



ORDINANCE 2020-001

AN ORDINANCE OF THE BOARD OF COMMISSIONS REPEALING ORDINANCE NO. 2010-015 {11/18/2010}; 2011-12 {07/06/2011}; & 2010-015 {4/20/2016} OF THE CITY OF ANTHONY, NEW MEXICO MERGING ALL RELATED ORDINANCES TO ONE, MAKING NECESSARY REVISION.

WHEREAS, staff for the GOVERNING BODY did duly publish notice of this ordinance amendment in accordance with law; and

WHEREAS, the GOVERNING BODY did hold a duly noticed Public Meeting; and

WHEREAS, the GOVERNING BODY did consider testimony from staff and the public before reaching its decision; and

WHEREAS, the GOVERNING BODY does make the following finding:

1. That it is in the best interest of the public at large that ordinance No. 2010-015 be revised to make it more consistent with state law.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANTHONY, DONA ANA COUNTY, NEW MEXICO: that in consideration of the aforementioned findings and testimony, it hereby ordains and approves that certain revisions be made to Ordinance No. 2010-015 to make the ordinance more consistent with state law:

Section 1. AUTHORITY AND PUROSE.

AUTHORITY: This ordinance is adopted pursuant to the enabling provisions of Section 3-17 - 1, NMSA, 1978, as amended.

Purpose: The purpose of this ordinance is to repeal ordinances No. 2010-015 {11/18/2010} ; 2011-12 {07/06/2011}; & 2010-015 {4/20/2016} to make the ordinance more consistent.

Section 2. AMENDEMENT OF CITY OF ANTHONY, NEW MEXICO ORDIANANCE NO. 2010-015

Section 4 of City of Anthony, New Mexico Ordinance No. 2010-015 which currently reads as follows:

Section 4. MEMBERS: TERMS: MEETINGS:

- A. Appointment:** The Planning and Zoning Commission shall consist of five (5) members, each to be appointed by the Mayor with the consent of the City Council.
- B. Residency:** Members of the Planning and Zoning Commissions shall be residents of the City.
- C. Terms Vacancy:** on the first Commission a majority of the members shall be appointed for two (2) years terms. Each subsequent term of a member on a Planning and Zoning Commission shall be for two (2) years. A Vacancy shall be filled for the reminders of the unexpired term.
- D. Officers of Commission:** Planning and Zoning shall elect a chairman, vice chairman and a secretary in January of each year. They shall serve for one calendar year following their elections.
- E. Attendance at Meetings:** Planning and Zoning Commissioners shall be present no less than seventy-five percent (75%) of all regularly scheduled meetings, not including workshops, and may not be absent three (3) consecutive meetings, not without notifying the chairman and stating good cause for absence. In the event a Commissioner is not present as required, the City Council may



ask for the Commissioner resignation, and unless the Commissioner can show due cause for not being present as required, the Commissioner shall submit his resignation, and the Mayor, with the advice and consent of the City Council, shall appoint a replacement to fill the remainder of the Commissioners unexpired term as soon as possible.

- F. **Quorum:** a simple majority vote of a quorum of the Planning and Zoning Commission is required for approval on all Planning and Zoning Commission actions. A quorum is a majority of the total membership.
- G. **Conducting Meetings: Open to Public:** The Planning and Zoning Commission shall conduct at least one regular meeting each month. Each meeting shall be open to the public and advertised as provided by statute. (Ord. 015, 11- 17-2010).”

Is hereby AMENDED to read as follows:

Section 4: MEMBER: TERMS: MEETINGS:

- A. **Appointment:** The Planning and Zoning Commission shall consist of five (5) members, each to be appointed by the Mayor with the consent of the Governing Body.
- B. **Residency:** Majority of the members of the Planning and Zoning Commission shall be residents of the City.
- C. **Terms and Vacancies:** on the first Planning and Zoning Commission a majority of the members shall be appointed for one (1) year term and balance of the members shall be appointed for two (2) year terms. Each subsequent term of a member on the Planning and Zoning Commission shall be for two (2) years in order to maintain the original staggering of terms of membership. A vacancy in the membership of the Planning and Zoning Commission shall be filled for the remainder of the unexpired term.
- D. **Officers:** The Planning and Zoning Commission shall elect a Chairman, vice Chairman and a Secretary in January of each year. They shall serve for one (1) calendar year following their elections.
- E. **Attendance at Meetings:** Members of the Planning and Zoning Commission shall be present at no less than seventy-five percent (75%) of all regularly scheduled meetings, not including workshops, and may not be absent three (3) consecutive meetings, not without notifying the chairwoman/man and stating good cause for absence. After a public hearing and for cause stated in writing and made part of the public record, the Mayor with the approval of the Governing Body may remove a member of the Planning and Zoning Commission. The Mayor with advice and consent of the Governing Body, shall appoint a replacement to fill the remainder of the members unexpired term as soon as possible.
- F. **Quorum:** A simple majority vote of a quorum of the Planning and Zoning Commission is required for approval on all Planning and Zoning Commission actions. A quorum is a majority of the total membership on the Planning and Zoning Commission.
- G. **Conducting Meeting: Open to Public:** The Planning and Zoning Commission shall conduct at least one regular meeting each month. Each meeting shall be open to the public and advertised as provided by statute.
- H. **Public Record:** The Planning and Zoning Commission shall keep a public record of its transactions, findings, resolutions and determinations, and shall provide a written recommendation or decision within its minutes to the Governing Body on all matters.

