

**BY-LAWS
OTERO COUNTY PLANNING COMMISSION**

ARTICLE I

PURPOSE

The Otero County Planning Commission has for its purpose the promotion and guidance of the physical development of the unincorporated portion of Otero County. Such physical development shall include, but not be limited to, subdivision location and design, proper arrangement and distribution of land uses, availability of public and private utilities and facilities, and promotion of the health, safety, and general welfare of the residents of Otero County, New Mexico, in accordance with present and future needs.

ARTICLE II

MEMBERSHIP

The membership of the Planning Commission shall be established by the Otero County Commission in accordance with the provisions of 4-57-1, et seq., N.M.S.A. (1984 Replacement Pamphlet). The County Commission may establish staggered terms for the members of the Planning Commission. A vacancy in the membership of the Planning Commission shall be filled by appointment by the County Commission for the remainder of the unexpired term. By a majority vote of its members, the County Commission may remove a member of the Planning Commission.

ARTICLE III

MEETINGS

Annual Meetings

The Planning Commission shall hold an annual business meeting on the second Tuesday of February of each year. At that meeting, the Planning Commission shall elect from within its membership a Chairperson, a Vice-Chairperson, and a Secretary. Also, at that meeting, the Planning Commission shall adopt a schedule of meetings for the upcoming year.

Regular Meetings

The Planning Commission shall hold at least one regular meeting per month unless there is no business to be discussed. Notice of cancellation of any meeting shall be performed by County Planning Staff with approval of the Chairperson.

Special Meetings

Special meetings may be called by the Chairperson or the Vice-Chairperson acting in the absence, disability, or disqualification of the Chairperson, or at the request of the Board of County Commissioners.

Order of Business

The normal order of business at meetings shall be as follows:

1. Approval of the agenda;
2. Consideration and approval of minutes of the previous meeting;
3. Old Business;
4. New Business;
5. Reports;
6. Discussion Items;
7. Public input;
8. Adjourn:

Order of Agenda Items

The normal order of consideration of agenda items shall be as follows:

1. Staff presents its report and recommendation;
2. The Planning Commission may ask questions regarding the staff report and recommendation;
3. Proponents of the agendas items may make presentations;
4. Any opponents may make presentations;
5. Applicant may make rebuttal of any points raised by opponents of the agenda item which were not addressed in the applicant's original presentation;

6. Planning Commission may ask questions of the proponents, opponents, or staff; and
7. The Planning Commission shall act on the agenda item.

Quorum

Fifty-one percent (51%) or more Planning Commission members shall constitute a quorum.

ARTICLE IV

DUTIES AND RESPONSIBILITIES

Reports and Recommendations

The Otero County Planning Commission is charged with making reports and recommendations for the planning and development of the unincorporated portion of Otero County for use by the County Commission and/or any other public or private entity.

The Planning Commission is also charged with assisting in the development and with interpretation of a Comprehensive Plan, County Land Subdivision Regulations, and other land use regulations.

The Planning Commission may recommend to the County Commission the implementation and financing of public improvement programs.

Rights to Information

Members of the Planning Commission, in the performance of their duties, may:

1. Visit sites of proposed developments, with approval of the applicant;
2. Make examination of all documents submitted in support or opposition of an application; and
3. Request, from whatever source, information which it requires for its work.

Terms and Responsibilities of Members

Terms of office of the Chairperson, Vice-Chairperson, and Secretary shall not exceed one (1) year, but the individuals holding those positions may be elected for up to four (4) succeeding terms, to allow any given individual tenure of five (5) years in any given position.

The duties and powers of the officers of the Planning Commission shall be as follows:

A. Chairperson

1. Preside at all meetings of the Planning Commission;
2. Call special meetings of the Planning Commission in accordance with these By-laws;
3. Sign documents for the Planning Commission;
4. See that all actions of the Planning Commission are properly taken;
5. Schedule or cancel meetings as the needs of the Planning Commission and the public dictate; and
6. May appoint committees and chairpersons for the committees.

B. Vice-Chairman

During the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson shall exercise the duties and be subjected to the responsibilities of the Chairperson.

C. Secretary

1. Sign documents for the Planning Commission; and
2. During the absence, disability, or disqualification of the Chairperson and the Vice-Chairperson, the Secretary shall exercise the duties and be subjected to the responsibilities of the Chairperson.

D. All Members

1. Ex-parte communications between any member of the Planning Commission and any applicant or the representative of any applicant regarding substantive issues attached to any application must be fully disclosed at the next meeting of the Planning Commission.
2. Absence from three (3) consecutive regular monthly meetings by any member of the Planning Commission without advance notice to the County Planning Staff may be grounds for a removal action by the County Commission;
3. Absence from more than one-fourth (1/4) of the total number of annual meetings may be grounds for a removal action by the Board of County Commissioners; and
4. Misfeasance, malfeasance, or nonfeasance by any member of the Planning Commission shall be grounds for a removal action by the County Commission.

Preparation of Notice and Maintenance of Records

The Otero County Planning Staff shall give or serve all notices required by law or by these By-laws, prepare the agenda for all meetings of the Planning Commission, inform the Planning Commission of correspondence relating to business of the Planning Commission and attend to such correspondence, and keep a public record of the Planning Commission's transactions, findings, resolutions, determinations, and minutes.

ARTICLE V

STANDING COMMITTEES

The chairperson of the Otero County Planning Commission may appoint standing committees as necessary, and may make assignments thereto from the membership of the Planning Commission. Such committees shall compile data and make their findings and recommendations known to the whole Planning Commission. The committees shall avail themselves of the staff services of the County Administrative Office and the County Road Department in the preparation of reports.

ARTICLE VI

CONFLICT OF INTEREST

Any member of the Planning Commission who has a personal, financial, or professional interest in any matter which will be formally acted upon by the Planning Commission shall inform the Chairperson of the conflict of interest, vacate the Planning commission bench, and refrain from discussing and voting on said items as a Commissioner.

ARTICLE VII

AMENDMENTS

The articles of these By-laws may be amended at any meeting of the Planning Commission by a vote of the majority of the entire membership of the Planning Commission provided that five (5) days notice has been given to each member of the Planning Commission.

REVIEWED AND APPROVED this 28th day of February, 2012

OTERO COUNTY PLANNING COMMISSION

Thomas McKean 28 Feb 12

Chairman - Thomas McKean

Tom Fosseen 28 Feb 12

Secretary - Tom Fosseen