

**BY-LAWS OF THE ALTO LAKES SPECIAL ZONING DISTRICT  
LINCOLN COUNTY, NEW MEXICO**

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**Preamble**

Special Zoning Districts are created to “promote the health, safety, morals, and general welfare of persons residing in areas outside the boundary limits of incorporated municipalities.” The Alto Lakes Special Zoning District was created to regulate land use planning in the Alto Lakes community. The District was created and operates under the authority of the Special Zoning District Act (NMSA 1978, Sections 3-21-15 through 3-21-26).

## **Article I: Purpose, Authority And Scope**

### **Section 1. Purpose**

The purpose of these By-Laws is to provide a framework for the governance of the District.

### **Section 2. History**

The District was created in accordance with Special Zoning District Act (NMSA 1978, Sections 3-21-15 through 3-21-26) and was confirmed by the Lincoln County Commission on July 8, 2004.

- The first election of the Commission was held on September 13, 2004
- The first meeting of the Commission was held on September 23, 2004
- The Commission adopted a Comprehensive Zoning and Land Use Ordinance on September 1, 2005, which became effective on September 30, 2005.

### **Section 3. Authority and Scope**

These By-Laws, in conjunction with the Special Zoning Districts Act and other applicable laws and regulations, shall govern the business, operations and other affairs of the Commission and of the District. In case of any conflict between these By-Laws and laws of New Mexico or of the United States of America, the latter shall prevail.

## **Article II: Definitions**

In these By-Laws, the following terms shall have the meanings stated herein:

“District” means the Alto Lakes Special Zoning District.

“Commission” means the Zoning Commission.

“Chair” means the Chairman or Chairwoman of the Commission.

“Commissioner” means any member of the District Commission.

“Officer” means the Chair, the Vice-Chair, the Secretary, or the Treasurer of the District, each of whom shall be a member of the Commission.

“Qualified Registered Elector” or “Qualified Registered Elector of the District” means a person qualified and registered to vote in general elections of the State of New Mexico who resides within the boundaries of the District. The Commission recognizes and affirms that residence within the District is a requirement for participation as a voter in District elections, but that ownership of real property is not.

“Fiscal Year” means the period from July 1 of one calendar year until June 30 of the next calendar year, unless a different period is established for public bodies of the State of New Mexico by law (NMSA 1978 Section 6-10-1).

“Quorum” means the number of members of a body entitled to vote who must be present in order that business may be transacted by that body.

With regard to meetings of the Commission, the following definitions shall apply:

“Regular Meetings” means regularly scheduled meetings held to conduct the regular business of the District.

“Special Meetings” means meetings, other than regular meetings, called to conduct regular or unforeseen business of the District, which, due to timing or for any other reason, is not scheduled at a Regular Meeting. A Special Meeting may also be called for the specific purpose of seeking public input on major issues affecting the residents of the District.

“Emergency Meetings” means meetings called to address an unforeseen emergency situation.

“Public Hearings” means meetings of an administrative adjudicatory nature.

“Informational Meetings” means meetings of the Commission, or members thereof, for the purpose of gathering working information through discussions with other

Commission members, governmental agencies, legislative representatives, consultants, or others with special knowledge and information that may be of value to the District.

“Educational Meetings” means meetings of the Commission, or members thereof, at seminars, classes, training sessions, briefings, and similar events related to technical, managerial, operational, and public policy, and other activities conducted by or authorized to be conducted by the District.

## **Article III: Members And Organization Of The Commission Of Directors**

### **1. Number of Commissioners**

The affairs of the District shall be managed by a Commission consisting of five Commissioners (NMSA 1978 3-21-19).

### **2. Election and Term of Office**

Each Commissioner shall be elected for a term of two years (NMSA 1978 3-21-19). Elections for Directors of the District shall be held on the second Monday in September of each even-numbered year.

