



## VILLAGE OF CORRALES PLANNING AND ZONING COMMISSION

### Resolution 07-02 RULES FOR THE TRANSACTION OF BUSINESS

**Whereas**, Section 3-19-3 of the NM Statutes provides, in part, that “A planning commission shall... **D. Adopt rules for the transaction of business:**” which statutory language is incorporated verbatim in Section 2-4-4 of the Code of Ordinances, Corrales, New Mexico; and,

**Whereas**, the Planning and Zoning Commission of the Village of Corrales desires that its business be conducted in a fair, impartial and orderly manner for the public good;

**Now therefore**, be it resolved that the following rules are established for the transaction of business before the Planning and Zoning Commission of the Village of Corrales this 18th day of April, 2007:

1) Members and Officers.

- a) By Village Ordinance lawfully adopted, the Commission consists of seven members, appointed by the Mayor, with the advice and consent of the Governing Body. Commissioners serve two-year terms, on a staggered basis, or until a successor is named. New terms commence in the month of April.
- b) The Commission at its first regularly scheduled meeting each April elects as Officers its Chairperson, Vice-Chairperson, and its Secretary, to serve one-year terms.
  - i) **Chairperson.** The duties of the Chairperson include the following: presiding at all meetings of the Commission; calling special meetings as necessary, in coordination with the planning and Zoning Administrator, preparing agenda for all meetings; signing documents of the Commission; assuring that all actions of the Commission are taken in accordance with Village Ordinances and other relevant laws and regulations; representing the Commission and speaking on its behalf; where so prescribed in the Land Use regulations and ordinances of the Village of Corrales transmitting in writing, recommendations of the Commission to the Governing Body; and all of the duties that may be established by law.
  - ii) **Vice-Chairperson.** The duties of the Vice-Chairperson include the following: presiding or performing all the duties of the Chairperson during the absence, disability or disqualification of the Chairperson; reviewing and signing documents of the Commission.
  - iii) **Secretary.** The duties of the Secretary include the following: keeping copies of the minutes of all meetings, and preparing or informing the

Commission of correspondence relating to the business of the Commission.

**2) Meetings.**

- a) **Regular Meetings.** Regular meetings are held on the third Wednesday of each month, at the Council Chambers at 6:30 PM, or, if that facility is not available, at a location in the Village of Corrales fully accessible to the public.
- b) **Special Meetings.** Special meetings may be called by the Chairperson or by a majority of Commissioners for a time and date certain at a location fully accessible to the public in the Village of Corrales.
- c) **Emergency meetings** will be called only under unforeseen circumstances, which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Planning and Zoning Commission of the Village of Corrales will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or by a majority of the members upon twenty-four (24) hours notice, unless threat of personal injury or property damage require less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
- d) **Meeting Notices.** Public notices of regular and special meetings of the Commission shall specify the date, time, location and subject matter of the meeting.
  - i) Where notice requirements are not otherwise specified by Ordinance, notices of regular meetings are posted a minimum of seven calendar days in advance of the meeting date and in accordance with the Open Meetings Act of the New Mexico Statutes.
  - ii) Where notice requirements are not otherwise specified by Ordinance, notices of special meetings are posted a minimum of three calendar days in advance of the meeting date and in accordance with the Open Meetings Act of the New Mexico Statutes.
  - iii) Notices for Regular and Special meetings are posted at the following places within the Village of Corrales:
    - Village Clerk's Office
    - Bulletin board located in front of the Village Administration offices.
    - Bulletin board in the Corrales Fire Station.
    - Bulletin board in the Corrales Fire Substation (when available).
    - Bulletin board in the Corrales Senior Center.
    - Bulletin board in the Corrales Community Library.
    - The Corrales Recreation Center.
    - Public service announcements in local media, when available.
- e) **Quorum.** A majority of the members of the Commission shall constitute a quorum for the transaction of business.
- f) **Duration of Meetings.** Regular and Special meetings shall not extend beyond the hour of 10:00 PM unless agreed upon at the time the meeting takes place by a majority of Commission members in attendance and affirmed by any applicants with matters still pending. The Commission will make every effort to hear and

