

THE LAS CRUCES EXTRA-TERRITORIAL ZONING AUTHORITY

STATEMENT OF REASONABLE NOTICE FOR MEETINGS

WHEREAS, the Las Cruces Extra-territorial Zoning Authority (ETA) was formed through a Joint Powers Agreement between the City of Las Cruces and the County of Doña Ana, and met in a duly-noticed public meeting at 5:30 p.m., on January 20, 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 ETA discussing public business or held for the purpose of taking any action within the authority delegated to the ETA are declared to be 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 ETA determine, on at least an annual basis, what shall constitute reasonable notice to the public of meetings of the ETA;

NOW, THEREFORE, the Las Cruces Extra-territorial Zoning Authority, consistent with the By-Laws of the Authority, hereby adopts the following notice requirements for meetings of the Authority for **2016**:

I.

Unless otherwise specified, regular public meetings of the Las Cruces Extra-territorial Zoning Authority shall be held on the third Wednesday of every month at 5:30 p.m. in the County Commission Chambers at the Dona Ana County Government Center, 845 North Motel Blvd, Las Cruces, New Mexico. **See the attached Exhibit A for the schedule of ETA Meetings for the 2016 calendar year.**

II.

The ETA 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. In addition, the Extra-territorial Zoning Authority determines that reasonable notice of public meetings of the ETA 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 Wednesday meeting. Agendas for the regular meetings shall be posted on bulletin boards at the Doña Ana County Government Center as well as on the Doña Ana County website. An electronic copy of the Agenda shall be provided to the City of Las Cruces for posting at their discretion. The Planning Staff shall also provide notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for notice of the Authority's meetings.

III.

Reasonable notice for a special meeting or work session shall require the issuance, distribution, and posting of an agenda at least three (3) days prior to the time of the special meeting. In an emergency, when necessary for the public peace, health, safety and welfare, an emergency meeting may be called by the Chairperson, or two members of the Authority. Reasonable notice of 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. 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.

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 regular or special 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 at which the meeting or case shall resume. The Agenda for a Regular Meeting, Special Meeting, or Work Session may be amended so long as the amended agenda is available at least seventy-two (72) hours in advance of the Regular Meeting, Special Meeting, or Work Session meeting time.

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.

THE EXTRA-TERRITORIAL ZONING AUTHORITY Adopted January 20, 2016

Benjamin Rawson, Chairperson

Kasandra Gandara, Member

Jack Eakman, Member

Leticia Dúarte-Benavídez, Member

Billy G. Garrett, Member