

ORDINANCE NO. 2003-03

AN AMENDING, RECOMPILING, AND RE-ENACTING ORDINANCE 2002-09 WHICH CREATED THE PUBLIC LAND USE AND RURAL AFFAIRS ADVISORY COMMITTEE; ESTABLISHING PURPOSES THEREFORE; PROVIDING QUALIFICATIONS, APPOINTMENT, TERMS, PROVISIONS FOR REMOVAL OF COMMITTEE MEMBERS AND REIMBURSEMENT COMPENSATION; ESTABLISHING LEGAL COUNSEL AND PROCEDURES FOR MEETINGS AND VOTING; REPEALING ORDINANCE 2002-09 AND OTHER ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted Ordinance No. 91-6, which created the Agricultural and Rural Affairs Advisory Committee, and which was amended by Ordinance No. 1998-8; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 1994-7, which created the Public Land Use Advisory Council, and which was amended by Ordinance No. 1998-10; and

WHEREAS, the Board of County Commissioners combined the Agricultural and Rural Affairs Advisory Committee with the Public Land Use Advisory Council to form the Public Land Use and Rural Affairs Advisory Committee under Ordinance No. 2002-09; and

WHEREAS, pursuant to Section 4-37-1, NMSA 1978, the Board of County Commissioners of the County of Lincoln is empowered to amend the ordinance which established the Public Land Use and Rural Affairs Advisory Committee, which Committee serves a valid public purpose and will otherwise serve to promote the prosperity, public health, safety, and welfare of the residents of the County of Lincoln.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF LINCOLN, NEW MEXICO:

Section 1. Short Title.

This Ordinance may be cited as the “County of Lincoln Public Land Use and Rural Affairs Advisory Committee Ordinance.”

Section 2. Purpose.

The purpose of this Ordinance is to re-affirm the Public Land Use and Rural Affairs Advisory Committee (hereinafter "PLURAAC"). The objectives of this Committee shall include:

- A. Fact-finding in nature relevant to the natural resources with Lincoln County and all matters relating thereto;
- B. Coordinating the development of and monitoring of proposed uses of public lands and natural resources, and proposed actions by State and Federal agencies that could impact the County of Lincoln with regard to its economy, customs, and culture. The issues relevant to this Committee shall include: recreation, hunting, fishing, water, fuel wood harvesting, timber harvesting, mining, and grazing. The PLURAAC may be required to monitor plans and activities the following Agencies or Departments:
 - 1. Federal and State Agriculture and Interior Departments and/or Agencies;
 - 2. Federal and State Environmental Agencies;
 - 3. Federal and State Parks Services;
 - 4. Federal and State Fish and Wildlife Agencies;
 - 5. Federal and State Rural Medical Services Agencies; and
 - 6. Federal and State Transportation and Commerce Agencies.
- C. Coordinating activities of common issue with other established committees of the County of Lincoln and advising the County Commission of its activities.
- D. Protection of private property rights and interest in public lands in accordance with the Lincoln County Comprehensive Land Use Plan.
- E. Making regular reports, at least on a quarterly basis, and recommendations to the Board of County Commissioners.
- F. Coordinating with the County Manager on relevant issues.

Section 3. Members' Qualifications.

The Public Land Use and Rural Affairs Advisory Committee shall consist of seven (7) members. In order to be eligible for appointment to the Committee, the prospective member must be domiciled and registered to vote within the County of Lincoln.

Section 4. Appointment.

- A. All seven (7) members of the Committee shall be appointed by the Board of County Commissioners. Each Commissioner shall appoint one (1) member to the PLURAAC, with approval by majority vote of the County Commission. Two (2) at-large members shall be elected by a majority vote of the Commission. Five (5) alternate Committee members shall be elected by a majority vote of the County Commission. There shall be no requirement for an appointee to be domiciled in any particular voting district of the County.
- B. Nominations shall be made in writing to the Lincoln County Board of Commissioners. When a vacancy occurs, the Commission will advertise for written nominations in a newspaper circulated in the County of Lincoln. In making appointments to the PLURAAC, the Board of County Commissioners shall give consideration to maintaining a balance of interest and skills of the appointees, and to the individual qualifications of the candidates, their experience and knowledge of the community. PLURAAC members serve at the pleasure of the Board of County Commissioners.