- consider all agenda items of a regular or special meeting prior to 10:00 PM. If the Commission is unable to complete all agenda items by such hour, a Motion to reconvene at a date certain is in order. Notice of the time and place of the reconvened meeting will be posted within 24 hours of the approved Motion to Reconvene and such reconvened meeting will comply in all respects with the open Meetings Act of the New Mexico Statutes. Reconvened meetings will be held only on an exceptional basis in compliance with the Ordinances.
- g) Agenda. The Commission's agenda for regular meetings shall proceed in the following sequence, unless otherwise agreed upon by vote of a majority of the Commission present: call to order; roll call; approval of the agenda posted in advance; Commissioners Forum; business items, to include applications for home occupation permits, variance from zoning ordinances, subdivision plat approval requests, et. al; approval of minutes of prior meetings; other business; and adjournment.
  - h) Minutes. Minutes are prepared using notes, tape recordings, or other media recordings taken at the meetings. The minutes include the following: the date, time and place of the meeting; the names and members in attendance and those absent; the agenda items; the substance of the proposals considered; names of citizens who address the Commission; a record of any decisions and votes taken which show how each member voted.
- 3) Testimony Under Oath. All persons (other than New Mexico-licensed attorneys appearing on behalf of a client) giving testimony before the Commission shall be sworn in under oath before proceeding by the Planning and Zoning Administrator, Planning and Zoning Assistant, or other qualified notary public, and shall be obligated thereby to testify in a truthful manner.
- a) To assist in the orderly presentation of testimony and maintenance of minutes and other Commission records, all persons wishing to testify (and attorneys representing clients) are asked to provide their names and addresses to the Planning and Zoning staff prior to appearing before the Commission.
- 4) Conduct of Meetings. Roberts Rules of Order, Newly Revised is hereby adopted for the governance of the Commission in cases not otherwise provided for in these rules.
- a) When conducting hearings in performance of its quasi-judicial functions, the Commission shall follow the due process requirements of State of New Mexico, ex. rel. Battershell v. City of Albuquerque, 108 N.M. 658, 77 P2d 386 (Ct. App. 1987).
  - b) Presentations by Applicants and the Public. An Applicant is asked to address the Commission and explain the material that is the subject of the application in a succinct manner, confining their comments to matters relevant to the Commission's jurisdiction and decision-making responsibilities. At the conclusion of an applicant's presentation, Commissioners may question the applicant to assist their understanding.

The Chairperson will then invite oral testimony from the public present in support of, in opposition to, or concerning the application. Proponents, opponents and other testifying are asked to confine their remarks to matters relevant to the Commission's decision-making responsibilities concerning the pending application. The applicant may cross-examine those appearing in support of, in opposition to, or presenting testimony concerning his/her application.

Commissioners may also question those testifying to assist the Commission's understanding of the matter to be decided. No question shall be asked of a Commissioner by applicants or others testifying before the Commission except through the Chairperson.

The Planning and Zoning Administrator will acknowledge and enter into the record signed, written communications received from the public concerning the pending application at least five (5) working days prior to the public hearing and those communications will be distributed to the Commission and the applicant by the Planning and Zoning Department staff. No written documents shall be distributed to the Commission except through the Planning and Zoning Department. Written communication received fewer than five (5) working days prior to the public hearing must be read into the record by the writer of the communication, under oath.

The Chairperson may limit oral presentations by applicants, proponents, opponents, and other testimony in the interests of time and orderly proceedings. All persons participating in meetings of the Commission are expected to conduct themselves in a courteous manner. The Chairperson may, when necessary, seek the assistance of the Corrales Police Department to assure the orderly conduct of Commission business.

- c) Voting and Decisions by the Commission. Decisions by the Commission shall be made on motion by a Commissioner, duly seconded. Approval of a motion shall occur on the affirmative verbal vote of a majority of Commissioners present. If the decision is unanimous, the Chairperson shall so state for the record. In the event of a divided vote, the Chairperson shall announce those Commissioners recorded in favor, those recorded against, and those abstaining. Voting is not permitted in absentia, or by telephone, fax or other written or electronic means. The maker of a motion shall set forth supporting reasons (findings) in the text of his/her motion to assist in understanding the decision to be made by the Commission, provided, that in any instance where the motion is to deny an application, the maker shall state such reasons (findings) based on applicable Ordinances and laws.
- 5) Completeness of Materials and Record of the Meeting. It is the responsibility of applicants to present all relevant written material in accordance with Ordinances as required and present all relevant testimony prior to decisions by the Commission. Applicants will not be permitted to supplement or add new

