Sec. 62-36. Conflict of interest.

Any CPC member having an adverse or financial interest in the outcome of any policy, decision or determination before the CPC or one of its committees on which he serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of his adverse or financial interest in the issue and his disclosure shall be recorded. Disclosure of adverse or financial interest, as provided in this section, shall not disqualify a CPC member from voting on the issue unless:

(1) A majority of the remaining members voting on the matter determines that the member who discloses his adverse or financial interest should not in propriety vote on the issue; or

(2) The member having an adverse or financial interest in the issue voluntarily disqualifies himself.

(Ord. No. 212, § 3(C), 7-6-93)

Sec. 62-37. Records.

A record shall be kept of all public meetings of the CPC and its committees. The records shall include the vote of each member on each action. The records shall be kept available for public inspection at reasonable times.

(Ord. No. 212, § 3(E), 7-6-93)

Sec. 62-38. Duties, responsibilities and powers.

(a) *Delegation by board of county commissioners.* There is hereby delegated to the CPC the following power and authority.

(1) *Study.* The CPC shall study county planning matters and means of protecting and improving the environment. The CPC shall have available to it the assistance of the county manager.

(2) *Advisory functions.* The CPC shall advise the board of county commissioners concerning the promotion of health, safety, morals or the general welfare.

(3) *Other duties, responsibilities and powers.* The CPC has such other duties, responsibilities and powers as may be delegated to it by the board of county commissioners.

(b) *Committees.* The CPC may form committees composed of CPC members and the general public, to advise it on land use matters as follows:

(1) The CPC shall select the members of any committee exercising any duties, responsibilities, and powers under subsection (a)(3) of this section. The chairman shall be a CPC member.

(2) The members of all committees formed by the CPC referred to in this section shall be selected with the advice and consent of the board of county commissioners.

(Ord. No. 212, § 2, 7-6-93)

State law reference—Powers and duties of planning commission, NMSA 1978, § 4-57-2.

Secs. 62-39—62-70. Reserved.

ARTICLE III. NEIGHBORHOOD ASSOCIATIONS

DIVISION 1. GENERALLY

Secs. 62-71—62-110. Reserved.

DIVISION 2. RECOGNITION AND NOTIFICATION PROCEDURES

Sec. 62-111. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any private party or public agency applying for a public hearing with the county zoning, building and planning department.

Developer means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity responsible for construction or development of property in the county.

Neighborhood association means an organized group of people who own or occupy real property within a specified subarea of the county.

Private sector means any private party such as a developer, builder, individual landowner or agent, other than a public agency.
(Ord. No. 94-4, § 3, 2-1-94)

Cross reference—Definitions generally, § 1-2.

Sec. 62-112. Purpose of division; establishment of list as basis of neighborhood notification.

The purpose of this division is to provide the neighborhood associations in the unincorporated area of the county with an early notification process for all public hearings held by the county zoning, building, and planning department, and major county projects affecting neighborhoods (i.e. road improvements, park development, etc.). Early notification will help identify and possibly resolve potential conflicts involving neighborhoods and the private sector prior to the public hearing. It will also provide better communication between the neighborhood associations, the county and the private sector. To achieve this objective the county will establish a regularly updated neighborhood association list that will be used as the basis for all neighborhood notification.
(Ord. No. 94-4, § 2, 2-1-94)

Sec. 62-113. Enforcement of division.

The county zoning, building and planning department will be responsible for administering and enforcing the provisions of this division.
(Ord. No. 94-4, § 8, 2-1-94)

Sec. 62-114. Criteria for recognition of neighborhood associations.

A neighborhood association shall be designated a recognized neighborhood association by the zoning, building and planning department when, and so long as, all the following criteria are found to be met:

(1) The association shall file with the county zoning, building and planning department a current copy of their bylaws. The bylaws shall include the following provisions:

a. The geographic boundaries of the neighborhood association. These boundaries shall be reasonable and be in the unincorporated area of the county (some overlap into the City of Albuquerque, Village of Los Ranchos de Albuquerque or Village of Tijeras may occur). The boundaries of any neighborhood association in existence on the effective date of Ord. No. 94-4 shall be deemed reasonable.

b. The association shall make full membership open to all persons residing within its boundaries and to all persons and legal entities owning property or having a place of business within its boundaries.

c. The association shall hold at least one meeting per year for which it makes a reasonable attempt (mail, hand-delivered notices, signs, community/local newspaper etc.) to give notice to every household and place of business within the association's boundaries. No election shall be held at a meeting of an association unless the meeting is so advertised. A copy of such notice and/or meeting minutes shall be submitted to the county zoning, building and planning department.

(2) Officers of recognized associations shall annually submit a letter to the county zoning, building and planning department attesting to the number of dues-paying members. If an association has no dues-paying members, or if dues-paying membership does not adequately reflect an association's size, its officers shall annually submit other evidence of the size of its active membership.

(3) The appropriate county commissioner and the county zoning, building and planning department shall be furnished with names, addresses and available phone numbers of current neighborhood association officers and/or board members.

(4) Evidence of an annual general membership meeting advertised as specified in subsection (1)c of this section shall be sent to the county zoning, building and planning department within 60 days of the meeting.