Section 5 of City of Anthony, New Mexico Ordinance No. 2010-015 which currently reads as follows:



Section 5: POWERS AND JURIDISTIONS:

- A. The Planning and Zoning Commissions shall have such powers necessary to fulfill its functions and carry out the purposes of New Mexico Statutes annotated sections 3-19-12
- B. The Planning and Zoning Commission shall have planning and platting jurisdiction within its City boundary, and as provided by New Mexico Statutes Annotated section 3-19-5, the Planning and Zoning Commission shall also have planning and platting Jurisdiction in all territory within three (3) miles of the boundary

Is here by AMENDED to read as follows:

Section 5: POWERS AND JURIDICTIONS:

- A. The Planning and Zoning Commission shall have such powers necessary to fulfill its functions and carry out the purposes of Sections 3-19-1 through 3-19-12 NMSA 1978.
- B. The Planning and Zoning Commission shall have planning and platting jurisdiction withing its City boundary, and as provided by Section 3-19-5 NMSA 1978, the Planning and Zoning Commission shall also have planning and platting jurisdiction in all territory within three (3) miles of the city boundary.

Section 6 of City of Anthony, New Mexico Ordinance No. 2010-015 which currently reads as follows:

Section 6: APPEALS:

A. City Council:

- 1. Any aggrieved person, or any department, commission, board or bureau of the City that is affected by a decision of the Planning and Zoning Commission in the administration or enforcement of any resolution, rule, regulation adopted pursuant to New Mexico Statutes, Annotated section 3-19-12 may appeal such decision to the City Council. South appeal must be initiated in writing within fifteen (15) days after the decision appealed.
 - 2. When an appeal alleges that there is error in any order, requirement, decision or determination by this Commission in the enforcement of the Ordinance, or any other resolution, rule or regulation adopted pursuant to the above stated State Statute, the City Council, by a majority vote of all of its members, may modify, reverse or affirm any order, requirement, decision or determination of the Planning and Zoning Commission.
- B. **District Court:** any person aggrieved by a determination of the City Council may appeal to the District Court within thirty (30) days after the determination made by the City Council.

Is hereby AMENDED to read as follows:

Section 6: APPEALS:

A. Governing Body:

- 1. Any aggrieved person, or any department, commission board or bureau of the City that is affected by a decision of the Planning and Zoning Commission in the administration or enforcement of any resolution, rule, or regulation adopted pursuant to Sections B-19-12 NMSA 1978 may appeal such decision to the Governing Body. Such appeal must be initiated in writing within fifteen (15) days after the decision made by the Planning and Zoning Commission. When an appeal alleges that there is error in any order.



2. **Requirements:** Decision or determination by the Planning and Zoning Commission in the enforcement of this ordinance, or any other resolution, rule or regulation adopted pursuant to the above stated state statutes, the Governing Body, by a majority vote of all of its members, may modify, reverse or affirm any order, requirement, decision or determination of the Planning and Zoning Commission.

B. District Court:

1. Any person aggrieved by a determination of the Governing Body may appeal to the District Court within thirty (30) days after the determination made by the Governing Body.

Section 3. SEVERABILITY:

Should any section, paragraph, clause or provision of this Ordinance for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. REPEALER.

All ordinances or resolutions or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency or conflict. This repeal shall not be construed to revive any ordinance or resolution or part thereof, here to fore repealed.

Section 5. EFFECTIVE DATE.

This ordinance shall be in full force and effect after its adoption, approval and publication as provided by law.

PASSED, APPROVED AND ADOPTED THIS 16th DAY OF SEPTEMBER 2020.


Diana M. Trujillo, Mayor

ATTEST:

{SEAL}



Esther Motongo, City Clerk



ROLL CALL VOTE:

Mayor Pro Tem, Fernie Herrera

Trustee Gloria Gameros

Trustee Elva Flores

Trustee Javier Silva


YES NO


YES NO


YES NO


YES NO