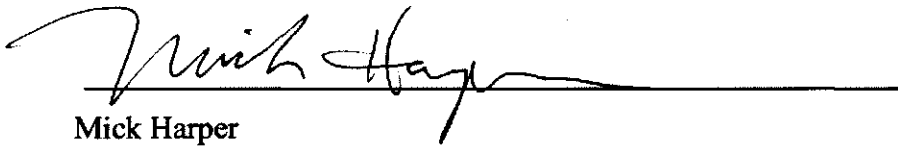
documents after the Commission's action. All testimony, information and documents submitted to the Commission prior to its decision and the transcript of the meeting will constitute the record in the event of an appeal.

- 6) Postponement of Decisions. Following receipt of all testimony, the Commission may choose to keep the record open for a period not to exceed the time until the next regularly scheduled meeting, and reserves its right to postpone vote and decision making to a subsequent meeting, unless Village Ordinances or laws require a decision be made with a specified time.
- 7) Distribution of Materials to Commissioners. Agenda and other written materials assembled for distribution to Commissioners by the Planning and Zoning Department shall be placed in the cabinet provided for that purpose in the Village Administrative Offices. It is the responsibility of each Commissioner to check periodically his/her name slot to remove materials for preparation in advance of meetings.
  - a) The Commission requests staff of the Planning and Zoning Department shall distribute all written material needed for preparation for decision-making by the Commission at least five (5) calendar days prior to regular or special meetings.
  - b) The Commission requests that, except in unusual circumstances, written communications from professionals such as legal counsel or professional engineers retained by the Village regarding matters pending before the Commission shall be distributed at least seven calendar days prior to regular or special meetings.
- 8) Ex Parte Communication. When an application or other request is placed on the agenda for a regular or special meeting it becomes a matter within the jurisdiction of the Commission and subject to the legal restraints on *ex parte* communications with Commissioners. Undisclosed *ex parte* communications could compromise the fair and open purposes of these rules for the transaction of Commission business.
  - a) If a Commissioner believes he/she has been contacted *ex parte* on a matter pending before the Commission, it is his/her obligation so to inform the other members of the Commission prior to the matter's consideration, and, if the *ex parte* communication was in writing, submit it as part of the record for the meeting.
- 9) Conflicts of Interest. Applications, presented to the Commission for decision may, on occasion, present the potential for conflicts of interest for individual Commissioners. A conflict could exist if a decision conferred a financial or personal benefit to a member of the Commission or benefit someone with whom the Commissioner has a business or kinship relationship.
  - a) It is the obligation of each Commissioner to declare for the record any instance where a conflict of interest or the appearance of a conflict of interest might exist with regard to matters pending before the

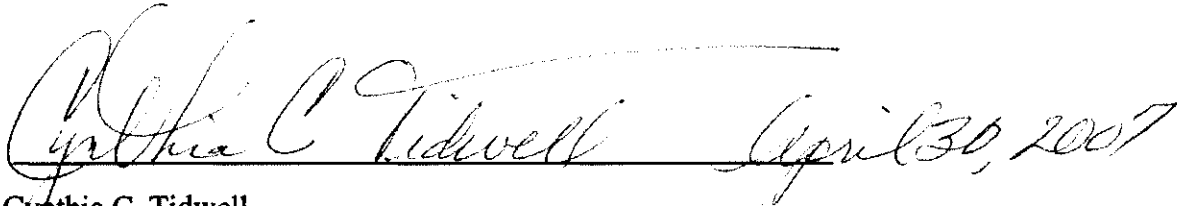
Commission. Such Commissioner must then withdraw from further deliberations, including participation in discussion, and any decision-making, and should leave the room where the hearing is taking place.

- 10) Amendments to these Rules. These rules may be amended at any regular or special meeting by vote of the majority of the entire membership of the Commission, provided that a written copy of the proposed amendment has been distributed to each member of the Commission seven days in advance of such meeting.

**PASSED AND SIGNED** this 18<sup>th</sup> day of April, 2007, by the Planning and Zoning Commission of the Village of Corrales.



Mick Harper  
Chairperson



Cynthia C. Tidwell  
Planning and Zoning Administrator