the policy pursued by the BOCC; however, staff recommends for meetings of authorities, boards and commissions that only handle land use matters, separate public input should not be included since quasi-judicial matters is pretty much all those bodies do. Most, if not all, “open mic” type public input carries a high risk of a due-process problem with people commenting on specific matters that are likely to come before the commission or board.

Assistant County Attorney Fred Kennon will be available during this portion of the Agenda to discuss in greater detail these recommendations.