



Regular Governing Body Meeting
City of Rio Rancho
AGENDA
January 12, 2023
6:00 PM
Council Chambers

Governing Body Members

Greggory D. Hull, Mayor	Paul Wymer, Councilor District 4
Jim Owen, Councilor District 1	Karissa Culbreath, Councilor District 5
Jeremy Lenentine, Councilor District 2	Daniel Stoddard, Councilor District 6
Bob Tyler, Councilor District 3	

Meeting Information

This meeting will be conducted in-person and virtually, as well as, streamed live on the City of Rio Rancho website at <https://rrnm.gov/2303/Watch-and-Download-City-Meetings>

Individuals wishing to present public comment may do so in-person or remotely via Zoom meeting software with the access information below:

Join by Computer: <https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGV0czF4MDN0UT09>
Meeting ID: 853 0235 3741
Passcode: 789419

Join by Phone:
Dial 1-720-707-2699 US then enter the Meeting ID and Passcode above

Call to Order and Pledge of Allegiance

Proclamations and Awards of Merit

1. [2023 Martin Luther King Jr. Day Proclamation](#)

Public Forum

Comments by Councilors

Consent Calendar

There will be no discussion of these items unless a Governing Body Member so requests, in which event the item will be moved to a discussion item on the regular agenda.

2. [Minutes of December 13, 2022 Special Work Session Meeting](#)
Minutes of December 13, 2022 Special Work Session Meeting
3. [Minutes of December 15, 2022 Regular Meeting](#)
Minutes of December 15, 2022 Regular Meeting
4. [Minutes of December 20, 2022 Work Session Meeting](#)
Minutes of December 20, 2022 Work Session Meeting

- 5.** R1, Resolution Authorizing a Budget Adjustment to the Infrastructure Fund (305) and Accepting \$427,500 for the Laser Road Reconstruction Project
Resolution
Laser Rd TPF Grant
- 6.** R2, Resolution Authorizing a Budget Adjustment to the Police Department Fleet Maintenance Budget for Insured Repair of a Police Patrol Vehicle (Unit 1923)
Resolution
- 7.** R3, Resolution to Participate in the Capital Outlay Program Administered by the New Mexico Department of Transportation (NMDOT) for the Idalia Road and Loma Colorado Boulevard Intersection Improvement Project

Resolution
PW2244 C3223163 Idalia-Loma Colorado
- 8.** R4, Resolution Authorizing a Budget Adjustment to the Police Department Fleet Maintenance Budget for Insured Replacement of a Police Patrol Vehicle (Unit 1703)
Resolution
- 9.** R5, Resolution Authorizing the Disposal of a Standard Clothes Dryer
Resolution
Exhibit A
- 10.** R6, Resolution Authorizing the Disposal of a 1.75" Fire Nozzle
Resolution
Exhibit A
- 11.** R7, Resolution Authorizing the Disposal of Portable Lighting Junction Boxes
Resolution
Exhibit A
- 12.** R8, Resolution Authorizing the Disposal of Portable Lights
Resolution
Exhibit A
- 13.** R9, Resolution Authorizing the Disposal of a Portable Generator
Resolution
Exhibit A

Boards and Commissions

Public Hearings

- 14.** O1, Ordinance of the City of Rio Rancho, New Mexico Amending the Zoning Classification and Official Zoning Map for the Property Legally Described as Unit 16, Block 59, Lot 50A from R-1: Single-Family Residential to NC: Neighborhood Commercial, Identifying Conditions of Development, Providing for Severability and an Effective Date
Ordinance
Location and Zoning Map.pdf
Notice Map.pdf
Application
Agent Authorization Letter.pdf
Justification Letter
Golf Course Road Corridor Plan.pdf

Neighboring Property Owner Letter
Legal Ad

Second Reading of Ordinances

- 15.** O35, Ordinance Repealing Section 33.23 and Amending Other Portions of Chapter 33 Boards, Commissions and Committees of the Rio Rancho Municipal Code
Ordinance
Current Chapter 33

First Reading of Ordinances

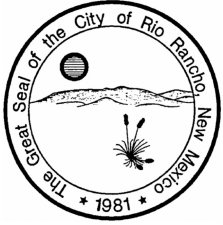
- 16.** O2, Ordinance Repealing and Replacing Chapter 93 Fire Code; Burning Regulations
Ordinance
Current Chapter 93 Fire Code; Burning Regulations

Discussion and Deliberation

City Manager

Comments by Councilors

Adjournment



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item:

AGENDA DATE:
January 12, 2023

DEPARTMENT:
City Clerk

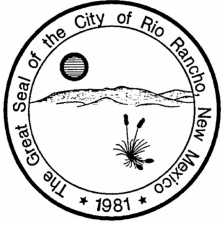
SUBJECT:
2023 Martin Luther King Jr. Day Proclamation

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item:

AGENDA DATE:

January 12, 2023

DEPARTMENT:

City Clerk

SUBJECT:

Minutes of December 13, 2022 Special Work Session Meeting

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: [Minutes of December 13, 2022 Special Work Session Meeting](#)



Governing Body
of the
City of
Rio Rancho
Special
Work Session
MINUTES

DECEMBER 13, 2022
1:00 p.m.
Council Chambers

MEMBERS PRESENT:

Greggory D. Hull, Mayor
Jim Owen, Councilor Dist. 1
Jeremy Lenentine, Dist. 2
Bob Tyler, Councilor Dist. 3
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5
Daniel Stoddard, Councilor Dist. 6

**STAFF & SPECIAL GUEST
PRESENT:**

Patrick Ibarra, The Mejorando Group

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Hull called the meeting to order at 1:04 p.m.

Discussion

1. Overview of Strategic Plan

Mayor Hull gave a brief introduction and overview of the Strategic Plan.

2. Community Building and Vision

Patrick Ibarra, with the Mejorando Group stated the City's Strategic Plan establishes goals for local government and identifies strategies to achieve objectives. Typically, the strategic planning goals don't often change, but the objectives change over time. He briefly went over the current plan. A variety of input sources will be used for Strategic Plan update, which include community members, the Governing Body, City staff, City board/commission/committee members, and local entities. In 2023, the Governing Body will formally consider an updated Strategic Plan document. A Community engagement meeting will occur this evening at Loma Colorado Main Library and another public meeting on Tuesday, January 10, 2023.

3. Discussion of Strategic Plan Goals and Priorities

1 Mr. Ibarra explained that key result areas are accompanied by goals and objectives.

2
3 The Governing Body discussed economic viability, safety, infrastructure, quality of life,
4 and organizational vitality.

5
6 4. Discussion of Objectives and Next Steps

7
8 The Governing Body with the assistance of Mr. Ibarra discussed the objectives they
9 would like to see in each of the different areas.

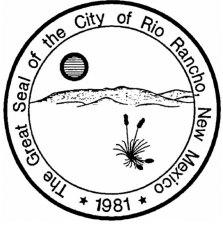
10
11 Mr. Ibarra stated now that he has taken input from the Governing Body he will take the
12 information along with the public input at the upcoming community engagement
13 meetings and survey and summarize in a report by late January. City Management will
14 then work with the internal team to start revising the Strategic Plan. Input from the
15 Governing Body will be taken before the final adoption.

16
17 APPROVED THIS JANUARY 12, 2023

18
19 _____
20 Gregory D. Hull, Mayor

21 ATTEST:

22
23 _____
24 Rebecca A. Martinez, City Clerk
25 (SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item:

AGENDA DATE:
January 12, 2023

DEPARTMENT:
City Clerk

SUBJECT:
Minutes of December 15, 2022 Regular Meeting

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: [Minutes of December 15, 2022 Regular Meeting](#)



Governing Body
of the
City of Rio Rancho

MINUTES

DECEMBER 15, 2022
6:00 PM
Council Chambers, City Hall

MEMBERS PRESENT:

Greggory D. Hull, Mayor
Jim Owen, Councilor Dist. 1
Jeremy Lenentine, Dist. 2
Bob Tyler, Councilor Dist. 3
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5
Daniel Stoddard, Councilor Dist. 6

STAFF PRESENT:

Matt Geisel, City Manager
Peter Wells, Deputy City Manager
Josh Rubin, Acting City Attorney
Rebecca Martinez, City Clerk
James DeFillippo, Fire Chief
Connie Peterson, Dir. of Parks & Rec & Comm Svcs.
Stewart Steele, Police Chief
Amy Rincon, Dir. of Dev. Svcs.
Yolanda Lucero, Deputy City Clerk

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

PROCLAMATIONS AND AWARDS OF MERIT

- 1.) Rally In the Desert Awards
- 2.) Recognition of Cleveland High School Football Team 6A Championship
- 3.) Recognition of Cleveland High School Girls Cross Country Team 5A Championship
- 4.) Recognition of Cleveland High School Boys Soccer Team 5A Championship
- 5.) Recognition of Rio Rancho High School Boys Cross Country Team 5A Championship

PUBLIC FORUM

COMMENTS BY COUNCILORS

CONSENT CALENDAR

- 6.) Minutes of November 10, 2022 Regular Meeting
- 7.) R110, Resolution Authorizing a Budget Adjustment to the EMS Fund (251) for the Upgrade of Cardiac Monitors
- 8.) R111, Resolution Authorizing a Budget Adjustment to the State Grant Fund (252) and the Federal Grants Fund (259) for the ENDWI, STEP/DNOS, and BKLUP/CIOT Program Grants
- 9.) R112, Resolution Authorizing a Budget Adjustment to the Infrastructure Fund (305) and Accepting \$3,325,000 for the Enchanted Hills Blvd. Reconstruction Project

- 10.) R113, Resolution Authorizing a Budget Adjustment to the Infrastructure Fund (305) and Accepting \$427,500 for the Laser Road Reconstruction Project
- 11.) R114, Resolution Accepting the FY 2022 COPS Hiring Program Grant and Authorizing a Budget Adjustment to the General Fund (101) and the Equipment Replacement Fund (312)
- 12.) D68, Parks and Recreation Commission 2022 Annual Report to the Governing Body
- 13.) D69, Public Infrastructure Advisory Board 2022 Annual Report to the Governing Body
- 14.) D70, Capital Improvement Plan Citizens Advisory Committee (CIPCAC) 2022 Annual Report to the Governing Body
- 15.) R115, Resolution Authorizing a Budget Adjustment to the General Fund (101) to Establish a Budget for the New Mexico Law Enforcement Recruitment Fund
- 16.) R116, Resolution Disposing of Parks, Recreation and Community Services Department Equipment
- 17.) R117, Resolution Authorizing a Budget Adjustment to the Federal Grants Fund (259) to Reclassify Expenditures in the State Homeland Security Grant Program
- 18.) R118, Resolution Authorizing a Budget Adjustment to the City Facility Fund (313) for Fire Station 6 Improvements
- 19.) R119, Resolution Authorizing a Budget Adjustment to the Computer Replacement Fund, the City Facility Fund, and the State Capital Appropriations Fund for the Police Headquarters Building Projects
- 20.) R120, Resolution Authorizing a Budget Adjustment to the Road Construction Fund (305) for the 15th Street SE Culvert Crossing Project
- 21.) R121, Resolution Authorizing a Budget Adjustment to the 2022 General Obligation (G.O.) Bond Fund (333) for Police Vehicle Computer Equipment
- 22.) R122, Resolution Authorizing a Budget Adjustment to the Recreation Activities Fund (206) for Rainbow Pool Heater Replacement
- 23.) R123, Resolution Authorizing a Budget Adjustment to the Recreation Activities Fund (206) for Improvements at the Sports Complex North Facility

Daniel Stoddard moved to approve consent calendar. Seconded by Karissa Culbreath.

The motion carried by a vote of 6 FOR and 0 AGAINST.

YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath, Daniel Stoddard

NO: None

BOARDS AND COMMISSIONS

Mayor Hull stated if there are no objection he would like to move Item 38, NM Legislature Preview, as well as Items 36, R127 and 37, R128 to the top of the agenda. Also, move Item 31, O34 directly after Item 26, R124.

1 Additionally, Item 24, O30 has been withdrawn by the applicant and therefore will not be
2 heard. There was no objection from the City Council.