(5) Failure to comply with any of the preceding criteria of this section shall result in notification of noncompliance being sent to the recognized neighborhood association officers and/or board members from the county zoning, building and planning department. Upon receipt of this notice, a recognized neighborhood association must offer evidence of compliance within 60 days. If it does not comply, the association shall be removed from the list of recognized neighborhood associations.

(Ord. No. 94-4, § 4, 2-1-94)

Sec. 62-115. Responsibilities of recognized neighborhood associations.

Recognized neighborhood associations shall:

(1) By interaction with their members, residents and the county strive to uphold good planning, protect the environment and promote the community welfare. Communication should be fostered between the recognized neighborhood association and county government on plans, proposals and activities affecting their area.

(2) Confirm the receipt of a certified letter, either in writing or through phone conversation with the identified party on such certified letter, within two weeks from receipt of the certified letter. Confirmation does not constitute approval of or opposition to the project, but only ensures the applicant that the affected neighborhood association has received notice.

(3) Make every reasonable attempt to meet with the applicant to discuss proposals either through regular monthly neighborhood association meetings or board meetings or special meetings specific to the project.

(4) Attempt to inform members and other eligible participants in their neighborhood of issues for discussion.

(5) Establish an orderly and democratic means for making representative decisions.

(6) Establish and follow a clear method for reporting to the county actions which accurately reflect the neighborhood's position. When a neighborhood association presents its official position on an issue to the county, it shall be prepared to identify whether the decision was reached by the board, a poll of the general membership, or by a vote at a general membership meeting.

(7) Comply with its bylaw provisions as specified in section 62-114.

(8) Notify the county zoning, building and planning department and affected county commissioners of general membership meetings at least two weeks in advance, when possible.

(9) Notify the county zoning, building and planning department of two persons' addresses where it wishes notice to be sent pursuant to this division. Such designation shall be changed by the neighborhood association when appropriate.

(Ord. No. 94-4, § 5, 2-1-94)

Sec. 62-116. Responsibilities of the county.

(a) The county shall make reasonable attempts to notify recognized neighborhood associations on all county projects that directly impact their neighborhood. Such projects include, but are not limited to, zoning administration hearings; rank one, two and three plans; major road improvements; park development/renovation; major studies; and any other projects having a direct impact on the neighborhood.

(1) Recognized neighborhood associations shall be notified of such a project by the county department in charge of overseeing its development.

(2) First class letters mailed to the two contact addresses submitted by a neighborhood association shall constitute reasonable attempt to notify.

(3) Notices shall be mailed at least 30 days prior to any public hearing.

(b) The county zoning, building and planning department shall:

(1) Notify all known neighborhood associations and prospective associations of the

requirements for recognition, and advise such groups on how to meet the requirements.

(2) Review its files on neighborhood associations to verify if each association has met the requirements for recognition with current information.

(3) At least annually notify each known neighborhood association of its current recognition status. County agencies shall also be advised of associations' status.

(4) Encourage individuals to cooperate with their existing neighborhood association.

(5) Work with county officials and recognized neighborhood associations to develop appropriate processes for neighborhood review and comment on county plans, projects and policies.

(6) Supply to all recognized neighborhood associations a current list of all county government agencies, their department heads, and corresponding phone numbers.

(7) Work with recognized neighborhood associations to enhance the quality of life within their neighborhoods.

(8) Along with the district commissioner, serve when appropriate as a liaison between a recognized neighborhood association and county agencies.

(9) Provide for the sharing of information with recognized neighborhood associations by furnishing available pertinent information.

(10) Upon request, assist the district commissioner and/or neighborhood associations in the formation of alliances of neighborhood associations.

(11) Supply to the public and to county officials the names and addresses of the two designated recipients of notices, as most recently specified by each recognized neighborhood association.

(c) With the advice and consent of the board of county commissioners, the county manager may promulgate rules and guidelines necessary to implement this division.

(Ord. No. 94-4, § 6, 2-1-94)

Sec. 62-117. Responsibilities for applicants and developers.

(a) Applicants for approval of amendments of the zone map, zoning site development plans (except houses, accessory buildings and commercial buildings in approved zone), major subdivisions, and vacations of public right-of-way shall, prior to filing the application, make a reasonable attempt to give written notification of their proposal to any recognized neighborhood association which covers, abuts or is across the public right-of-way from the site of their plans. Certified letters (containing the information outlined in subsection (b) of this section), return receipt requested, mailed to the two designated neighborhood representatives on file at the county zoning, building and planning department, constitutes a reasonable attempt to notify an association. Failure by an applicant to show proof of either notification in person or a reasonable attempt to give written notification of its proposal to such designated association representatives, shall be grounds for a neighborhood association to request deferral of a hearing. The applicant for such hearing shall include a signed statement that such notification has been sent.

(b) Certified letters must include the following information:

(1) Brief description of the proposal, including any justification deemed appropriate (e.g. requesting a zone change from A-1 to C-1 on property located at _____ street, for the purpose of establishing _____).

(2) Zone atlas map page.

(3) Legal description along with actual street names, address and intersections.

(4) Site plan, when applicable. The site plan should include typical building elevations, location of proposed buildings, street layout and any other relevant information. Site plans do not have to be blue print final and could be preliminary drawings.

(5) The agent or applicant's name, address, phone number and fax number, if available. If more than one agent or applicant is listed, information must be provided for all those listed.

(Ord. No. 94-4, § 7, 2-1-94)