

Letter of Concern Regarding the ETZ Authority, January 20, 2007 (draft)

As residents in the Extra Territorial Zone of Dona Ana County, we respectfully request that the Board of County Commissioners reconsider the selection and appointment of the ETZ Authority members for 2007 to better represent the ETZ community, which the ETA shall be serving.

The fair and representative County membership on the ETZ Authority would include Commissioners Oscar V. Butler, Karen Perez and D. Kent Evans, all of whom have a significant ETZ constituency in their Commission Districts. Commissioners know their Districts in terms of land use and drainage, as well as the challenges and problems facing their constituents. At this time, both Commissioners Bill McCamley and Dolores Saldana-Caviness do not have an ETZ (Las Cruces) constituency. Commissioner McCamley's District 5 is the City of Las Cruces (to the best of our knowledge) and the ETA already has City representation from the two City Councilors. Three City representatives on the ETA are too many.

Commissioner Butler's District 1 consists of the "west" side of Dona Ana County, including a huge area of north valley and west mesa within the ETZ. He was recently reelected to a second term by this district, indicating compelling support for his vision and agenda of sustainable development by his constituency. He knows his district well and initiated the BOCC resolution to study and correct the massive flooding problems throughout the County last Fall. This directive resulted in the Flood Task Force with cooperation from the County, private sector and community, which was able to outline short, medium and long-term goals to address flooding. He has been a loud, though lonely, voice on the ETZ Authority, giving support to ETZ Comprehensive Plan goals developed by the ETZ community, protecting ETZ zoning and demanding infrastructure and service capabilities if development is to be approved. He is a good listener and has tried to further discussion and amendment of serious weaknesses and shortcomings of the ETZ via the ETA. His stance is pro-smart growth or pro-responsible growth and conservation. He represents the ETZ population that he serves and his experience and knowledge are extremely valuable. We would like Commissioner Butler to represent District 1 on the ETA.

Here are a few options available to us to remedy the problem of fairness on the ETA:

1. Request: Reconsider the selection and appointment of the ETZ Authority members for 2007 to include all Commissioners with a significant ETZ constituency.
2. Request: Revise the ETZ Authority By-Laws Article II: Membership, Section 1: Members to read (revision italicized): The Authority shall consist of two (2) members of the Las Cruces City Council appointed by the Mayor with the advice and consent of the City Council and three (3) members of the Dona Ana County Commission *who have significant ETZ constituency in their Commission District and are appointed by the County Commission.*

3. Request: Revise the ETZ JPA (Amended Joint City/County Extra-Territorial Zoning and Subdivision Agreement II Creation of Joint Municipal-County Zoning Authority, B to read (revision italicized): The Authority shall be made up of 2 members of the City Council and 3 members of the County Commission, *providing the members of the County Commission have a significant ETZ constituency in their Commission District*. The set number of members of the Authority is exclusive of the alternatives designated pursuant to subparagraph C of this section.

OR

4. Amend both the ETZ Authority By-Laws Article II Membership, Section 1 and the ETZ JPA (Amended Joint City/County Extra-Territorial Zoning and Subdivision Agreement II Creation of Joint Municipal-County Zoning Authority, B) to agree with New Mexico State Statutes Chapter 3, Article 21 (3-21-3.2) Extraterritorial zoning in class A counties; procedures (see underlined phrase) or create an ETZ Land Use Authority and ETZ Land Use Commission as outlined in 3-2-3.2:

A. In a class a county in which a municipality is located that has a population of:

(2) three hundred thousand or fewer people, concurrent extraterritorial zoning jurisdiction between that municipality and the county may be determined by an “extraterritorial land use authority” pursuant to ordinances adopted by the municipal and county governing bodies stating that the county or municipality will create an extraterritorial land use authority. The extraterritorial land use authority shall have the jurisdiction and powers of an extraterritorial zoning authority and shall carry out its duties related to planning and platting jurisdiction, extraterritorial zoning, subdivision approval and annexation approval or disapproval as provided in the Municipal Code. The extraterritorial land use authority shall consist of four county commissioners appointed by the board of county commissioners and three city councilors or two city councilors and the mayor appointed by the municipality....(continues with description of Alternate).

It goes on to lay out composition of the extraterritorial land use commission, which is an extraterritorial zoning commission in a class A county.

Thank you for your consideration,

ETZ Neighborhoods