

# **LAS CRUCES EXTRA-TERRITORIAL ZONING COMMISSION**

## **STATEMENT OF REASONABLE NOTICE FOR MEETINGS FOR CALENDAR YEAR 2016**

**WHEREAS**, Las Cruces Extra-territorial Zoning Commission (ETZ) was formed through a Joint Powers Agreement between the City of Las Cruces and Doña Ana County, and met in a duly-noticed public meeting at 6:00 p.m. on January 21, 2016; and

**WHEREAS**, pursuant to the Open Meeting Act, NMSA 1978, §§ 10-15-1 et seq., in particular § 10-15-1(B), all meetings of a quorum of the members of the ETZ discussing public business or held for the purpose of taking any action within the authority delegated to the ETZ are public meetings and shall be open to the public, consistent with the provisions of the Open Meetings Act; and

**WHEREAS**, the Open Meetings Act, in particular § 10-15-1(D), requires that the ETZ determine, on at least an annual basis, what shall constitute reasonable notice to the public of meetings of the ETZ;

**NOW, THEREFORE**, Las Cruces Extra-territorial Zoning Commission states:

### **I.**

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. 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 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 on the Doña Ana County web site, seventy-two (72) hours in advance of the meeting. 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. 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.

### **II.**

The Extra-territorial Zoning Commission determines that reasonable notice of public meetings of the ETZ shall include the issuance, distribution, and posting of an agenda for each regular meeting by 5:00 p.m. on the Friday preceding a regular Thursday meeting. Reasonable notice for a special meeting or work session shall require the issuance,

distribution, and posting of an agenda at least 72 hours prior to the time of the special meeting, work session, or emergency meeting. The agenda for each meeting shall be issued, distributed, and posted consistent with § I of this Statement. Any agenda may be amended up to seventy-two (72) hours before a scheduled meeting, provided all other applicable notice requirements have been met. **See attached Exhibit A for the schedule of ETZ Commission meetings for the 2016 calendar year.**

### III.

In an emergency, when necessary for the public peace, health, safety and welfare, an emergency meeting may be called by the Chairperson or two Commissioners. 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 the emergency meeting, unless the threat of personal injury or property damage requires/justifies less notice for an emergency meeting. The agenda for each meeting shall be issued, distributed, and posted consistent with § I of this Statement.

### IV.

Substantial compliance with any one of the appropriate foregoing methods of giving notice shall constitute compliance with this Statement and the Open Meetings Act. Nothing herein shall prevent the use of additional means or methods of giving notice of meetings. Nothing herein shall require new notice of any public meeting for which notice has been given and which recessed or adjourned. However, in recessing a meeting, the presiding officer shall announce the date, time and place the meeting shall resume.

### V.

If any section, paragraph, clause, or provision of this statement shall be for any reason held to be invalid or unenforceable, the validity of unenforceability of such section, paragraph or clause or provision shall not affect any of the remaining provisions of this Statement or its application to other situations.

**EXTRA-TERRITORIAL ZONING COMMISSION**

**Adopted on January 21, 2016**

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John Villescás, 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

**EXTRA-TERRITORIAL ZONING AUTHORITY**

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Benjamin L. 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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Wayne Hancock, Member

**Approved February 17, 2016**