3
4 **CITY MANAGER**

5
6 38.) 2023 New Mexico Legislature Preview - City's State Government Lobbyist

7
8 Larry Horan, City's State Government Lobbyist gave an overview and preview of the
9 upcoming 2023 New Mexico Legislature session.

10
11 **DISCUSSION AND DELIBERATION**

12
13 36.) R127, Resolution Establishing the City of Rio Rancho's Capital Outlay Priorities for
14 the Regular 2023 Legislative Session of the New Mexico Legislature

15
16 Mr. Wells presented this item. The New Mexico Legislature is scheduled to hold a regular 60-
17 day session starting January 17, 2023, and concluding March 18, 2023. The amount of funding
18 the City may receive in 2023 via Capital Outlay is subject to available State funding and
19 individual State Legislators, the Governor, and their approvals. The City's 2023 Capital Outlay
20 requests take into consideration unprecedented State government revenues that are anticipated
21 to be available for allocation.

22
23 Karissa Culbreath moved to approve R127. Seconded by Jeremy Lenentine.

24
25 The motion carried by a vote of 6 FOR and 0 AGAINST.

26 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
27 Daniel Stoddard

28 NO: None

29
30 37.) R128, Resolution Establishing the City of Rio Rancho's Legislative Priorities for the
31 Regular 2023 New Mexico Legislature Session

32
33 Mr. Wells stated the City of Rio Rancho has specific legislative priorities and objectives that it
34 desires the New Mexico Legislature and the elected officials representing Rio Rancho and
35 Sandoval County to consider and support. The specific legislative priorities and objectives listed
36 have been developed from the following sources: Legislative Priority Resolutions previously
37 adopted by the Governing Body; New Mexico Municipal League legislative priorities; emergent
38 issues; City staff input; and feedback from the City's State government lobbyist.

39
40 Jeremy Lenentine moved to approve R128. Seconded by Daniel Stoddard.

41
42 The motion carried by a vote of 6 FOR and 0 AGAINST.

43 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
44 Daniel Stoddard

45 NO: None

46
47 **PUBLIC HEARINGS**

1 24.) O30, Ordinance of the City of Rio Rancho, New Mexico Amending the Zoning
2 Classification and Official Zoning Map for the Property Legally Described as Corrales
3 North, Tract C2C, from SU: Special Use for C-1 Retail Commercial to R-3: Mixed
4 Residential District; Providing for Severability and an Effective Date
5

6 Mayor Hull stated the applicant has requested to withdraw the request. There was no
7 objection from the City Council and it was removed from the agenda.
8

9 25.) O31, Ordinance of the City of Rio Rancho, New Mexico Establishing a Site Plan
10 and Amending the Zoning Classification and Official Zoning Map for the Property
11 Legally Described as Unit 11, Block P, Lots 15 and 16, from C-1: Retail Commercial to
12 SU: Special Use for C-1 Retail Commercial Uses and Cabinet Making, Identifying
13 Conditions of Development; Providing for Severability and an Effective Date
14

15 Ms. Rincon presented this item. The applicant, requests approval of a Site Plan and
16 Zone Map Amendment to change the zoning from C-1: Retail Commercial to SU:
17 Special Use for C-1 Retail Commercial Uses and Cabinet Making, for the property
18 legally described as Unit 11, Block P, Lots 15 and 16. The subject property is
19 approximately 0.83 acres, located off of Abrazo Rd NE. The Zone Map Amendment
20 request was heard by the Planning and Zoning Board at their meeting on October 25,
21 2022 and recommend approval.
22

23 Daniel Stoddard moved to approve O31. Seconded by Jeremy Lenentine.
24

25 The motion carried by a vote of 6 FOR and 0 AGAINST.

26 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
27 Daniel Stoddard

28 NO: None
29

30 26.) R124, Resolution Adopting the Mountain Hawk West Master Plan
31

32 Councilor Wymer recused himself from R124 and O34, due to a potential conflict of
33 interest from previous employment.
34

35 Ms. Rincon stated R124 and O34 are complimentary to each other. The applicant,
36 AMREP Southwest Inc, through their agent, Tierra West LLC, requests approval of the
37 Mountain Hawk West Master Plan for the property legally described as Unit 25, Blocks
38 28, 149, and 150, and Lots 1-3 of Block 27. Being heard concurrently with this
39 application is a Zone Map Amendment for a portion of the subject property, case #22-
40 100-00025. At the November 8, 2022 Planning and Zoning Board Meeting, the Board
41 recommended approval of the Master Plan.
42

43 Ronald Bohannon, applicant gave a brief overview and was available for questions.
44

45 Bob Tyler moved to approve R124. Seconded by Jeremy Lenentine.
46

47 The motion carried by a vote of 6 FOR and 0 AGAINST.

1 YES: Gregory Hull, Jim Owen, Jeremy Lenentine, Bob Tyler, Karissa
2 Culbreath, Daniel Stoddard
3 NO: None
4 RECUSED: Paul Wymer
5

6 31.) O34, Ordinance of the City of Rio Rancho, New Mexico Amending the Zoning
7 Classification and Official Zoning Map for the Property Legally Described as Unit 25,
8 Block 149, Lots 1-7, 42-43, 45-54, and 57-65, and Block 150, Lots 1-7, and 17-30, from
9 TZ: Transitional Zoning to R-3: Mixed Residential and R-4: Single-Family Residential,
10 Identifying Conditions of Development; Providing for Severability and an Effective Date
11

12 Ms. Rincon stated this is a companion item to R124. The request is for approval of a
13 Zone Map Amendment for the property legally described as Unit 25, Block 149, Lots 1-
14 7, 42-43, 45-54, and 57-65, and Block 150, Lots 1-7, and 17-30, to change the zoning
15 from TZ: Transitional Zoning to R-3: Mixed Residential and R-4: Single-Family
16 Residential. The subject property is 32.72 acres and is zoned T-Z: Transitional Zoning
17 under Ordinance No. 24, Enactment No. 98-025. The subject property has an
18 underlying land use of "Future Planning" in the Generalized Land Use Map L-2 of the
19 City Comprehensive Plan.
20

21 Ronald Bohannan, applicant was available for questions.
22

23 Jeremy Lenentine moved to approve O34. Seconded by Bob Tyler.
24

25 The motion carried by a vote of 6 FOR and 0 AGAINST.

26 YES: Gregory Hull, Jim Owen, Jeremy Lenentine, Bob Tyler, Karissa Culbreath,
27 Daniel Stoddard

28 NO: None

29 Recused: Paul Wymer
30

31 27.) O32, Ordinance of the City of Rio Rancho, New Mexico Amending the Zoning
32 Classification and Official Zoning Map for the Property Legally Described as Rio Rancho
33 Estates Unit 13, Block 78, Lot 11 from SU: Special Use District to R-6: Multi-Family
34 Residential District and the Property Legally Described as Rio Rancho Estates Unit 13,
35 Block 78, Lot 12 From R-1: Single-Family Residential District to R-6: Multi-Family
36 Residential District, Identifying Conditions of Development; Providing for Severability
37 and an Effective Date
38

39 Mayor Hull stated the applicant has request this item be postponed to the February 9,
40 2023, Governing Body meeting.
41

42 Daniel Stoddard moved to postpone to February 9, 2023, Governing Body
43 meeting. Seconded by Jeremy Lenentine.
44

45 The motion carried by a vote of 6 FOR and 0 AGAINST.

1 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
2 Daniel Stoddard
3 NO: None
4

5 28.) R125, Resolution Amending the Unit 10 Specific Area Plan to Update Map 3:
6 Existing and Proposed Developments and Map 6: Generalized Land Use Proposed
7 Change Areas to Reflect the Land Use and Zoning Updates to the Los Diamantes
8 Master Plan; Providing for Severability and an Effective Date
9

10 Mayor Hull stated R125, R126 and O33 presentation and public comment will all be
11 heard under R125.
12

13 Ms. Rincon presented this item. R125 is a request for approval of a Specific Area Plan
14 Amendment to the Unit 10 Specific Area Plan to update Map 3: Existing and Proposed
15 Developments and Map 6: Generalized Land Use Proposed Change Areas to reflect the
16 proposed boundary and land use changes for the Los Diamantes Master Plan. Planning
17 and Zoning Board recommendation forthcoming, pending December 13, 2022 Planning
18 and Zoning Board Meeting. R126, is a request for approval of a Master Plan
19 Amendment to the Los Diamantes Master Plan for proposed changes including adding
20 language on right-of-way vacations, expanding the plan area to include 18 additional
21 lots, and updates to phasing and multi-family zoning language. The Master Plan
22 consists of approximately 180 acres of land located near the northwest corner of
23 Westside Blvd. and Los Diamantes Dr SE. Lastly, O33 is subject property LD, Tract 3
24 (24.09 acres) is currently zoned R-2: Single-Family Residential District. Unit 10, Block
25 64, Lot 15 (0.93 acres) is currently zoned R-1: Single-Family Residential District. Unit
26 10, Block 62, Lots 16-33 (9 acres) are currently zoned R-1: Single-Family Residential
27 District. These properties are bordered by BP: Business Park District to the east and R-
28 3: Mixed Residential District to the south, both within the Los Diamantes Master Plan.
29 R-1: Single-Family Residential District is to the north and west. This Zone Map
30 Amendment request includes three separate changes. The proposed additional lots
31 from R-1: Single-Family Residential District to 9.93 acres of R-3 Mixed Residential
32 District and R-2: Single-Family Residential District to approximately 14.09 acres of R-3:
33 Mixed Residential District, with the remaining 10 acres in LD, Tract 3 proposed to be R-
34 6: Multi-Family Residential District.
35

36 Pierre Amestoy, Applicant gave an overview of the three items and was available for
37 questions.
38

39 Daniel Stoddard moved to approve R125. Seconded by Jeremy Lenentine
40

41 The following individuals spoke on this item:
42

43 Daniel Aranda
44 Sandra Harrison
45 Sean McCandless
46 Stacey Brown

1 Kory Holt
2 Ileana Burdine
3 Gail Natal
4 Paul Stagner
5 Malissia Aranda
6 Maria Padilla
7 Daniel Sonnenberg
8 John Ortiz
9 Katherine Christensen
10 Dave Christensen
11 David Hooker

12
13 Gregory Hull moved to postpone R125 to January 26, 2022 Governing Body
14 meeting. Seconded by Bob Tyler

15
16 The motion carried by a vote of 6 FOR and 0 AGAINST.

17 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
18 Daniel Stoddard

19 NO: None
20

21 29.) R126, Resolution Amending the Los Diamantes Master Plan to Update Section 1.
22 Introduction, Section 2. Existing Conditions, Section 3. Land Use, Zoning, and Density,
23 Section 7. Transportation Analysis, and Section 10. Implementation and Phasing;
24 Providing for Severability and an Effective Date

25
26 Jim Owen moved to motion to postpone R126 to January 26, 2023 Governing
27 Body meeting. Seconded by Daniel Stoddard.

28
29 The motion carried by a vote of 6 FOR and 0 AGAINST.

30 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
31 Daniel Stoddard

32 NO: None
33

34 30.) O33, Ordinance of the City of Rio Rancho, New Mexico Amending the Zoning
35 Classification and Official Zoning Map for the Property Legally Described as Rio Rancho
36 Estates Unit 10, Block 62, Lots 16-33; Rio Rancho Estates Unit 10, Block 64, Lot 15;
37 and a Portion of Los Diamantes, Tract 3 From R-1: Single-Family Residential District
38 and R-2: Single-Family Residential District to R-3: Mixed Residential District, and 10
39 Acres of Los Diamantes, Tract 3 from R-2: Single-Family Residential District to R-6:
40 Multi-Family Residential District, Identifying Conditions Of Development; Providing for
41 Severability and an Effective Date

42
43 Jim Owen moved to postpone O33 to the January 26, 2023 Governing Body
44 meeting. Seconded by Jeremy Lenentine.

45
46 The motion carried by a vote of 6 FOR and 0 AGAINST.