Section 5. Term.

The regular term of each member of the PLURAAC shall be for two (2) years. For the initial implementation of the Ordinance, four (4) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of one (1) year. If a vacancy on the Committee occurs, the vacancy will be filled in the same manner as the original appointments.

Section 6. Removal.

Removal of a member shall be by a majority vote of the County Commissioners unless the member has failed the attendance requirement of Section 8 hereof, in which case removal is automatic, to be followed by formal notification of the County Commissioners and former PLURAAC member.

Section 7. Compensation.

Members shall receive mileage and per-diem in accordance with Lincoln County Policy when approved in advance by the County Manager under special circumstances. An alternate Committee member who serves in place of a standing Committee member shall be eligible for mileage and per diem reimbursement for any such meeting at which he serves as a voting member.

Section 8. Attendance Requirements for Board Members.

Any member of the Committee who misses three (3) consecutive regular meetings, or four (4) regular or special meetings during any calendar year, shall automatically vacate his/her seat. Former

members absent for cause under extenuating circumstances may apply for formal reappointment by the County Commissioners.

Section 9. Procedures.

- A. The PLURAAC shall elect a Chairman, Vice Chairman, and Secretary. The PLURAAC shall have such authority as may be from time to time delegated by resolution of the Board of County Commissioners.
- B. The PLURAAC may be provided with a budget at the discretion of the Board of County Commissioners.

Section 10. Meetings and Voting.

- A. The PLURAAC shall meet at reasonable times and places fixed by the members, and as frequently as necessity dictates. All meetings shall be open to the public.
- B. A majority of the members shall constitute a quorum at any meeting of the PLURAAC. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the PLURAAC, unless otherwise required by law. There shall be no proxy voting. PLURAAC members are required to abstain from voting on any action in which their financial interest, or those of their immediate families, are directly involved.
- C. Alternate members shall not be allowed to vote on any issue coming before the Committee unless one or more of the seven standing members is absent from a meeting. In the event a standing Committee member cannot attend a meeting, he shall select a replacement from the alternate committee members to attend in his place for that meeting.
- D. The PLURAAC shall keep a record of its proceedings, a signed copy of which shall be on file for public inspection at the Office of the County Commission. The meetings shall be conducted in compliance with the open meetings provisions of NMSA 1978, §10-15-1, *et seq.*, and according to rules of parliamentary procedure as adopted by the Board of County Commissioners. The Secretary of the PLURAAC shall take minutes of each meeting, regular or special, which shall contain a record of its resolutions, findings, and determinations. Within ten (10) days of any meeting, the Secretary shall forward a copy of the minutes to the County Manager. Notices shall be posted at the Lincoln County Courthouse on the officially designated bulletin boards, located as follows:
 - 1. Bulletin Board located in the Administration Building entrance of the Lincoln County Courthouse, Carrizozo, New Mexico.

2. Notice of Regular Meetings will be posted a minimum of (72) hours prior to any meeting. An Agenda will be available twenty-four (24) hours prior to the meeting.
3. Notice of Special Meetings will be posted seventy-two (72) hours prior to the meeting. An Agenda will be available twenty-four (24) hours prior to the meeting.
4. Emergency meetings are meetings called under circumstances which demand immediate action. Although emergency meetings will be avoided whenever possible, such circumstances may occasionally arise. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four (24) hours notice.

Section 11. Legal Counsel.

The County Attorney or his designated representative shall be the legal advisor to the Lincoln County Public Land Use and Rural Affairs Advisory Committee.

Section 12. Repeal.

Lincoln County Ordinance number 2002-09 is hereby repealed upon the date this Ordinance becomes effective.

Section 13. Conflict Clause.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 14. Severability Clause.

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

Section 15. Effective Date.

This Ordinance shall take effect thirty days after recording in the Public Records of Lincoln County.

PASSED, APPROVED, and ADOPTED this 18th day of February, 2003.