### **3. Conduct of Elections for Directors**

Elections shall be conducted by the Lincoln County Clerk in accordance in the same manner as elections for municipal school Commission members (NMSA 1978 3-21-20). All candidates shall run "at large" and the 5 candidates receiving the highest vote count shall serve on the Commission. All Qualified Registered Electors of New Mexico who are full-time residents of Lincoln County and who own property in the District are eligible to serve on the Commission and to vote in District elections.

### **4. Removal of Directors and Filling of Vacant Positions**

In the event of a vacancy on the Commission for any reason, the remaining Commission members or member shall promptly appoint a person to fill the vacancy until the next biennial election, at which time the position will be filled by election.

### **5. Conflicts of Interest**

The members of the Commission shall avoid any conflict of interest or any appearance of a conflict of interest. No member of the Commission may take part in any deliberations, present testimony or vote on any matter in which the Commission member or an immediate family member has a pecuniary interest, either direct or indirect. However, this provision shall not be construed to prevent any Commission member from participating in and voting on matters affecting generally the residents of the District even though the Commission member or members of his family will be affected as residents of the District.

## **Article IV: Meetings Of The Commission**

### **1. Calling and Scheduling of Meetings**

- a. Regular Meetings shall take place twice each month on the first and third Thursdays or such at a time and place set by action of the Commission.
- b. All meetings shall be held in a Public Place.
- c. Special Meetings may be called by the Chair or by a majority of the members of the Commission with at least three (3) days notice to all Commission members, and may take place at any time and place which is mutually convenient for the members of the Commission. Major issues affecting the residents of the District should be presented and discussed in Special Meetings wherever possible, with significant advance notice to the public and opportunity for participation by the public.
- d. Emergency Meetings may be called by the Chair or by a majority of the members of the Commission, with such notice as is reasonable under the circumstances, to address an emergency situation not allowing of three (3) days notice to all Commission members. At least eight (8) hours notice is recommended for Emergency Meetings.
- e. Public Hearings may be called by the Chair or by a majority of the members of the Commission upon such notice to the Commission members and to the public as is required by statute and by the Commission's Open Meetings Resolution. Public Hearings may, but need not, be conducted in conjunction with Regular Meetings or Special Meetings of the Commission.
- f. Informational Meetings may be called by the Chair or by a majority of the members of the Commission. The Commission shall not take any formal action or make any policy decision at an Informational Meeting. Notice of the Informational Meeting shall be provided in accordance with the District's Open Meetings Resolution, but no agenda is required and no minutes need be recorded.
- g. Educational Meetings are generally scheduled by persons or entities other than the Commission. When it is anticipated that a quorum of the Commission will be present at an Educational Meeting, notice of that fact shall be provided in accordance with the District's Open Meetings Resolution, but no agenda is required and no minutes need be recorded.

### **2. Open Meetings Policy and Notice of Meetings**

- a. The Commission shall annually adopt an Open Meetings Resolution in accordance with the Open Meetings Act (NMSA 1978, Sections 10-15-1 through 10-15-4). The Open Meetings Resolution will generally be adopted at the first Regular Meeting following the second Monday of September but may, at the discretion of the Commission, be adopted or amended at any other Regular Meeting.
- b. Notice of all Commission meetings shall be published or posted in accordance with the Commission's Open Meetings Resolution then in effect.

- c. Except in case of emergency, the Agenda of any meeting may accompany the Notice, however the Agenda will be make available to the public at least twenty-four (24) hours before the meeting.