1 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
2 Daniel Stoddard
3 NO: None
4

5 32.) Appeal 22-005, Appeal of the Planning and Zoning Board's Denial of Variance
6 Request, Case #22-110-00014 Consensus Planning, Inc. as agent for Pulte Group,
7 October 13, 2022
8

9 Councilor Wymer recused himself from this item due to potential conflict of interest due
10 to past employment.
11

12 Ms. Rincon presented this item. The applicant, Pulte Group, through their agent,
13 Consensus Planning, Inc., is appealing the Planning and Zoning Board denial of a
14 request for a variance to the required 15 ft front-yard setback requirement in the R-4:
15 Single-Family Residential Zoning District. The requested variance was to allow for an
16 encroachment into the front setback of approximately 3.21 ft on the subject property
17 legally described as Rainbow, Lot 16 (addressed as 160 Prism Ave SW). The subject
18 property was zoned R-4: Single-Family Residential. The subject property is within the
19 Rainbow Subdivision, located on the west side of Rainbow Blvd., with the City boundary
20 to the west, and about three-quarters of a mile north of Southern Blvd. SE. The
21 application was reviewed at the Planning and Zoning Board meeting on September 13,
22 2022. The Board denied the variance request. Ms. Rincon stated in the request for
23 appeal the Agent states that there are four areas of contention that arose during the
24 Planning and Zoning meeting.
25

26 Brennon Williams with the Pulte Group explained the reason for the appeal of the
27 Planning and Zoning Boards decision and gave a brief background.
28

29 Kevin Patton with the Pulte Group was available for questions.
30

31 Daniel Stoddard moved to approve the appeal that will overturn the Planning and
32 Zoning Board's decision. Seconded by Bob Tyler.
33

34 The motion carried by a vote of 5 FOR and 1 AGAINST.

35 YES: Gregory Hull, Jeremy Lenentine, Bob Tyler, Karissa Culbreath, Daniel
36 Stoddard

37 NO: Jim Owen

38 RECUSED: Paul Wymer
39

40 **SECOND READING OF ORDINANCES**
41

42 33.) O28, Ordinance Authorizing the Issuance and Sale of City of Rio Rancho, New
43 Mexico Taxable Industrial Revenue Bonds (Atrisco Energy Storage LLC Project), in a
44 Maximum Principal Amount of up to \$420,000,000 in One or More Series to Provide
45 Funds to Finance the Equipping of an Industrial Revenue Bond Project for use by
46 Atrisco Energy Storage LLC or its Successors or Assigns; Authorizing the Execution

1 and Delivery of an Indenture, a Lease, a Bond Purchase Agreement, the Bonds and
2 Other Documents in Connection With the Issuance of the Bonds and the Project;
3 Authorizing Payments In Lieu of Taxes by the Company to the City, Rio Rancho Public
4 Schools, and Albuquerque Public Schools; and Making Certain Determinations and
5 Findings Relating to the Bonds and the Project; Ratifying Certain Actions Taken
6 Previously; and Repealing all Actions Inconsistent With this Ordinance
7

8 Mr. Geisel presented O28 and O29 together. The applicant submitted an IRB
9 application for the City to issue a series of bonds in the aggregate principal amount of
10 up to \$420,000,000. Approval of this Ordinance will the enable the financing and
11 authorization needed for the Atrisco Solar Project. Ordinance O29 authorizes the
12 issuance and sale of City IRB's for an amount up to \$430,000,000 for the project.
13

14 Jeremy Lenentine moved to approve O28. Seconded by Karissa Culbreath.

15
16 The motion carried by a vote of 6 FOR and 0 AGAINST.

17 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
18 Daniel Stoddard

19 NO: None
20

21 34.) O29, Ordinance Authorizing the Issuance and Sale of City of Rio Rancho, New
22 Mexico Taxable Industrial Revenue Bonds (Atrisco Solar, LLC Project), in a Maximum
23 Principal Amount of up to \$430,000,000 in One or More Series to Provide Funds to
24 Finance the Equipping of an Industrial Revenue Bond Project for use by Atrisco Solar
25 LLC or its Successors or Assigns; Authorizing the Execution and Delivery of an
26 Indenture, a Lease, a Bond Purchase Agreement, the Bonds and Other Documents in
27 Connection With the Issuance of the Bonds and the Project; Authorizing Payments In
28 Lieu of Taxes by the Company to the City, Rio Rancho Public Schools, and
29 Albuquerque Public Schools; and Making Certain Determinations and Findings Relating
30 to the Bonds and the Project; Ratifying Certain Actions Taken Previously; and
31 Repealing all Actions Inconsistent With this Ordinance
32

33 Daniel Stoddard moved to approve O29. Seconded by Karissa Culbreath.

34
35 The motion carried by a vote of 6 FOR and 0 AGAINST.

36 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
37 Daniel Stoddard

38 NO: None
39

40 **FIRST READING OF ORDINANCES**

41
42 35.) O35, Ordinance Repealing Section 33.23 and Amending Other Portions of Chapter
43 33 Boards, Commissions and Committees of the Rio Rancho Municipal Code
44

45 Mrs. Martinez presented this item. The Boards and Commissions Ordinance of the City
46 was adopted in 1982. Subsequently, there have been amendments to the Chapter

1 either to establish new boards/commissions, to modify duties and responsibilities or to
2 generate overarching regulations applicable to all boards/commissions. The
3 patchworked product that makes up the entire Chapter today consists of redundant,
4 inconsistent or outdated language in need of clarity in areas, and in some cases, is in
5 conflict with state law or the City Charter.
6

7 Jeremy Lenentine moved to approve O35. Seconded by Bob Tyler.
8

9 The motion carried by a vote of 6 FOR and 0 AGAINST.

10 YES: Jim Owen, Jeremy Lenentine, Bob Tyler, Paul Wymer, Karissa Culbreath,
11 Daniel Stoddard

12 NO: None
13

14 **CITY MANAGER**

15 **COMMENTS BY COUNCILORS**

16 **ADJOURNMENT**

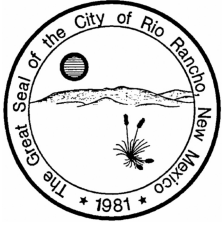
17
18
19
20 9:41 p.m.
21

22 APPROVED THIS JANUARY 12, 2023
23

24 _____
25 Gregory D. Hull, Mayor

26 ATTEST:
27

28 _____
29 Rebecca A. Martinez, City Clerk
30 SEAL



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item:

AGENDA DATE:
January 12, 2023

DEPARTMENT:

SUBJECT:
Minutes of December 20, 2022 Work Session Meeting

BACKGROUND AND ANALYSIS:

IMPACT:

ALTERNATIVES:

DEPARTMENT RECOMMENDATION:

ATTACHMENT: [Minutes of December 20, 2022 Work Session Meeting](#)



Governing Body
of the
City of
Rio Rancho
Work Session
MINUTES

DECEMBER 20, 2022
3:00 p.m.
Council Chambers

MEMBERS PRESENT:

Greggory D. Hull, Mayor
Jeremy Lenentine, Dist. 2
Bob Tyler, Councilor Dist. 3 (virtual arrived 3:002 pm)
Paul Wymer, Councilor Dist. 4
Karissa Culbreath, Councilor Dist. 5
Daniel Stoddard, Councilor Dist. 6

STAFF PRESENT:

Matt Geisel, City Manager
Peter Wells, Deputy City Manager
Rebecca Martinez, City Clerk
Connie Peterson, Dir. Parks, Rec. & Comm. Svcs.
Amy Rincon, Dir. of Development Svcs.
Yolanda Lucero, Deputy City Clerk

MEMBERS ABSENT:

Jim Owen, Councilor Dist. 1

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Hull called the meeting to order at 3:00 p.m.

Discussion

1. Arts Commission Annual Update

Connie Peterson presented the Arts Commissions Annual update. This past year the Commission continued to plan for the use of the 1% to the arts funding that comes from the bonds with the focus on Campus Park and creating an online resource guide of all the art throughout the City. Over the next year, the Commission will continue to focus on the 1% in public places funding and implement additional outreach activities. They would also like to plan another Art Summit similar to the one in June 2019.

2. Library Board of Trustees Annual Update

Cameron Grimm, Chair presented the Library Board of Trustee Annual Update. In-person Summer Reading Program events returned this year. A total of 970 community members registered. The first Garden Expo brought in 184 people and 12 local garden groups. A new book club at Esther Bone Memorial Library launched in January. This new collection of 84 items is designed to support lifelong learning and creativity by providing the physical tools to explore new areas of interest and learn new skills. Library leadership launched a new Library Organizational Chart designed to support the addition of a third location and expanded outreach and community engagement in 2023

1 and beyond. Nine new positions were added. The Library has partnered with the State
2 Library division of the Library for the Blind and Print Disabled on a pilot program to
3 house a Scribe Mini at the Loma Colorado Main Library. Construction began on the new
4 HUB @ Enchanted Hills combination library and pickleball court facility in Summer of
5 2022. our third library branch is set to open in 2023.

6
7 3. Affordable Housing Plan Study
8

9 Ms. Rincon gave a brief overview. Over the past year there has been a need to look at
10 an Affordable Housing Study in Rio Rancho with the increase in housing prices and
11 populations. The National Development Council (NDC) firm has been assisting the City
12 with the study.

13
14 Sheldon Bartel stated an inclusive economy is a strong economy. Rio Rancho has
15 historically had inherent affordability and value as it is a desirable place to live, but
16 market conditions have changed and affordability is challenged. He went over what the
17 study includes and a recap of the process.

18
19 Maureen Milligan talked about housing that is affordable, subsidized housing, naturally
20 occurring affordable housing and mixed-income housing.

21
22 Mr. Bartel explained the Rio Rancho housing survey was deployed in June/July 2022
23 and a total of 546 responded. 74% agree that finding housing that is affordable is a
24 problem in Rio Rancho. He went into further detail on the survey results. NDC and the
25 City of Rio Rancho staff conducted four townhall meetings. The fact that the growth in
26 housing units has not kept pace with overall population growth means that current and
27 future Rio Rancho residents are likely to continue to experience rising housing costs,
28 since the demand for housing exceeds supply. Some of the next possible steps.

- 29 • Minor and Major Home Repair programs funding
- 30 • Property maintenance Code (update/refresh)
- 31 • Rental property registration
- 32 • Private Activity Bonds
- 33 • Affordable Housing Plan
- 34 •

35 Mr. Geisel stated staff will be working with the consultants on the final report over the
36 next 30-60 days to bring back before the Governing Body with policy recommendations
37 and a potential road map moving forward.

38
39 Mayor Hull adjourned the meeting at 4:48 p.m.

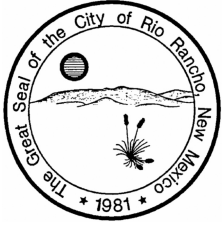
40
41 APPROVED THIS JANUARY 12, 2023

42
43
44
45 ATTEST:

Greggory D. Hull, Mayor

1 _____
2 Rebecca A. Martinez, City Clerk
3 (SEAL)

DRAFT



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R1

AGENDA DATE:
January 12, 2023

DEPARTMENT:
Public Works

SUBJECT:
R1, Resolution Authorizing a Budget Adjustment to the Infrastructure Fund (305) and Accepting \$427,500 for the Laser Road Reconstruction Project

BACKGROUND AND ANALYSIS:

The City of Rio Rancho has been awarded a Transportation Project Fund Grant by the New Mexico Department of Transportation (NMDOT) for \$427,500 for the Laser Road Reconstruction Project from Quantum Road to Northern Boulevard.

The design for this project is ongoing and is anticipated to be completed in February 2023. This design includes adding a new base course, repaving the existing roadway, and adding a new water line with commercial services.

The voter-approved 2022 General Obligation (G.O.) Road Bond and other funding sources will fund the adjacent Quantum Road (NM 528 to Northern Boulevard) reconstruction and utility improvements.

IMPACT:

The support and acceptance of the Transportation Project Fund Grant and the Budget Adjustment Resolution will allow the City to complete the construction of the Laser Road Reconstruction Project.

