

**ORDINANCE NO. 29**

*orig to Kent  
6-17-96*

**AN ORDINANCE RE-ESTABLISHING A PLANNING COMMISSION FOR LUNA COUNTY, NEW MEXICO AND PROVIDING FOR ITS ORGANIZATION AND OPERATION.**

**PREAMBLE**

Whereas, the Luna County Planning Commission was previously established in Luna County, and

Whereas, Section 4-57-1 NMSA 1978 provides for the establishment of the planning commission by ordinance, and

Whereas, at this time, it is in the best interests of the health, safety, and general welfare of the citizens of Luna County, New Mexico to re-establish the Luna County Planning Commission and to provide for its organization and operation.

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, LUNA COUNTY, NEW MEXICO, as follows:

**SECTION 1. ESTABLISHMENT.** There is hereby created and re-established as set forth below, the Luna County, New Mexico Planning Commission.

**SECTION 2. PURPOSE.** The purpose of the Planning Commission shall be to carry out and promote county planning as provided by Section 4-57-2 NMSA 1978, including all matters necessary and incidental thereto.

**SECTION 3. JURISDICTION.** The territorial jurisdiction of such Planning Commission shall be the County of Luna, State of New Mexico, except for those matters involving concurrent jurisdiction with adjacent counties or municipalities as provided by law.

**SECTION 4. POWERS AND DUTIES.** The Planning Commission shall have those powers and duties conferred by the laws of the State of New Mexico, together with such necessary incidental powers as are specifically provided by this ordinance or subsequent planning ordinances that may be enacted by the Board of County Commissioners, Luna County, New Mexico. All public officials shall, upon request, furnish to the Planning Commission, within a reasonable time, such available information as it may require for its operation. In general, the Planning Commission shall have all powers as may be necessary to enable it to fulfill and perform its functions, or carry out all purposes of the law.

**SECTION 5. MEMBERSHIP.** The Planning Commission shall consist of a minimum of not less than seven members who shall be residents of Luna County, New Mexico. The Planning Commission members should be qualified by training and experience to exercise sound and practical judgment on county planning matters. Members shall be appointed by the Board of County Commissioners, Luna County, to serve at the discretion of the Board, and may be removed at any time without cause. Members shall serve staggered terms as follows:

Seven members serving two (2) year staggered terms.

**SECTION 6. COMPENSATION OF MEMBERS.** Members of the Planning Commission shall serve

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SECTION 7. CHAIRPERSON. The Planning Commission shall elect a chairperson from among its members for a term of one year and may fill such other of its offices as it may create in a manner prescribed by parliamentary or other rules which may be adopted by the Planning Commission.

SECTION 8. EMPLOYEES. Luna County employees may, from time to time, be assigned to assist in the work of the Planning Commission, but employment at the County's expense of special employees or consultants, hired specifically for aid in the work of the Planning Commission, may be engaged only upon the express authorization of the County.

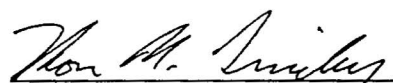
SECTION 9. MEETINGS. The Planning Commission shall hold regular meetings and special meetings as required, and shall adopt rules for the transaction of its business and keep a record of its resolutions, transactions, findings and determinations. All meetings of the Planning Commission shall comply with the New Mexico Open Meetings Act.


SECTION 10. QUORUM. A majority of Planning Commission members must be present at a duly called meeting to constitute a quorum for conducting Planning Commission business.

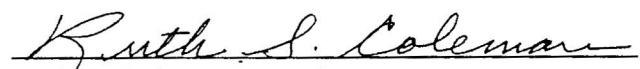
SECTION 11. RECORD OF MEETING. A written transcript or tape recording of all proceedings before the Planning Commission shall be submitted to the Board of County Commissioners, Luna County, within ten days of the date any meeting of such Planning Commission is held.

PASSED AND ADOPTED THIS 14<sup>th</sup> day of June, 1996.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Thomas N. Lindsay, Chairman

  
\_\_\_\_\_  
John C. Edwards, DDS, Member

  
\_\_\_\_\_  
Ruth S. Coleman, Member

ATTEST:  
  
\_\_\_\_\_  
Natalie Pacheco, County Clerk

APPROVED:  
\_\_\_\_\_  
Kent Cooper, County Attorney

Section 6 Penalties.

The first violation of this ordinance shall result in a written warning being issued to the parent or legal guardian of the person in violation. The County Commission strongly recommends that five hours of community service be included for the first violation.

The second violation of this ordinance by the same person within twelve months of the first violation shall result in a fine of fifty dollars (\$50.00). The County Commission strongly recommends that 10 hours of community service be included for the second violation.

The third violation of this ordinance by the same person within twelve months of the first violation shall result in a fine of one hundred dollars (\$100.00).

Each subsequent violation of this ordinance by the same person within twelve months of the third violation shall result in a fine of one hundred fifty dollars (\$150.00).

Section 7 Notification.

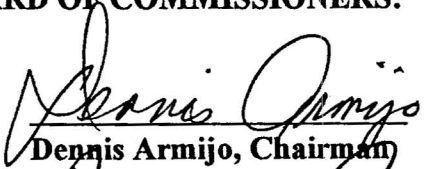
The identity of persons violating this ordinance shall be given to the proper school and State authorities.

Section 8 Effect.

This ordinance does not amend, modify or replace any provision of the New Mexico Compulsory School Attendance Law §22-12-1 et. seq. NMSA 1978. In the event any provision of this ordinance conflicts with any provision of said statute, the statute shall control.

**ADOPTED BY THE GOVERNING BODY OF LUNA COUNTY  
THIS 14th DAY OF AUGUST, 1997.**

**LUNA COUNTY  
BOARD OF COMMISSIONERS:**

By:   
Dennis Armijo, Chairman

Attest:   
Natalie Pacheco, County Clerk