### **3. Conduct of Meetings**

- a. Conduct of Commission meetings shall be in accordance with the current edition of Robert's Rules of Order, unless there is a conflict between Robert's Rules of Order and the laws of New Mexico or of the United States of America, in which case the latter shall prevail.
- b. All meetings shall be held in a location sufficiently large to reasonably and comfortably accommodate all persons who are expected to be present at the meeting, including members of the public.
- c. The public may be provided an opportunity to address the Commission on any matter coming before the Commission for discussion, consideration, or action. Any person addressing the Commission on any matter shall be required to state his or her name and address for the record. Any person testifying before the Commission in a Public Hearing may be required to swear or affirm that the testimony presented is true. The Chair may limit the time allotted to each speaker and the number of times that any speaker is permitted to address the Commission on any given topic.
- d. The proceedings of all meetings (except meetings, or portions thereof, that are closed to the public in accordance with the Open Meetings Act and the Commission's Open Meetings Resolution) shall be recorded by a recording secretary, electronically, or by other reliable means.
- e. The proceedings of all public hearings shall be recorded electronically or by other reliable means.

### **4. Order of Business**

In general, the order of business at a Regular Meeting or Special Meeting of the Commission should be as follows; however, not every item shown need necessarily be on the agenda of any particular meeting:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Meeting Agenda including corrections, changes or additions.

The Chair shall have the authority to modify the proposed order of business for any particular meeting, for good cause shown, which proposal shall be reflected in the agenda posted for such meeting. The Commission, prior to approving the agenda for any particular meeting, may amend the order of business reflected in the agenda; provided, however, that no business item requiring formal consideration or action by the Commission may be added to the agenda without prior notice to the public in

accordance with the Open Meetings Act and the Commission's Open Meetings Resolution.

5. Approval of Prior Meeting Minutes

This item is for Commission approval of the minutes of any prior meetings, including notice of any closed meetings (as allowed in accordance with the Open Meetings Act) that may have been held since the last public meeting of the Commission.

6. Approval of Invoices for Payment (may be placed on Consent Agenda, if any)

7. Consent Agenda

The Consent Agenda includes routine action items that are not expected to be controversial or require discussion by the Commission. The title of each item should be read by the Chair (or another person designated to do so), and the entire Consent Agenda voted on as a unit. Any Commission member may request that an item on the Consent Agenda be removed there from and placed on the Regular Agenda of the same meeting, and such request shall thereupon take effect without further discussion.

8. Reports

This item includes reports to the Commission by contractors, special committees of the District, and individual Commission members. Reports may be presented and accepted in written form, in which case copies of the report shall be made available to the public.

9. Public Hearing (if scheduled)

10. Regular Agenda

- a. Old Business
- b. New Business

All items for discussion, consideration, and possible action by the Commission should be placed on the Regular Agenda. If the Regular Agenda includes both unfinished business carried forward from a previous meeting, and new business coming before the Commission for the first time, the unfinished business should in general be addressed before the new business.

11. Public Comment

In a Regular Meeting or in a Special Meeting called to conduct regular business of the Commission, this agenda item provides an opportunity for the public and members of other organizations to address the Commission on informational matters or other items related to District business that are not listed on the agenda. In a Special Meeting called for the purpose of obtaining public input on a particular question or questions facing the District, public comment may be restricted to the subject or subjects at hand. In either case, the Chair may limit the time allowed to each speaker and the number of times each speaker is allowed to address the assembly.

12. Commission Comments

This provides an opportunity for Commission members to comment on items not included in the agenda, for example, a request that an item be placed on the agenda for

action at a future meeting. However, the Commission may not take formal action on any matter raised under this item.

13. Working Session (if scheduled)
14. Closed Session (if scheduled)
15. Announcement of Next Meeting
16. Signing of Official Documents (if scheduled)
17. Adjournment

## **Article V: General Powers Of The Commission**

For and on behalf of the District, the Commission shall have all powers vested in it under the Special Zoning District Act, as amended from time to time by the legislature of the State of New Mexico.

## **Article VI: Officers, Compensation, Duties**

### **1. Officers**

The Officers of the District shall be a Chairman or Chairwoman (the “Chair”) of the Commission, a Vice-Chairman or Chairwoman (the “Vice-Chair”), a Secretary of the Commission, and a Treasurer of the Commission. All officers shall be members of the Commission.