Acceptance of the grant requires a \$22,500 match by local government, which is proposed to come from the City's General Fund Unreserved Ending Fund Balance.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Laser Rd TPF Grant](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE
INFRASTRUCTURE FUND (305) FOR ACCEPTANCE OF TRANSPORTATION
PROJECT FUNDS FOR THE LASER ROAD RECONSTRUCTION PROJECT**

WHEREAS: the New Mexico Department of Transportation has awarded the City Transportation Project Funds (TPF) for the reconstruction of Laser Road in the amount of \$427,500; and

WHEREAS: a budget adjustment is necessary to expend the grant funds as proposed and to budget the local matching requirement of \$22,500.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That authorization is given for the following budget adjustment:

General Fund (101)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
101-0515-410.80-06 Transfer to Infrastructure Fund	N/A	\$12,022,872	\$22,500		\$12,045,372
101-0515-410-9001 Ending Fund Balance – Unreserved		\$19,206,812		\$22,500	\$19,184,312
Total Uses		\$31,229,684	\$22,500	\$22,500	\$31,229,684

Infrastructure Fund (305)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
305-0000-334.10-00 State Grants	TBA	\$6,791,000	\$427,500		\$7,218,500
305-0000-392.30-00 Transfer from General Fund	N/A	\$12,022,872	\$22,500		\$12,045,372
Total Sources		\$18,813,872	\$450,000		\$19,263,872

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
305-0000-442.70-10 Capital/Road Construction	TBA	\$24,212,753	\$450,000		\$24,662,753
Total Uses		\$24,212,753	\$450,000		\$24,662,753

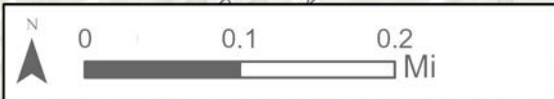
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ADOPTED THIS _____ DAY OF _____, 2023.

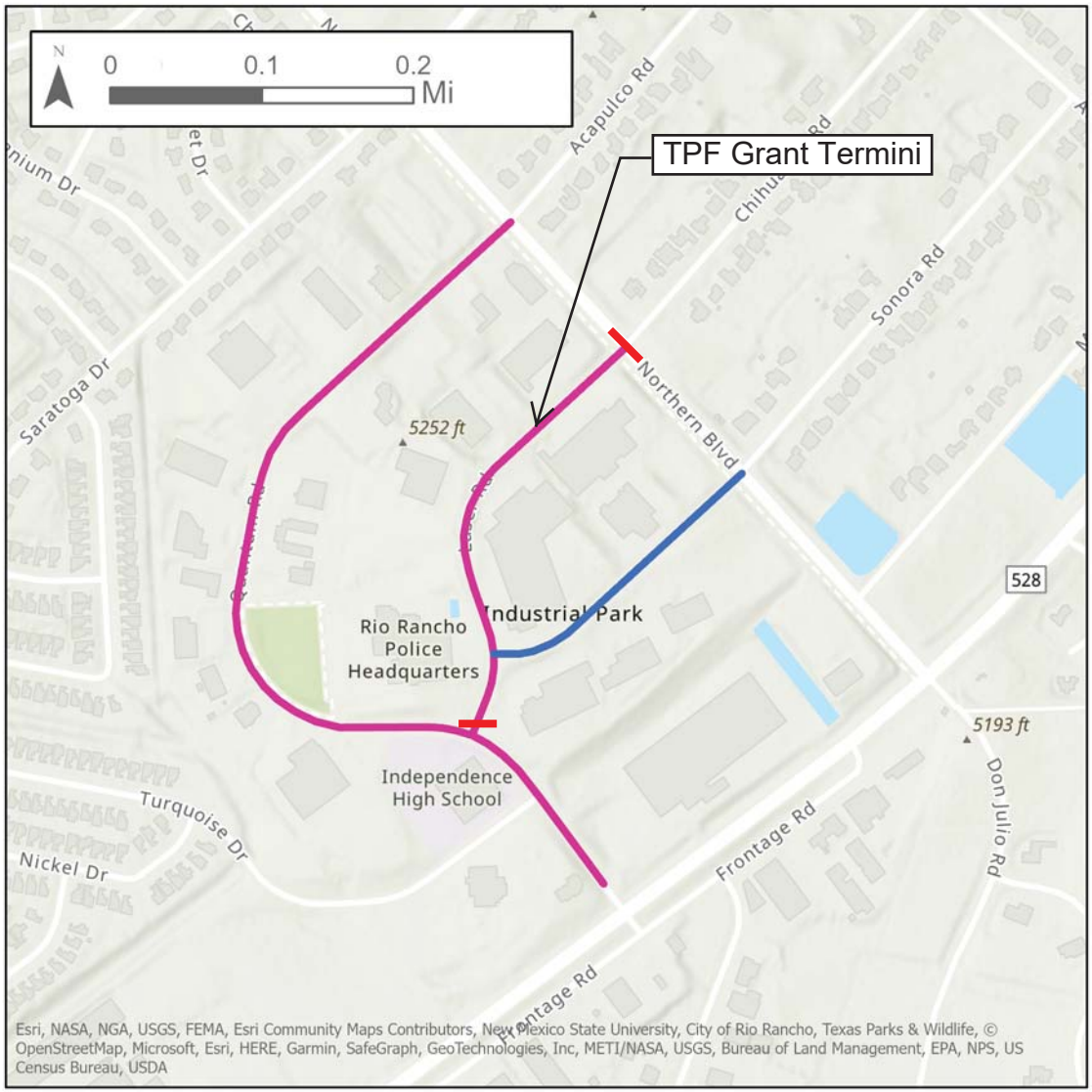
Greggory D. Hull, Mayor

ATTEST:

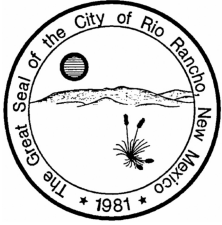
Rebecca A. Martinez, City Clerk
(SEAL)



TPF Grant Termini



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**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R2

AGENDA DATE:

January 12, 2023

DEPARTMENT:

Police Department

SUBJECT:

R2, Resolution Authorizing a Budget Adjustment to the Police Department Fleet Maintenance Budget for Insured Repair of a Police Patrol Vehicle (Unit 1923)

BACKGROUND AND ANALYSIS:

On August 11, 2022, Rio Rancho Police Officers attempted to stop a stolen vehicle. The offender pulled into a driveway on Meadowlark Lane, turned around, and hit the front of Unit 1923 to evade apprehension after a stop was initiated.

IMPACT:

Unit 1923 will be scheduled for repairs upon approval of the Resolution and acceptance of insurance funds (\$3,546).

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

A budget adjustment is necessary to expend the funds as intended.

ATTACHMENT: [Resolution](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE POLICE
DEPARTMENT FLEET MAINTENANCE BUDGET FOR INSURED REPAIR OF A
POLICE PATROL VEHICLE (UNIT 1923)**

WHEREAS: the City has received an insurance claim payment totaling \$3,545.44 for the purpose of repairing a police patrol car (Unit 1923) that was damaged in an attempt to stop a stolen vehicle; and

WHEREAS: a budget adjustment is necessary to expend the funds as intended.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF RIO RANCHO:**

That authorization is given for the following budget adjustment:

Law Enforcement Fleet Maintenance (6025)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
101-0000-369.20-00 Insurance Recovery		\$968	\$3,546		\$4,514
Total Revenue		\$968	\$3,546		\$4,514

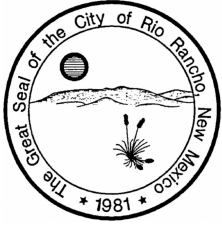
Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
101-6025-424.50-40 Fleet Maintenance		\$164,865	\$3,546		\$168,411
Total Expense		\$164,865	\$3,546		\$168,411

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R3

AGENDA DATE:
January 12, 2023

DEPARTMENT:
Public Works

SUBJECT:

R3, Resolution to Participate in the Capital Outlay Program Administered by the New Mexico Department of Transportation (NMDOT) for the Idalia Road and Loma Colorado Boulevard Intersection Improvement Project

BACKGROUND AND ANALYSIS:

The City of Rio Rancho has been awarded a Capital Appropriation Project Grant by the New Mexico Legislature via Legislator Capital Outlay funding in the amount of \$300,000 for improvements to the intersection of Idalia Road and Loma Colorado Boulevard necessitated by Rio Rancho Public Schools' new Shining Star Preschool.

This project was included on the Governing Body's prioritized list for Capital Outlay funding for the 2022 regular session of the New Mexico Legislature.

The project will include the design and construction of a roundabout that was identified as the preferred alternative.

This fund allocation adds additional revenue to the Capital Appropriation Project Grant that was received in 2021 for the same intersection. The amount received for this project in 2021 was \$600,000.

IMPACT:

The support and acceptance of the Capital Appropriation Project Grant Resolution allows the City to begin the Idalia Road and Loma Colorado Boulevard Intersection Improvement Project.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends acceptance of the Capital Appropriation Project Grant to plan, design, construct and improve the intersection of Idalia Road and Loma Colorado Boulevard.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [PW2244 C3223163 Idalia-Loma Colorado](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION TO PARTICIPATE IN THE CAPITAL OUTLAY PROGRAM
ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION
(NMDOT) FOR THE IDALIA ROAD AND LOMA COLORADO
BOULEVARD INTERSECTION IMPROVEMENT PROJECT**

WHEREAS: the City of Rio Rancho and the New Mexico Department of Transportation have entered into a Cooperative Agreement; and

WHEREAS: the total cost of the project will be \$300,000 to be funded 100% by the New Mexico Department of Transportation; and

WHEREAS: the City of Rio Rancho shall pay all costs which exceed the total amount of \$300,000; and

WHEREAS: the grant agreement requires the Governing Body to adopt a resolution of support for the project; and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That the project for this Cooperative Agreement is adopted and has a priority standing.

The agreement terminates on June 30, 2026 (for Laws of 2026), and the City of Rio Rancho incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

The City of Rio Rancho enters into the Cooperative Agreement Control Number (C3223163) with the New Mexico Department of Transportation for Capital Outlay (Laws of 2026) for the intersection of Loma Colorado Blvd. and Idalia Rd.

ADOPTED THIS _____ DAY OF _____, 2023.

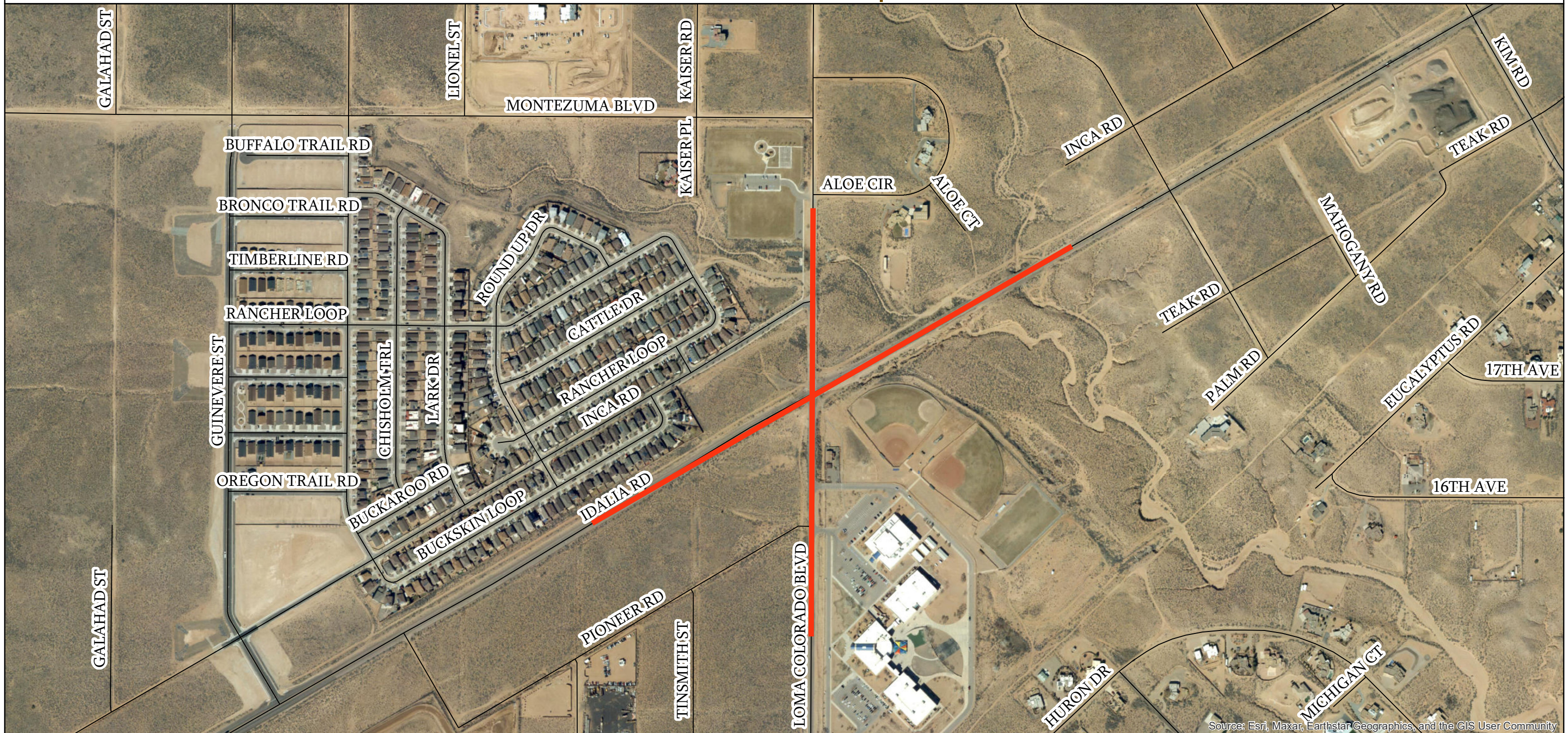
Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

