

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

## **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: 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. The annual meeting shall be devoted to the election of officers and objectives of the Extra-territorial Commission for the ensuing year and related issues concerning the Commission. No other business may be discussed during the meeting.

## **SECTION 3: REGULAR MEETINGS**

Regular meetings of the Extra-territorial Zoning Commission shall be held on the first and third Thursday of each month, at 7:00 p.m., in the County Commission Chambers, 845 North Motel Blvd., Las Cruces, New Mexico. Regular meetings may be held at other locations at the direction of the Commission and with proper notice given.

## **SECTION 4: WORK SESSION**

Work sessions may be held on the first and/or third Tuesday of each month as needed, upon call of the Commission Chairperson or by any two commission members. In the event of such work session being called, staff (city or county) shall notify the public of such meeting. Minimum prior notice of such Work sessions shall be set by the issuance and posting of the agenda one calendar day (24 hours) prior to such work session. The agenda shall be made available to the news media and shall be posted on the main bulletin board of the Dona Ana County Government Center County and City Hall.

## **SECTION 5: SPECIAL MEETINGS**

Special meetings may be held at any time upon call of the Commission Chairperson or by two Commission members. In the event of such a special meeting, city or county staff shall inform the members of the Commission of the time and location of the meeting. Minimum prior notice of such special meetings

shall be set by the issuance and posting of the agenda one (1) calendar day (24 hours) prior to such meeting. The agenda shall be made available to the news media and shall be posted on the main bulletin board of the County Courthouse and City Hall.

### **SECTION 6: 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 7: 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 a majority vote of those Commissioners present of the Extra-territorial Zoning 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 8: 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 9: PROCEEDINGS**

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

Before advertisement, staff shall present the proposed agenda to the Chair for review. The Chair at that time can make additions or revisions to the order of business.

## **SECTION 10: RULES OF PROCEDURE**

All meetings of the Extra-territorial Zoning Commission shall be conducted in accordance with a form of Robert's Rules of Order. The Commission may adopt specific rules of procedure.

## **SECTION 11: 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 12: 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 Section 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
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 Extraterritorial 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:

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

### **SECTION 13: 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 14: 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 Commission.

### **SECTION 15: 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 16: 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 17: 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 18: 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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Wade Warthen, Chairman

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John Villescas, Vice-Chairman

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Lisa Beck, Secretary

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Diane Samuel, Member

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Kenneth Allin, Member

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Leon "Junior" Billstone, Member

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Terry McMillan, Member

**Adopted January 22, 2009**

**The Extra-territorial Zoning Authority**

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Gil Jones, Vice-Chairman

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Karen Perez, Chairwoman

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Miguel Silva, Member

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Oscar Vasquez Butler, Member

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Scott Krahling, Member

**Approved February 18, 2009**