### **2. Election of Officers**

The Commission shall elect Officers of the District at the next Regular Meeting that follows the 2<sup>nd</sup> Monday of September. Each Officer shall hold office for a term of one year or until his or her successor has been duly elected. In the event of a vacancy due to resignation of an Officer or for any other reason, the Commission shall elect a person to fill the vacancy at the next Regular Meeting of the Commission following the vacancy.

### **3. Compensation**

Neither Commissioners nor Officers shall receive compensation for their services to the Commissioners and Officers shall be allowed compensation for their actual and necessary expenses incurred in performance of their duties for the District.

### **4. Duties of the Chair of the Commission**

- a. The Chair shall, when present, preside at all meetings of the Commission.
- b. The Chair shall establish the agenda for all meetings of the Commission and shall provide the agenda to the Secretary sufficiently in advance of the meeting to provide for publishing or posting of the agenda as required by the Open Meetings Act and the Commission’s Open Meetings Resolution.

### **5. Duties of the Vice-Chair of the Commission**

The Vice-Chair shall chair meetings when the Chair is not in attendance and as act for the Chair when the Chair is unable to serve.

### **6. Duties of the Secretary of the Commission**

- a. The Secretary shall keep a record of all Commission proceedings, including minutes of Commission meetings, original signed copies of the Commission’s resolutions, By-Laws, certificates, contracts, annual audit reports, and copies of all official correspondence and legal documents relating to the District’s activities. The Secretary shall keep such records in a secure place and shall make them available for inspection and copying by residents of the District and any other interested parties, in accordance with the Inspection of Public Records Act (NMSA 1978, Sections 14-2-1 through 14-2-12).

- b. The Secretary shall arrange a meeting place for the meetings of the Commission and shall publish or post notices of the Commission's meetings in accordance with the Commission's Open Meetings Resolution and these By-Laws.
- c. In keeping a record of the Commission's meetings, the Secretary may utilize the services of a recorder to assist the Secretary. Subject to approval by the Commission, the Secretary may employ a secretarial or clerical service to maintain the District's files, prepare correspondence, prepare reports, and perform other clerical services on behalf of the District.
- d. The Secretary shall effect any necessary correspondence and coordination with the County Clerk and any other officials with regard to all District elections, and shall provide for the conduct of such elections to the extent that function is not performed by the County Clerk or other appropriate county or state officials.
- e. The Secretary shall perform other duties incidental to that office and such other duties as may be assigned by the Commission from time to time.

## **7. Duties of the Treasurer of the Commission**

- a. The Treasurer shall receive and deposit in appropriate accounts all monies of the District and shall disburse such funds as directed by resolution of the Commission. The Treasurer shall maintain strict and accurate records of all monies of the District and of all income and disbursements of the District, and shall keep permanent records thereof, in the manner prescribed by the New Mexico Department of Finance and Administration.
- b. The Treasurer shall annually prepare a budget for the upcoming Fiscal Year, which shall be timely submitted to the Commission for its approval and subsequent submittal to the Department of Finance and Administration for review and approval in accordance with law. The proposed budget should be submitted to the Department of Finance and Administration by June 1 each year. The Treasurer shall also provide regular reports to the Commission on the state of the district's finances and shall submit a quarterly accounting thereof to the Department of Finance and Administration.
- c. Following the end of each Fiscal Year the Treasurer shall submit to the Commission a financial report that will be presented for audit by a professional auditing or accounting firm retained by the Commission. The annual financial report shall become a part of the District's permanent records and a copy shall be submitted to the Department of Finance and Administration for its review.
- d. In performing the duties described herein, the Treasurer, with the approval by the Commission, may employ a bookkeeping service, an accountant or other qualified persons or professionals to assist the Treasurer in performing the duties of that office.
- e. The Treasurer shall serve as the Central Purchasing Office as defined in the State Procurement Code.
- f. The Treasurer shall perform other duties incidental to that office and such other duties as may be assigned by the Commission from time to time.

