

RULES AND REGULATIONS OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PORTALES, NEW MEXICO

Section 1. Creation and Purpose

The Planning Commission was created by Ordinance No. 390, codified as Article II, Chapter 20, of the Code of Ordinances of the City of Portales, in order to accomplish the following purposes:

- A. To identify community needs and to advise the City Council of their short-range and long-range implications for the total development of the City;
- B. To recommend achievable community goals as a basis for long-range planning and development programs;
- C. To recommend plans, programs and policies that will aid the entire community in achieving its defined goals; and
- D. To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

Section 2. Membership and Appointment

- A. The Planning Commission shall be composed of seven (7) members appointed by the Mayor, with the consent of the City Council. The Mayor will consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a Commission which is broadly representative of the community.
- B. If at any time any member fails to make at least seventy-five percent (75%) of the regularly scheduled meetings in any calendar year, or three (3) consecutive meetings, without a valid excuse as determined by the Chairman, the position shall be considered vacated and it shall be the responsibility of the Commission to notify the Mayor that a vacancy exists on the Planning Commission.

Section 3. Terms of Office

Four (4) of the members of the Planning Commission shall be appointed for a one (1) year term and three (3) members of the Commission shall be appointed for a two (2) year term. Each subsequent term of a member on the Planning Commission shall be for two (2) years or less in order to maintain the original staggering terms of membership.

Section 4. Organization

The Commission shall hold an organizational meeting in June of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. Any member elected as Chairman may serve only two (2) consecutive terms as Chairman. In absence of the Chairman and Vice-Chairman, and a quorum being present, the senior member will serve as presiding officer. The Commission shall elect a Secretary and such other officers as it deems necessary either from its membership or from staff representatives assigned by the City Manager of the City to work with the Commission. The Commission shall meet regularly and shall designate the time and place of the meetings. The Commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of these Rules and Regulations and the requirements of law.

Section 5. Duties and Powers

The Planning Commission is hereby charged with the duty and invested with the authority to:

- A. Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of New Mexico and of the City of Portales.
- B. Formulate and recommend to the City Council for its adoption a City Plan for the orderly growth and development of the City and its environs, and from time to time recommend such changes in the Plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and the morals or the general welfare of the citizens of the City.
- C. Formulate a zoning plan as may be deemed best to carry out the goals of the City Plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Article 18, N.M.S.A., 1953 Compilation, as amended, and Article 20, Sections 14-20-1 through 14-20-9, N.M.S.A., 1953 Compilation, as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said statutes are specifically adopted and made a part thereof.
- D. Exercise all the powers of the Commission as to approval or disapproval of plans, plats, or replats and vacations of plans, plats or replats set out in Article 19, N.M.S.A., 1953 Compilation, as amended.
- E. Study and recommend on the location, extension and planning of public rights-of-ways, parks or other public places, and on the vacating or closing of same.
- F. Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances.
- G. Initiate, in the name of the City, for consideration of public hearings, all proposals: (1) for the opening, vacating or closing of public rights-of-way, parks or other public places; (2) for the original zoning of annexed areas; and (3) for the change of zoning district boundaries on an area-wide-basis. No fee shall be required for the filing of any such proposal in the name of the City.

- H. Formulate and recommend to the City Council for its adoption, policies and regulations consistent with the adopted City Plan governing the location and/or operation of utilities, public facilities and services owned or under the control of the City.
- I. Keep itself informed with reference to the progress of City Planning in the United States and other countries and recommend improvements in the adopted plans of the City.
- J. Submit each year a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of Commission officers.

Section 6. Meeting and Quorum

A quorum for the conduct of business shall consist of four (4) members of the Commission. The members of the Commission shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

Section 7. Commission Actions

- A. A motion may be made by any member other than the presiding officer. The presiding officer shall cast a vote on each issue unless for reasons outlined under Section 8 thereof.
- B. A motion to approve or deny any matter before the Commission shall require a minimum of four (4) concurring votes. When fewer than all the members are present for the voting, and when all motions on a given application fail to carry by at least four (4) concurring votes, consideration of the motion on the subject before the Commission shall be continued to the next regular meeting at which time it will be reconsidered. Provided further, no request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure at least four (4) concurring votes or a majority, whichever is greater, at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

Section 8. Disqualification From Voting

- A. A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under appeal, or that he will be directly affected by the decision of the Commission.
- B. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his application, other than in the public hearing.