IDALIA RD/LOMA COLORADO BLVD INTERSECTION PROJECT ABM MAP

NMDOT C3223163 | PW 2244



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

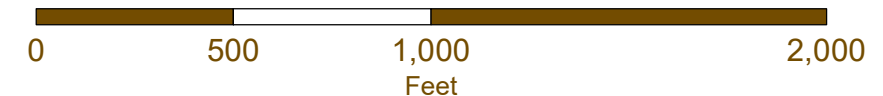
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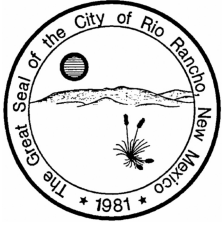
- Proposed Project Extents
- Roads
- City Limits

DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.



Map Updated by Jansen Lyons 12-17-2022





**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R4

AGENDA DATE:

January 12, 2023

DEPARTMENT:

Police Department

SUBJECT:

R4, Resolution Authorizing a Budget Adjustment to the Police Department Fleet Maintenance Budget for Insured Replacement of a Police Patrol Vehicle (Unit 1703)

BACKGROUND AND ANALYSIS:

On November 15, 2021, Unit 1703 was involved in an accident at Rockaway Blvd./Rockaway Loop in which the vehicle was a total loss.

IMPACT:

Unit 1703 will be replaced upon approval of the Resolution and acceptance of insurance funds (\$21,712).

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

A budget adjustment is necessary to expend the funds as intended.

ATTACHMENT: [Resolution](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT TO THE POLICE
DEPARTMENT FLEET MAINTENANCE BUDGET FOR INSURED REPLACEMENT
OF A POLICE PATROL VEHICLE (UNIT 1703)**

WHEREAS: the City has received an insurance claim payment totaling \$21,711.33 for the purpose of repairing a police patrol car (Unit 1703) that was totaled in a motor vehicle accident; and

WHEREAS: a budget adjustment is necessary to expend the funds as intended.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF RIO RANCHO:**

That authorization is given for the following budget adjustment:

Law Enforcement Fleet Maintenance (6025)

Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
101-0000-369.20-00 Insurance Recovery		\$968	\$21,712		\$22,680
Total Revenue		\$968	\$21,712		\$22,680

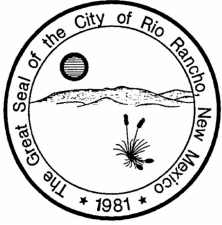
Account	Project No.	Revised Budget	Increase	Decrease	Adjusted Budget
101-6025-424.50-40 Fleet Maintenance		\$164,865	\$21,712		\$186,577
Total Expense		\$164,865	\$21,712		\$186,577

ADOPTED THIS _____ DAY OF _____, 2023.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)



**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R5

AGENDA DATE:
January 12, 2023

DEPARTMENT:
Fire and Rescue

SUBJECT:
R5, Resolution Authorizing the Disposal of a Standard Clothes Dryer

BACKGROUND AND ANALYSIS:
The Fire and Rescue Department has a standard clothes dryer that is no longer operational due to damage.

It has been determined that safely disposing of the items is the best option available.

Section 3-54-2 NMSA, 1978 requires the approval from the Governing Body for the disposal of property that does not exceed \$2,500.

IMPACT:
Approval of the Resolution will enable the City to dispose of obsolete, nonfunctional, and unused property.

ALTERNATIVES:
Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:
Staff recommends approval of Resolution.

ATTACHMENT: [Resolution](#)
ATTACHMENT: [Exhibit A](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

RESOLUTION AUTHORIZING THE DISPOSAL OF A STANDARD CLOTHES DRYER

WHEREAS: the Fire and Rescue Department has a clothes dryer that is no longer operational due to internal parts failure; and

WHEREAS: the dryer is no longer useable due to non-repairable damages and continuing to store the dryer is not optimal; and

WHEREAS: the dryer is not currently in use, will not be placed back into service due to condition, and the item has been replaced; and

WHEREAS: staff desires to dispose of those items unfit for use or sale to the public; and

WHEREAS: disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring Governing Body approval for property that does not exceed \$2,500.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That formal and required authorization is hereby given to properly dispose of the clothes dryer depicted in Exhibit A, attached hereto.

ADOPTED THIS _____ DAY OF _____, 2023.

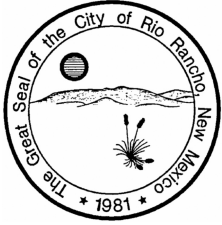
Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

Exhibit A





**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R6

AGENDA DATE:
January 12, 2023

DEPARTMENT:
Fire and Rescue

SUBJECT:
R6, Resolution Authorizing the Disposal of a 1.75" Fire Nozzle

BACKGROUND AND ANALYSIS:

The Fire and Rescue Department has one 1.75" fire nozzle that is no longer operational due to damage.

It has been determined that safely disposing of the item is the best option available to the City.

Section 3-54-2 NMSA, 1978 requires the approval from the Governing Body for the disposal of property that does not exceed \$2,500.

IMPACT:

Approval of the Resolution will enable the City to dispose of obsolete, nonfunctional, and unused property.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends disposal of the listed item.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Exhibit A](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

RESOLUTION AUTHORIZING THE DISPOSAL OF A 1.75" FIRE NOZZLE

WHEREAS: the Fire and Rescue Department has an Akron 1.75" fire nozzle that is no longer operational due to heavy damage; and

WHEREAS: the nozzle is no longer useable for its intended purpose due to damages and continuing to store the nozzle is not optimal; and

WHEREAS: the nozzle is not currently in use, will not be placed back into service due to condition, and the nozzle has been replaced; and

WHEREAS: staff desires to dispose of this item that has been deemed unfit for use or sale to the public; and

WHEREAS: disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring Governing Body approval for property that does not exceed \$2,500

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That formal and required authorization is hereby given to properly dispose of the fire nozzle depicted in Exhibit A, attached hereto.

ADOPTED THIS _____ DAY OF _____, 2023.

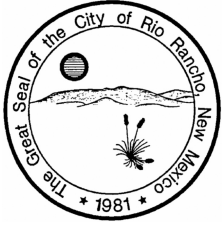
Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

Exhibit A





**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R7

AGENDA DATE:
January 12, 2023

DEPARTMENT:
Fire and Rescue

SUBJECT:
R7, Resolution Authorizing the Disposal of Portable Lighting Junction Boxes

BACKGROUND AND ANALYSIS:

The Fire and Rescue Department has four Circle D Power-Box Portable Lighting Junction Boxes that are no longer operational due to damage as well as being outdated and nonfunctional with current equipment.

It has been determined that safely disposing of the items is the best option available to the City.

Section 3-54-2 NMSA, 1978 requires the approval from the Governing Body for the disposal of property that does not exceed \$2,500.

IMPACT:

Approval of the Resolution will enable the City to dispose of obsolete, nonfunctional, and unused property.

ALTERNATIVES:

Approve the Resolution.

Do not approve of the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends disposal of listed items.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Exhibit A](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

**RESOLUTION AUTHORIZING THE DISPOSAL OF PORTABLE LIGHTING
JUNCTION BOXES**

WHEREAS: the Fire and Rescue Department has four Circle D Power-Box Portable Lighting Junction Boxes that are damaged and do not work with the department's current equipment; and

WHEREAS: the boxes are no longer useable due to damages and continuing to store the boxes is not optimal; and

WHEREAS: items are not currently in use, will not be placed back into service due to the condition, and the items will be replaced; and

WHEREAS: staff desires to dispose of those items deemed unfit for sale to the public; and

WHEREAS: disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring Governing Body approval for property that does not exceed \$2,500.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
OF RIO RANCHO:**

That formal and required authorization is hereby given to properly disposed of four Circle D Power-Box Portable Lighting Junction Boxes depicted in Exhibit A, attached hereto.

ADOPTED THIS _____ DAY OF _____, 2023

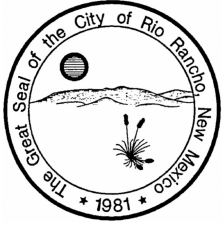
Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

Exhibit A





**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R8

AGENDA DATE:
January 12, 2023

DEPARTMENT:
Fire and Rescue

SUBJECT:
R8, Resolution Authorizing the Disposal of Portable Lights

BACKGROUND AND ANALYSIS:

The Fire and Rescue Department has two Circle D portable lights that are no longer operational due to damage as well as being outdated and non-functional with current equipment.

It has been determined that safely disposing of the items is the best option available to the City.

Section 3-54-2 NMSA, 1978 requires the approval from the Governing Body for the disposal of property that does not exceed \$2,500.

IMPACT:

Approval of the Resolution will enable the City to dispose of obsolete, non-functional, and unused property.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Exhibit A](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

RESOLUTION AUTHORIZING THE DISPOSAL OF PORTABLE LIGHTS

WHEREAS: the Fire and Rescue Department has two Circle D portable lights that are no longer operational due to internal parts failure; and

WHEREAS: the lights are no longer useable due to non-repairable damages and continuing to store them is not optimal; and

WHEREAS: the lights are not currently in use, will not to be placed back into service due to condition, and the item will be replaced; and

WHEREAS: staff desires to dispose of those items unfit for use or sale to the public; and

WHEREAS: the disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring Governing Body approval for property that does not exceed \$2,500.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That formal and required authorization is hereby given to properly dispose of two Circle D portable lights depicted in Exhibit A, attached hereto.

ADOPTED THIS _____ DAY OF _____, 2023.

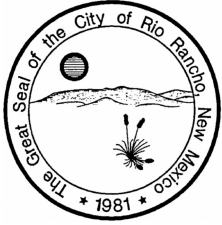
Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

Exhibit A





**CITY OF RIO RANCHO
COVER PAGE**

Legislation Item: R9

AGENDA DATE:
January 12, 2023

DEPARTMENT:
Fire and Rescue

SUBJECT:
R9, Resolution Authorizing the Disposal of a Portable Generator

BACKGROUND AND ANALYSIS:

The Fire and Rescue Department has one portable generator that is no longer operational due to age and damage.

It has been determined that safely disposing of the items is the best option available to the City.

Section 3-54-2 NMSA, 1978 requires the approval from the Governing Body for the disposal of property that does not exceed \$2,500.

IMPACT:

Approval of the Resolution will enable the City to dispose of obsolete, non-functional and unused property.

ALTERNATIVES:

Approve the Resolution.

Do not approve the Resolution.

DEPARTMENT RECOMMENDATION:

Staff recommends approval of the Resolution.

ATTACHMENT: [Resolution](#)

ATTACHMENT: [Exhibit A](#)



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO.

ENACTMENT NO.

RESOLUTION AUTHORIZING THE DISPOSAL OF A PORTABLE GENERATOR

WHEREAS: the Fire and Rescue Department has a portable generator that is no longer operational due to internal parts failure; and

WHEREAS: the generator is no longer useable due to non-repairable damages and continuing to store the generator is not optimal; and

WHEREAS: the generator is not currently in use, will not to be placed back into service due to condition, and the item will not be replaced; and

WHEREAS: staff desired to dispose of those items deemed unfit for sale to the public; and

WHEREAS: the disposal of personal property is governed by Section 3-54-2, NMSA 1978 requiring Governing Body approval for property that does not exceed \$2,500.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

That formal and required authorization is hereby given to properly dispose of the portable generator depicted in Exhibit A, attached hereto.

