

Note: This document was created for informational purposes for the Town's website for persons that are interested in the Town's volunteer positions on the ETJ Commission. The information that is detailed below is from the Joint Powers Agreement, but it does not include all of the information that is contained in the Joint Powers Agreement.

THE GRANT COUNTY/SILVER CITY EXTRATERRITORIAL SUBDIVISION COMMISSION.

The Joint Powers Agreement was executed on December 16, 2008, by the Mayor of the Town of Silver City and the Chairman of the Grant County Commission, both of which signatures were authorized by resolutions passed by the Town Council of the Town of Silver City and the Board of County Commissioners, Grant County. The Joint Powers Agreement was approved by the New Mexico Department of Finance and Administration on December 31, 2008.

PURPOSES OF THE COMMISSION:

- A. To create a single application for developers and others which would initiate a single procedure for the review and consideration of a request to subdivide land located within the ETJ.
- B. To employ a single and comprehensive set of design and technical standards for subdivision development within the ETJ, including, but not limited to standards for roads, water systems, development density, conservation, grading and drainage.
- C. To provide for an integrated staff for purposes of processing applications and subsequent review.
- D. To create a commission charged with governing the application and review process, and with making final recommendations to the County Commission and Town Council during a joint meeting of the two governing bodies.

COMPOSITION:

The composition of the ETJ Commission shall consist of two members appointed by the Grant County Commission who shall also reside in the ETJ, two members appointed by the Town of Silver City Council, who shall be residents thereof, and one additional member, who shall be a Grant County resident not living in any incorporated municipality within the County, and who shall be appointed by a simple majority of the ETJ Commission members that have been previously appointed by the County Commission and the Town Council. Each governmental unit shall appoint its allotted number of appointees, with each government providing a sufficient number of alternates so that the Commission will always be fully capable. No appointee shall be a currently elected official of a public body. All appointments of Commissioners and alternates shall be made within thirty (30) days of the execution of this Agreement.

TERMS OF OFFICE:

Each ETJ Commissioner shall serve for two years, but may be removed for cause by the appointing entity. A removal of an ETJ Commissioner shall not infringe upon the right of representation by the constituent parties, and no meeting shall occur until a replacement ETJ Commissioner is appointed by the represented entity.

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VOTE:

Each ETJ Commissioner shall have one vote which must be cast in person. Written and signed proxies shall be not permitted.

MEETINGS:

Meetings of the ETJ Commission shall occur as often as deemed necessary, but in any case, shall convene within thirty (30) days of notification that an application for subdivision has been certified as complete and awaiting ETJ Commission action.

ALTERNATES:

Alternate members shall be permitted to attend the ETJ Commission meetings and to participate in discussion, but shall have no vote unless the primary ETJ Commissioner is absent.

ETJ COMMISSIONER CONDUCT:

No member of the ETJ Commission shall act in such a way as to frustrate the purposes described herein, including but not limited to the failure to attend meetings or to address the business of the ETJ Commission. If the ETJ Commission shall determine that the member(s) appointed by a signatory has failed to attend two consecutive regular or special meetings of the ETJ Commission, or a combination thereof, the ETJ Commission shall give written notice to the signatory demanding replacement of the member and setting for the reasons therefore. The affected signatory shall appoint a new member, within 30 days of the service of such notice to appoint a new member.

RULES OF PROCEDURE:

The ETJ Commission shall adopt rules of procedure for efficient and fair processing of applications. The internal governance of the ETJ Commission, except that the ETJ Commission shall be subject to the State of New Mexico's Open Meetings Act and Inspection of Public Records Act. Certain principles reflecting fair substantive and procedural due process discussed below in paragraphs 6 and 7 of this Agreement shall be integrated into any rules adopted by the ETJ Commission. There shall be a secretary to the ETJ Commission who shall keep minutes of public meetings and act as the repository of public documents.

QUORUM:

A quorum to conduct business shall be five ETJ Commissioners or a combination of ETJ Commissioners and alternates.

CONFLICT OF INTEREST:

Any ETJ Commissioner or alternate who shall have any financial or familial interest in any property under consideration by the ETJ Commission shall immediately disclose such interest, and shall recuse him/herself from any discussion, deliberation, or vote on the matter. Familial interest means that the applicant is an immediate family member of the ETJ Commissioner.

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POWERS AND DUTIES OF THE ETJ COMMISSION:

- A. The County Director of Planning shall be the ETJ Commission Administrator, who shall receive applications and be the point-of-contact between the applicant and the ETJ Commission, and to perform any other duty assigned to him/her by the ETJ Commission.
- B. To develop and publish a unified application which will be satisfactory to enable a review and process for approval/disapproval of a request for permission to subdivide land. To this end, the Town and the County will provide such staff as the ETJ Commission deems necessary to accomplish such task, which shall meet as necessary and shall cooperate in all matters.
- C. To employ a unified, comprehensive series of design and technical standards which will apply to the broad range of anticipated applications for the subdivision of land located within the ETJ. These standards shall include, but not be limited to, roadways, water distribution systems, sewer systems, utility easements, development densities, grading and drainage requirements, conservation measures, and other standards as outlined in a final ETJ Ordinance approved by both the County and the Town. The initial design and technical standards to be employed in the consideration of subdivisions of land pursuant to this Agreement shall be a set of joint Grant County/Silver City Extraterritorial Jurisdiction Subdivision Regulations approved by both the County and the Town, which shall take the form of an ordinance passed by each governmental body.
- D. To conduct public hearings, to remand issues to staff for further information, to enter upon properties under consideration for subdivision with the consent of the property owner(s), and to request staff reports on the issues presented in an application.
- E. To make recommendations to the County and Town regarding applications, the process and procedures for the ETJ Commission, and other issues related to subdivisions.
- F. To reject applications for incompleteness or for willful misrepresentation.
- G. To formally vote on matters brought before it, and to communicate in writing to the County and Town the recommendations of the ETJ Commission. To that end, the ETJ Commission shall authorize a written dissent which would reflect the opinion of the minority in the case of a split decision.
- H. To issue annual public reports on the activities conducted by the ETJ Commission.

COMPENSATION:

ETJ Commission members and their alternates shall serve without compensation. Staff provided by the County and Town shall remain employees of their respective governments, and shall earn no additional compensation for duties performed for the ETJ Commission.