Section 9. Rules of Order

Roberts Rule of Order, latest revision, shall be the Commission's final authority on all questions of procedure and parliamentary law not covered by these Rules and Regulations.

Section 10 Suspension Rules

Any provision of these rules not governed by City Ordinance may be temporarily suspended by a favorable two-thirds (2/3) vote of all members of the Commission present, which vote shall be entered upon the minutes.

Section 11. Meetings

- A. An agenda shall be prepared by the Secretary for each meeting of the Commission. There shall be attached to each agenda a report of matters pending further action by the Commission. A copy of the agenda shall be posted in the City Hall as required by law for a period of two (2) full calendar days not counting the day of meeting or the day of posting.
- B. Regular meetings shall be held on the third Monday of each month, at 5:30 p.m., in the Council Chambers of the City Hall, unless otherwise determined by the Commission.
- C. Special meetings for any purpose may be held: (1) on the call of the Chairman, or (2) on request of two (2) or more members and by giving written notice to all members deposited in the mail at least 48 hours before the meeting, or (3) as may be scheduled by a majority of the Commission at any previous meeting, or (4) may be called by the City Manager. The time and place of the special meeting shall be determined by the convening authority.
- D. All meetings shall be held in full compliance with the compliance with the provisions of state law, ordinance of the City and these Rules and Regulations. Any party in interest may appear in his own behalf or be represented by counsel or agent.
- E. The Commission may be convened as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a planning session, provided that no official business shall be conducted thereat and no quorum shall be required.

Section 12. Official Records

- A. The official records shall be these rules and regulations and the minutes of the Commission together with all findings, decisions and other official records of the Commission.
- B. The minutes of the Commission's proceeding shall show the vote of each member, or if absent or failing to vote, shall indicate that fact.

- C. All matters coming before the Commission shall be filed in the City's records. Original papers of all requests and proposals shall be retained as a part of the permanent record.
- D. The official records and citizen requests filed for Commission action in regular or special meetings shall be on file in the City Hall and shall be open to public inspection during customary working hours.
- E. In cases of written appeal to the City Council, all material in the Planning Commission's files which is pertinent to the matter shall be transmitted to the City Council.

Section 13. Application Procedures

- A. Every proposal submitted for Commission action shall be made in writing. Where appropriate application forms are provided by the City; the proposal shall be filed on said forms, shall be accompanied by all prescribed fees, and shall be complete in all respects before being accepted for filing.
- B. Every proposal or request for Commission action or recommendation shall be filed, processed and considered in accordance with specific schedules and instructions adopted as Appendices to these Rules and Regulations.
- C. Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted only through the Secretary in writing or to the Commission in public meeting.
- D. When any applicant desires to withdraw his proposal he may do so by filing a written request to the effect with the Secretary. Such request shall be effective upon the date of its official receipt, provided, however, that no such request shall be valid after notices have been mailed, except on action of the Commission. Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the City, and the case file thereon shall be closed.

Section 14. Hearings and Decisions

- A. The Chairman shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any preceding meeting shall be submitted for approval. The public shall be advised of the procedures to be followed in the meeting. The City Manager, or his/her designate, shall publicly advise the Commission of any communications received pertaining to any matter before the Commission.
- B. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing, together with such other matters of business and report as the Commission or Chairman finds to require Commission consideration.
- C. The Chairman shall call on persons present who wish to speak to a proposal and shall direct that they speak in the following order:

- (1) The applicant or his representative;

- (2) Those persons in support;
- (3) Those persons in opposition;
- (4) Rebuttal by those persons in support;
- (5) Rebuttal by those persons in opposition;
- (6) Staff comments;
- (7) Examination by the Commission members; and
- (8) Consideration for vote.

D. The Chairman shall then declare the public presentation or hearing closed, as to that proposal.

Section 15. Certification and Amendments

- A. A certified copy of these Rules and Regulations and of any amendments thereto shall be filed in the Office of the City Manager within ten (10) days following their date of adoption.
- B. All previously adopted Rules and Regulations of the Commission shall be and the same are hereby expressly repealed.

Amendments to these Rules and Regulations may be adopted by the Commission at any meeting, upon the affirmative vote of a majority of the entire membership, provided such amendment is proposed at a preceding meeting and spread on the minutes of such meeting. By unanimous vote of the entire Commission membership, amendments may be adopted at the meeting at which introduced, but shall not become effective until the next regular meeting.

ADOPTED:

This _____ day of _____, 20 ____ .

Chairman

ATTEST:

Commission Secretary