ADOPTED THIS _____ DAY OF _____, 2023.

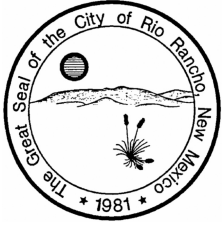
Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

Exhibit A





CITY OF RIO RANCHO COVER PAGE

Legislation Item: O1

AGENDA DATE:

January 12, 2023

DEPARTMENT:

Development Services

SUBJECT:

O1, Ordinance of the City of Rio Rancho, New Mexico Amending the Zoning Classification and Official Zoning Map for the Property Legally Described as Unit 16, Block 59, Lot 50A from R-1: Single-Family Residential to NC: Neighborhood Commercial, Identifying Conditions of Development, Providing for Severability and an Effective Date

BACKGROUND AND ANALYSIS:

The applicant, Meichi Lee, through her agent, Riley McKee, of Sun Vista, requests approval of a Zone Map Amendment for the subject property legally described as U16, Blk 59, Lot 50A, located at 2107 Golf Course Rd SE. The subject property is currently zoned R-1: Single-Family Residential, and is seeking a zoning change to NC: Neighborhood-Commercial. The subject property consists of 0.42 acres and is situated on the northwest corner of the intersection between Golf Course Rd SE, a minor arterial road, and 21st Ave. SE, a residential street. The adopted Generalized Land Use Map (GLUM), Map L-2 of the City's Comprehensive Plan reflects "Future Planning." The subject property is under the Golf Course Road Corridor Plan. The item was heard by the Planning and Zoning Board at their meeting on December 13, 2022. The motion to recommend approval carried by a vote of 4-0.

CONFORMANCE WITH THE CITY ZONING ORDINANCE:

City of Rio Rancho Code of Ordinances (R.O. 2003) § 150.07 (A) requires that an applicant file a request for a zone map amendment through the City Planning and Zoning Board when a change in zoning designation is sought.

The Planning and Zoning Board recommends the Governing Body find that the application, presented as an attachment, meets the submittal requirements for the proposed zoning request. Criteria is satisfied.

Pursuant to criteria provided by R.O. 2003 § 150.07 (D) (1) through (4) and (E) through (G), a request for a change in zoning designation must address the following policies and criterion for a zone map change:

(1) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

The applicant states in their justification letter, "Changing the subject property's existing zoning (R-1) to its proposed zoning (NC) is consistent with the health, safety, morals, and general welfare of the city as it will allow for low intensity commercial uses similar to those currently on Golf Course Rd." The applicant goes on to explain what those surrounding commercial uses are, including, "a chiropractic clinic, photography studio, and non-profit religious ministry, immediately north of the subject property (2105 Golf Course Rd. SE)," as well as another chiropractic clinic immediately south of the subject property (2109 Golf Course Rd. SE)." The applicant also maintains that "commercial development along an existing commercial corridor would [additionally] improve the

general welfare of the city.”

The Planning and Zoning Board recommends the Governing Body find that the proposed NC: Neighborhood Commercial zoning would be consistent with the health, safety, morals, and general welfare of the City, as it is consistent with the General Land Use Map (GLUM). Block 59 is also included in the Golf Course Road Corridor Plan; which outlined an intent for the block to develop in a CMU: Commercial Mixed Use (now known as NC: Neighborhood Commercial) manner. Currently, the prevailing land use of the west side of Golf Course Rd SE is NC: Neighborhood Commercial District. Criteria is satisfied.

(2) Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.

The applicant states in their justification letter that, “given the predominantly commercial use of properties on the west side of Golf Course Rd, [as well as] on the properties immediately adjacent to the subject property, [both] to the north and south...stability of land use in the area would suggest that the subject property be rezoned for commercial uses.” They go on to specify that those properties, “to the north and south [of the subject property] have NC and C-1 zoning designations.” Furthermore, the applicant explains how the character of Golf Course Rd., “on it’s west side”, is that of “commercial zoning, [vs] residential zoning on its east side”; the proposed NC zoning would coincide with that pattern and the abutting lots.

The Planning and Zoning Board recommends the Governing Body find the proposed zone map amendment provides a more stable and desirable land use as the NC zoning is consistent with the intended development of the Golf Course Road Corridor Plan, as well as coincides with surrounding zoning and existing development. The NC zoning will help in future development of the Golf Course Road corridor by establishing the neighborhood commercial zoning area further and eliminating antiquated and undeveloped R-1 lots. The existing R-1 zoning on this lot presents development challenges as a single-family residential lot on a growing commercial corridor and minor arterial road, surrounded by NC zoned lots. The zone change provides a more stable development opportunity with the surrounding zoning and land uses articulated in the Golf Course Road Corridor Plan. Criteria is satisfied.

(3) A proposed change shall generally be consistent with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

The applicant states in their justification letter, “the proposed change is consistent with adopted elements of the 1998 Golf Course Rd. Corridor Plan which was drafted to help guide and manage future development along the well-known residential and business arterial. The plan references that residential neighborhoods are located on the east side of the corridor while scattered businesses and churches are located on the west side including the Care More Chiropractic Clinic located at 2109 Golf Course Rd. SE which was in existence at the time the corridor plan was adopted. This clinic is [still] located immediately adjacent (to the south) of the subject property. The corridor plan proposed a new zoning designation (CMU commercial/mixed use) which combine[d] some of the zoning features presently utilized in zoning types C-1 and C-2, [but] allow[ed] for a neighborhood friendly group of business to be located on Golf Course Road (emphasis mine). The corridor plan further specifie[d] that currently zoned places of business and establishments [would] keep their current zoning status while CMU would be the preferred designation to be allowed in the lots which follow. The CMU commercial/mixed use zoning designation has been replaced by NC (Neighborhood Commercial)—the zoning designation requested for this zone map amendment. Based on the property’s location on Golf Course Rd. within the boundaries of the Golf Course Rd. Corridor Plan, this zone map amendment is consistent with adopted elements of the plan.”

The Planning and Zoning Board recommends the Governing Body find the proposed zone map amendment is consistent with adopted elements of the Comprehensive Plan and Golf Course Road Corridor Plan (GCRCP). The subject property is designated as "Future Planning" under the Generalized Land Use Map (GLUM), Map L-2 of the City's Comprehensive Plan. However, the subject property and similar surrounding lots are planned under the GCRCP and properties further north and south along the west side of Golf Course Road SE are designated as "Commercial (Neighborhood, Community), Mixed-use, Office," with the subject property's Land Use needing to be amended as part of the Zone Map Amendment. The Golf Course Road Corridor Plan has a primary objective to initiate CMU (Commercial/Mixed Use) zoning along the west side of Golf Course Road (CMU later re-named and changed to NC: Neighborhood Commercial). This zone map change will also update the GLUM to designate the appropriate land use category. Criteria is satisfied.

(4) The applicant must demonstrate that the existing zoning is inappropriate because: (A) There was an error, mistake, or is necessary to correct an injustice that occurred when the existing zone map pattern was created, including the placement of an R-1 transitional zone or an antiquated plat filed before the City's incorporation and adoption of its own zoning code or on land annexed by the City; or (B) Changed neighborhood or community conditions justify the change; or (C) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (D)(1) or (2) does not apply. Applicant's reliance on this provision requires proof that (i) there is a public need for a change of the kind in questions, and (ii) that need will be best served by changing the classification of the particular pieces of property in question as compared with other available property. The applicant states in their justification letter, "(c) a different use category for the subject property is more advantageous to the community, as articulated in the comprehensive plan which calls for a new zoning designation (CMU now NC) that allows for commercial uses that are neighborhood friendly [as well as] respect and take into consideration the adjacency of a large neighborhood area." The applicant goes on to list some of the uses that are permissive under the NC zoning designation that are already successfully coexisting with the surrounding neighborhood, and explains how these uses represent future development opportunities for the currently vacant subject property.

The Planning and Zoning Board recommends the Governing Body find that the proposed changes to the zoning ordinance address criteria (c), as the applicant has demonstrated that the change in zoning is in alignment with the intent of the GCRCP, and will allow for similar development/uses to the surrounding area, that have already proven to be advantageous to the community, and will further provide needed neighborhood services and amenities. Criteria is satisfied.

(E) The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone. The applicant's justification letter states, "the cost of land or other economic considerations are irrelevant to this request for a zone map amendment. The request is being made in an effort to realize the comprehensive plan, and allow for uses more applicable [as well as advantageous] to the property and its surroundings."

The Planning and Zoning Board recommends the Governing Body find that the cost of the land or other economic considerations do not appear to be a justification for the proposed zone map amendment. Criteria is satisfied.

(F) Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning. Per the applicant, the subject zoning request is to bring Lot 10A into conformance with the prevailing commercial character on the west side of Golf Course Rd SE. The applicant states in their justification letter, "it is understood that the subject property's location on Golf Course Rd. (a major street) is insufficient justification for the zone change. Rather, the combination of goals stated in the Golf Course Road Corridor Plan, properties immediately adjacent

to the subject property having similar NC zoning designations, and the prevalence of NC zoning designations adjacent to Golf Course Rd. on its western side are the justification for the zone map amendment.”

The Planning and Zoning Board recommends the Governing Body find that the sole justification for this request is not based on the site's location on a major street. Criteria is satisfied.

(G) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may only be approved when: (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or (2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone. The applicant's justification letter states, “(1) the goal of the Golf Course Road Corridor Plan was to establish a new zoning designation that would be neighborhood friendly while allowing for commercial uses on the westerly side of Golf Course Rd. that already existed in spots when the plan was adopted. The subject property [is] located between two commercially zoned parcels; one of which is [already] zoned NC in line with the corridor plan. Rezoning [the subject property] to NC would facilitate realization of the comprehensive plan’s goals.”

The Planning and Zoning Board recommends the Governing Body find that the requested zone map amendment would not create a spot zone, as the existing R-1: Single-Family Residential designation does not coincide with the intended zoning and development goals of the Golf Course Corridor Plan, nor does it align with the existing surrounding commercial uses. The proposed zoning is identical to most of the surrounding properties along the west side of Golf Course Road SE. The proposed use both realizes elements of the Golf Course Road Corridor Plan and addresses further elements of the Comprehensive Plan in the proposed zoning. Criteria is satisfied.

SURROUNDING LAND USE/ZONING: The neighboring property to the north is zoned NC: Neighborhood Commercial, while the property to the south is zoned C-1: Retail Commercial. To the east is R-1: Single-Family Residential Zoning and to the west is R-4: Single-Family Residential zoning with the Cabezon Subdivision and Master Planned Area.

NOTIFICATIONS: In accordance with State Statute NMSA 3-21-6, which stipulates notification procedures for this type of zoning action, all property owners within 100 feet of the subject properties received a certified letter containing a notice of action and impending Governing Body hearing, with return service requested. A legal notice was published in the Albuquerque Journal on December 28, 2022.

INTERDEPARTMENTAL/INTERAGENCY REVIEW: Reviewing Agency Received Application for Review

DSD Planning and Zoning - Comments within document

DSD Engineering - No comments provided

Rio Rancho Public Schools - No comments provided

Fire and Rescue - No adverse comments

Police Department - No comments provided

SSCAFCA - SSCAFCA has reviewed and has the following comment: With the change in zoning, ensure all drainage density requirements are being followed.

MRCOG - No adverse comments

Parks, Recreation, and Community Services - No comments

IMPACT:

Staff finds that no adverse impacts are likely to occur as a result of the approval of this zone map amendment. Staff recommends the Governing Body approve the zone map amendment request, subject to the following findings below:

GENERAL FINDINGS OF FACT:

1. The Planning and Zoning Board may make a recommendation to the Governing Body on the applicant's request for a zone map amendment.
2. The applicant has the authority to apply for a zone map amendment on the subject property.
3. The applicant and adjacent property owners received due process.