## **Article VII: Financial Matters**

### **1. Budget Management**

Final approval of the District's Fiscal Year budget by the Department of Finance Administration generally is received by the first Monday in September. Following such approval, any amendment or adjustment of the budget requires a resolution of the Commission and approval by the Department of Finance and Administration. The Commission will periodically review the reports submitted to it by the Treasurer to ensure that expenditures during the Fiscal Year do not exceed budget authority, and that any budget adjustments that may be necessary are made by the Commission in a timely manner and approved by the Department of Finance and Administration.

### **2. Procurement Procedures**

All procurements of tangible personal property, services, and construction shall be made in accordance with the New Mexico Procurement Code (NMSA 1978, Section 13-1-28 through 13-1-199), and any New Mexico state purchasing regulations then in effect. The Treasurer, or such other official as the Commission may from time to time designate as the District's Central Purchasing Office, shall ensure that procurements of tangible personal property, services, and construction are conducted in accordance with the Procurement Code.

### **3. Reimbursement for Travel Expenses, Mileage or Per Diem**

- a. Directors and Officers may receive reimbursement for actual and necessary travel expenses incurred in performing services for the District, or in the alternative may be eligible for per diem for official business requiring travel more than 35 miles from Alto Lakes, in accordance with applicable New Mexico laws and regulations, including the Per Diem and Mileage Act (NMSA 1978, Sections 10-8-1 through 10-8-8), and Section 2.42.2 of the New Mexico Administrative Code (NMAC) (formerly DFA Rule 95-1), as amended.
- b. Directors and Officers may receive reimbursement for reasonable and necessary use of a privately owned automobile on District business in accordance with the mileage rates set forth in the Per Diem and Mileage Act and Section 2.42.2 NMAC. The District does not authorized reimbursement for use of a privately owned airplane.
- c. Directors and Officers seeking reimbursement for travel expenses, per diem, mileage, or any other reasonable and necessary expenses incurred on behalf of the District, shall make application for such reimbursement to the Treasurer, including appropriate documentation of all expenses, travel and mileage in accordance with the provisions of Section 2.42.2 NMAC. If the Treasurer finds that the application and supporting documentation are complete, the Treasurer shall forward them to the Commission for consideration. The Commission shall approve and authorize such reimbursement unless it finds that the expenses were not reasonable and necessary, that they were not in fact incurred in the conduct of District business, or that for some other reason reimbursement is not proper under applicable statutes, regulations, and policies of the Commission.

## **Article VIII: Liability And Insurance**

### **1. Liability Insurance**

The District shall carry liability insurance coverage for the activities and actions of the District and its Directors, Officers and employees, taking into account the scope of District operations and the immunities granted to the District and its Directors, Officers and employees under the Tort Claims Act (NMSA 1978, Sections 41-4-1 through 41-4-27).

### **2. Other District Insurance**

The District shall carry appropriate insurance, as determined by the Commission, to protect the District from major loss as a consequence of damage to or destruction of District property, including real property, personal property, District business and financial records, equipment, supplies, vehicles, leased and rented property, and all other District property of any nature.

### **3. Coverage of Privately Owned Automobiles Used on District Business**

Officers, Directors, and any other persons using a privately owned automobile on District business shall carry, as a minimum, automobile liability and property damage insurance as required by New Mexico law. It is the responsibility of the automobile owner to ensure that such coverage will provide protection while the automobile is used on District business. The Commission may require the automobile owner to provide proof of such insurance coverage to the Commission.

**Article IX: Amendment Of The By-Laws**

These By-Laws may be amended by a majority vote of the Commission.

In witness whereof, we have hereunto set our hands this 15<sup>th</sup> day of September 2005.

**Alto Lakes Special Zoning District,  
LINCOLN COUNTY, NEW MEXICO**

By \_\_\_\_\_  
Secretary of the Commission