

THE LAS CRUCES EXTRA-TERRITORIAL ZONING COMMISSION

STATEMENT OF REASONABLE NOTICE FOR MEETINGS

WHEREAS, the 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 19, 2012; 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, the Las Cruces Extra-territorial Zoning Commission states:

I.

The 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 City of Las Cruces City Hall, the Brannigan Memorial Library, and the Doña Ana County Government Center. 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.

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. Reasonable notice for an emergency meeting shall require the issuance, distribution, and posting of an agenda at least 24 hours prior to the time of an 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 24 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 2012 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 24 hours prior to the time of the 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 19, 2012

John Villescascas, Chairman (Aye)

Kenneth Allin, Vice Chairman (Aye)

Jeannette M. Acosta, Secretary (Aye)

Clifford Terry (Aye)

Robert H. Hearn (Aye)

Stephen R. Pacheco (Aye)

EXTRA-TERRITORIAL ZONING AUTHORITY

Approved February 15, 2012

Nathan P. Small, Vice-Chairman

Karen G. Pérez, Chairwoman

Miguel G. Silva

Leticia Duarte Benavidez

Scott A. Krahling