SPECIFIC FINDINGS OF FACT FOR APPROVAL:

1. The proposed ordinance change would be consistent with the health, safety, morals, and general welfare of the City.
2. The proposed zone change would be consistent with the health, safety, morals, and general welfare of the City by promoting implementation of the Golf Course Corridor Plan.
3. The applicant has provided sound justification, in a narrative dated November 21, 2022, for the proposed zone change and the zone map amendment would provide for stability of zoning.
4. The proposed zone map amendment would be consistent with the intent of the adopted elements of the Comprehensive Plan.
5. The applicant has demonstrated that the NC: Neighborhood Commercial zoning designation would be more advantageous zoning for the subject property.
6. The cost of the land or other economic considerations does not appear to be a justification for the proposed zone map amendment.
7. The applicant has provided sufficient justification that the zone map amendment request is not solely based on the properties' location on Golf Course Rd.
8. The requested zone map amendment would not create a "spot zone", as the proposed zone change is in line with surrounding zoning.

If the Governing Body determines the proposed zone map amendment is not justified, the following findings are recommended for denial:

SPECIFIC FINDINGS OF FACT FOR DENIAL: 1. The proposed zone map amendment does not meet the requirements of Rio Rancho Code of Ordinances (R.O. 2003) §150.07(D) Amendments.

ALTERNATIVES:

1. The Governing Body may approve the zone map amendment request.
2. The Governing Body may deny the zone map amendment request.
3. The Governing Body may modify the request and approve such modifications.
4. The Governing Body may postpone final action on the request and continue the public hearing to request additional information or consider testimony provided at the public hearing.

DEPARTMENT RECOMMENDATION:

Staff and the Planning and Zoning Board recommend approval of the Ordinance.

ATTACHMENT: [Ordinance](#)

ATTACHMENT: [Location and Zoning Map.pdf](#)

ATTACHMENT: [Notice Map.pdf](#)

ATTACHMENT: [Application](#)

ATTACHMENT: [Agent Authorization Letter.pdf](#)
ATTACHMENT: [Justification Letter](#)
ATTACHMENT: [Golf Course Road Corridor Plan.pdf](#)
ATTACHMENT: [Neighboring Property Owner Letter](#)
ATTACHMENT: [Legal Ad](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

**ORDINANCE AMENDING THE ZONING CLASSIFICATION AND OFFICIAL ZONING
MAP FOR THE PROPERTY LEGALLY DESCRIBED AS UNIT 16, BLOCK 59, LOT
50A FROM R-1: SINGLE-FAMILY RESIDENTIAL TO NC: NEIGHBORHOOD
COMMERCIAL, IDENTIFYING CONDITIONS OF DEVELOPMENT, PROVIDING FOR
SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS: the Governing Body of the City of Rio Rancho has adopted zoning regulations and an official zone map in accordance with New Mexico Statutes Annotated 1978 (NMSA 1978) Chapter 3, Article 21; and

WHEREAS: in accordance with Rio Rancho Code of Ordinances (R.O. 2003) Section 150.07, an application to amend the zoning ordinance on the subject property has been submitted by The City of Rio Rancho, and assigned City Case No. 22-100-00026; and

WHEREAS: the City of Rio Rancho Planning and Zoning Board held a duly noticed public hearing on December 13, 2022, regarding the proposed changes to the Official Zoning Map and, following study and consideration, has made findings (where applicable) whether or not the criteria in R.O. 2003 Section 150.07 are satisfied, and made these recommendations to the Governing Body regarding adoption of the changes; and

WHEREAS: the Governing Body received a report from the Planning and Zoning Board, and such report indicates the Planning and Zoning Board has studied and considered the proposed changes pursuant to R.O. 2003 Section 150.07, and said report includes specific findings related to the affected property; and

WHEREAS: a public hearing occurred, in accordance with procedures set forth in R.O. 2003 Section 150.07, and NMSA 1978 Section 3-21-6, on the proposed zoning district and Official Zone Map changes hereinafter described were duly advertised and held by the Governing Body of the City of Rio Rancho on January 12, 2023 and the Governing Body heard interested parties and citizens for and against the proposed amendments; and

WHEREAS: the proposed amendments to be adopted by this Ordinance comply with the statutory and regulatory requirements of the aforesaid Code of Ordinances and Statutes, and upon specific findings related to the subject property and determining the proposed amendment is consistent with the policies and criteria set forth in R.O. 2003 Section 150.07 (D) through (G), the Governing Body finds the amendments promote the health, safety, morals, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF

1 **RIO RANCHO:**

2
3 **Section 1. Rezoning of property and Change in Land Use.**

4 A. The Official Zone Ordinance is hereby amended by assigning a zoning designation
5 on approximately 0.42 acres from an R-1: Single-Family Residential Zoning District
6 to a NC: Neighborhood Commercial District on the land legally described as:

7 Rio Rancho Estates Unit 16, Block 59, Lot 50A, as shown on "SUMMARY
8 PLAT, LOTS 33-A THRU 64-A AND PARCEL A, IN BLOCK 59, LOT 1-A-1
9 AND PARCEL B, IN BLOCK 70, LOTS 7-A THRU 12-A AND PARCEL C,
10 IN BLOCK 81, LOT 15-A, LOTS 31-A THRU 42-A, 47-A, 49-A THRU 51-
11 A, 53-A THRU 56-A, 57-A-1, 59-A AND PARCEL D, IN BLOCK 83, LOTS
12 10-A THRU 16-A, 19-A, 20-A-1 AND PARCEL E, IN BLOCK 85, LOTS 17-
13 A, 18-A, 20-A THRU 25-A, AND PARCEL F, IN BLOCK BB, AND LOTS 1-
14 A THRU 6-A AND PARCEL F IN BLOCK 40 (BEING A REPLAT OF LOTS
15 33 THRU 52, 53A, 54A, 55A, 56 THRU 64, IN BLOCK 59 LOT 1-A, IN
16 BLOCK 70, LOTS 7 THRU 12, IN BLOCK 81, LOTS 31 THRU 42, 15-A, 47
17 THRU 56, 57-A, 59 AND 60, IN BLOCK 83, LOTS 10 THRU 16, 17-A, 18,
18 19, 20-A, 21 AND 22, IN BLOCK 85, LOTS 6 THRU 9, IN BLOCK CC, LOTS
19 17 THRU 25, IN BLOCK BB, AND LOTS 1 THRU 6, IN BLOCK 40, UNIT
20 SIXTEEN RIO RANCHO ESTATES) UNIT SIXTEEN RIO RANCHO
21 ESTATES WITHIN PROJECT SECTIONS 25 AND 36, TOWNSHIP 12
22 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, TOWN
23 OF ALAMEDA GRANT, CITY OF RIO RANCHO, SANDOVAL COUNTY,
24 NEW MEXICO, MAY 2000" filed in the office of the County Clerk of
25 Sandoval County New Mexico on August 10, 2000 in Volume 3, Folio 1994-
26 B, and Rio Rancho Estates Book 13, Pages 60-68.

27
28 B. The City Comprehensive Plan, Generalized Land Use Map (GLUM), Map L-2 is
29 hereby amended in the land described in Section 1A above, as having a
30 "Commercial (Neighborhood & Community), Mixed-Use, Office" GLUM
31 designation.
32

33 **Section 2. Land Use, Conditions, Development Standards/Regulations and use**
34 **of PROPERTY.** The property identified in Section 1, above, is subject to all requirements
35 of the NC: Neighborhood Commercial District set forth in R.O. 2003 Section 154.22 (as
36 of the effective date of this ordinance or as subsequently amended).
37

38 **Section 3. Severability Clause.** If any section, paragraph, clause, or provision of this
39 Ordinance, or any section, paragraph, clause, or provision of any regulation
40 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
41 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
42 clause, or provision shall not affect the validity of the remaining portions of this
43 Ordinance or the regulation so challenged.
44

45 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
46 adoption.
47

48 ADOPTED THIS _____ DAY OF _____, 2023.
49
50

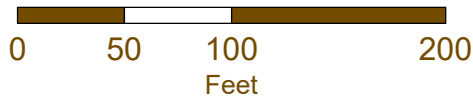
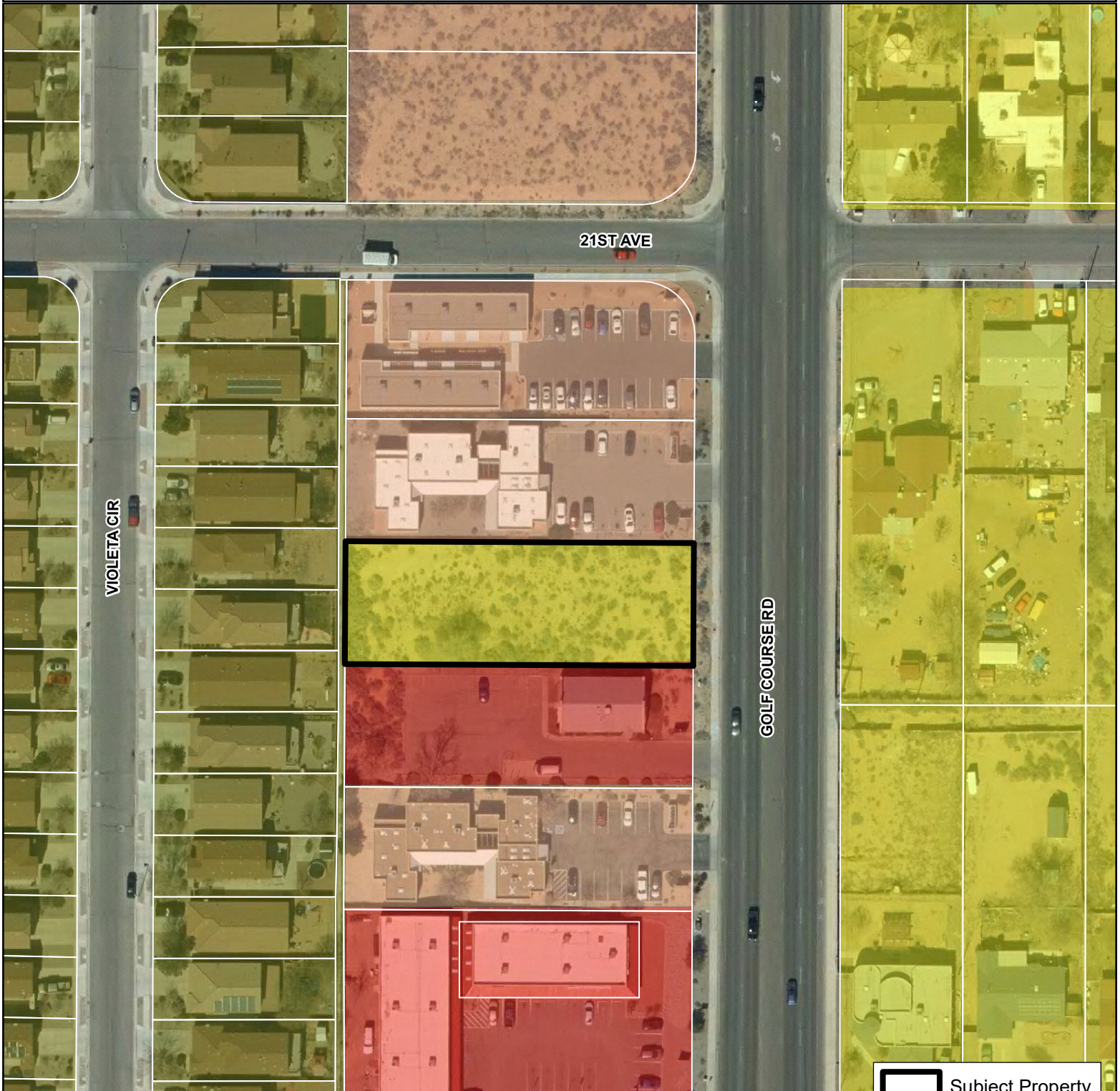
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Greggory D. Hull, Mayor

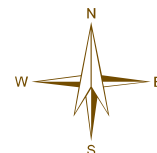
ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)

1207 GOLF COURSE RD SE - ZONE MAP AMENDMENT



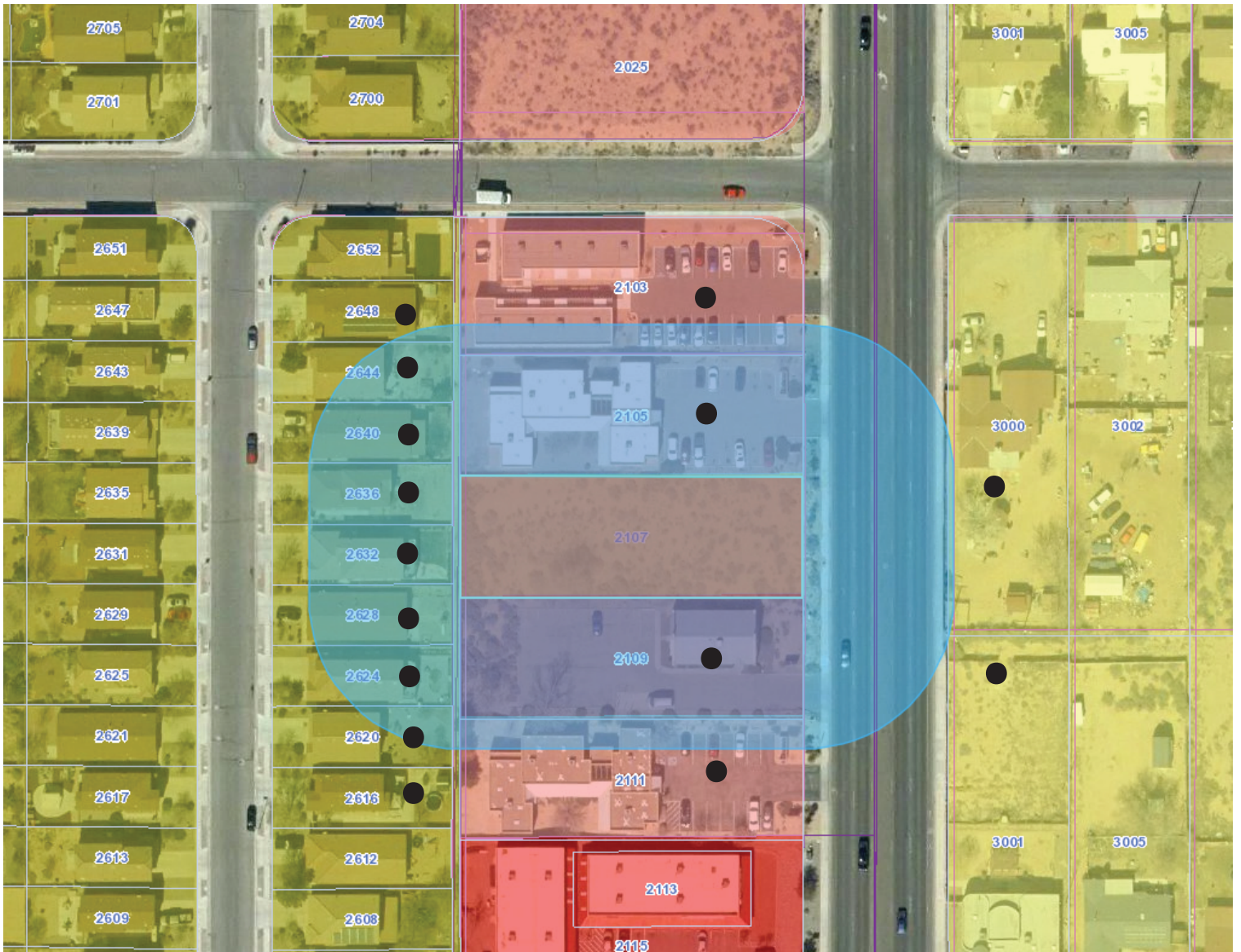
Map Created by Liz Ruiz Carlos on 11/22/2022



	Subject Property
Zoning	
	C-1
	NC
	R-1
	R-4

DISCLAIMER: All information in this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.

Notice Map:



● - Certified Letter (return receipt requested)

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat/Street	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print In Ink Only or Type
Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name: Meichi Lee		Phone: 225-235-4370
Address: 18260 S. Mission Hills Ave.		E-Mail: leem@primeocmed.com
City: Baton Rouge	State: LA	Zip: 70810
Proprietary Interest: Owner	List Owners:	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)
Agent Name: Riley McKee		Phone: 505-998-1656
Address: 6801 Jefferson St. NE Suite 200		E-Mail: riley@sunvista.com
City: Albuquerque	State: NM	ZIP Code: 87109

DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)

Upgrade the zoning of the property from R-1 to NC. The property fronts Golf Course Rd. and has commercially zoned parcels to the north (all the way to Southern Blvd.) and to the south (all the way to Westside Blvd.)

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Rio Rancho Estates Unit 16	Block(s): 59	Lot(s): 50A
Existing Zoning: R-1 Single Family Residential	Proposed Zoning: NC Neighborhood Commercial	
No. of existing lots: 1	No. of proposed lots: 1	Total area of site (acres): ±0.41 Acres


ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

Print Name: Meichi Lee	Applicant: Meichi Lee	Agent: Riley McKee
Signature:	Date:	

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: 

DATE: 10/30/22

October 4, 2022

To whom this may concern:

This is to confirm that we authorize Mr. Riley McKee of NAI SunVista to be our agent with full authority to apply, and manage on our behalf, the zoning change application for the property: Rio Rancho Estates Unit 16, Block 59, lot 50 A.

Thank you,



Meichi Lee



Luke Lee



November 21, 2022

City of Rio Rancho Development Services Department Suite 130
3200 Civic Center Circle NE
Rio Rancho, NM 87144

To whom it may concern,

My name is Riley McKee—I'm a commercial realtor with NAI SunVista. This letter details the justification for a Zone Map Amendment for Rio Rancho Estates Unit 16, Block 59, Lot 50 A from its existing zoning designation (R-1 Single Family Residential) to NC (Neighborhood Commercial), a more appropriate zoning designation given the property's surroundings.

The subject property is located on Golf Course Rd. SE, just south of 21st Ave. Its neighboring parcels along Golf Course Rd. to the north and south all have commercial zoning designations. Immediately north of the subject property (2105 Golf Course Rd. SE) is a multi-tenant office building that has a chiropractic clinic, photography studio, and non-profit religious ministry as tenants. Immediately south of the subject property (2109 Golf Course Rd. SE) is a single tenant office building currently occupied by a Care More Chiropractic Clinic.

While single family residential properties border the subject property to the west, they also border every commercially zoned parcel on Golf Course Rd. between 20th Ave. to the north and Westside Blvd. to the south.

Given the immediate surroundings of the subject property, frontage on Golf Course Rd. SE, and inefficient size/layout for a single-family residential development, its highest and best use is for commercial purposes. As such, we respectfully request a zone change from R-1 Single Family Residential to NC Neighborhood Commercial.

Included with this letter is the subject property's marketing brochure (it is currently listed for sale) which provides additional context on the subject property's surroundings.

In addition to the above high-level overview of the justification for a zone change, below is further justification that addresses policies referenced in the City of Rio Rancho's zoning code:

(1) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

Changing the subject property's existing zoning (R-1) to its proposed zoning (NC) is consistent with the health, safety, morals, and general welfare of the city as it will allow for low intensity commercial uses similar to those currently on Golf Course Rd. including insurance offices, chiropractic clinics, nonprofit entities, childcare centers, among many others. The NC zoning designation does not provide for uses objectionable to the safety or morals of the city and more commercial development along an existing commercial corridor would improve the general welfare of the city.



(2) Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The subject property shares the same zoning designation as a single-family residential development to the west (Toscana at Cabezon) but it's highest and best use is commercial purposes.

It fronts and will eventually have access directly from Golf Course Rd. Between Westside Blvd. and Southern Blvd., Golf Course Rd. has commercially zoned sites on its west side and residentially zoned sites on its east side. The subject property is located on the west side of Golf Course Rd.

Moreover, the subject property's neighbors to the north are both zoned for commercial uses. The property to the north (2105 Golf Course Rd. SE) is zoned NC and has a multi-tenant office/medical building on site. The property to the south (2109 Golf Course Rd. SE) is zoned C-1 and has a chiropractic clinic on site.

Given the current zoning and use of properties on the west side of Golf Course Rd. between Westside Blvd. and Southern Blvd. being predominately commercial and the properties immediately adjacent to the subject property to the north and the south having NC and C-1 zoning designations, respectively, stability of land use in the area would suggest that the subject property be rezoned for commercial uses. While a single-family residential subdivision borders the subject property to the west, that same subdivision borders the commercially zoned parcels between Westside Blvd. and 21st Ave.

(3) A proposed change shall generally be consistent with adopted elements of the comprehensive plan or other city master plans and amendments thereto including privately developed area plans which have been adopted by the city.

The proposed change is consistent with adopted elements of the 1998 Golf Course Rd. Corridor Plan which was drafted to "help guide and manage future development along the well-known residential *and business* arterial" (emphasis mine). The plan references that "[r]esidential neighborhoods are located on the east side" of the corridor while "scattered businesses and churches are located on the west side" including the Care More Chiropractic Clinic located at 2109 Golf Course Rd. SE which was in existence at the time the corridor plan was adopted. This clinic is located immediately adjacent (to the south) of the subject property for this zone map amendment request.

The corridor plan proposed a new zoning designation (CMU commercial/mixed use) which "combines some of the zoning features which are presently utilized in zoning types C-1 and C-2, yet is designed to allow a *neighborhood friendly* group of business to be located on Golf Course Road which respect and take into consideration the adjacency of a large neighborhood area" (emphasis mine). The corridor plan further specifies that "currently zoned places of business and establishments will keep their current zoning status" while CMU would be the preferred designation "to be allowed in the lots which follow".



The CMU commercial/mixed use zoning designation has been replaced by NC (Neighborhood Commercial)—the zoning designation requested for this zone map amendment. Based on the property's location on Golf Course Rd. within the boundaries of the Golf Course Rd. Corridor Plan, this zone map amendment is consistent with adopted elements of the plan.

(4) The applicant must demonstrate that the existing zoning is inappropriate because:

(c) A different use category is more advantageous to the community, as articulated in the comprehensive plan or other city master plan, even though (D)(1) or (2) does not apply. Applicant's reliance on this provision requires proof that (i) there is a public need for a change of the kind in question, and (ii) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

As referenced in the previous question, a different use category for the subject property is more advantageous to the community, as articulated in the comprehensive plan which calls for a new zoning designation (CMU now NC) that allows for commercial uses that are "neighborhood friendly" and "respect and take into consideration the adjacency of a large neighborhood area".

The following permitted uses under the CMU/NC zoning designation certainly would be "neighborhood friendly" while respecting the surrounding neighborhoods:

- Stores for the sale of retail goods and products (no gas stations permitted)
- Repair shop – electrical, radio, and television appliances, keys and similar articles
- Shops – dressmaking, tailoring, laundry, dry cleaning, photo, pet, and similar trades
- Banks, and office buildings
- Churches and other places of worship, Sunday school buildings, and parish houses
- Bakeries and confectionaries where goods are sold at retail prices
- Nursery schools
- Club houses, buildings for fraternal organizations (no liquor)
- Medical/veterinary clinics

Based on the surrounding area the highest and best use for the subject property would be one of the above listed uses. In my time marketing the property I have had inquiries from insurance offices, bakeries, and medical clinics.

(E) The cost of land or other economic considerations are irrelevant to this request for a zone map amendment. The request is being made in an effort to realize the comprehensive plan and allow for uses more applicable to the property and its surroundings.

(F) It is understood that the subject property's location on Golf Course Rd. (a major street) is insufficient justification for the zone change. Rather, the combination of goals stated in the Golf Course Road Corridor Plan, properties immediately adjacent to the subject property having similar NC zoning designations, and the prevalence of NC zoning designations adjacent to Golf Course Rd. on its western side are the justification for the zone map amendment.

(1) The change will clearly facilitate realization of the comprehensive plan and any applicable adopted sector development plan or area development plan; or



As previously stated, the goal of the Golf Course Road Corridor Plan was to establish a new zoning designation that would be “neighborhood friendly” while allowing for commercial uses on the westerly side of Golf Course Rd. that already existed in spots when the plan was adopted. The subject property being located between two commercially zoned parcels (one of which is zoned NC in line with the corridor plan), rezoning it to NC would facilitate realization of the comprehensive plan’s goals.

If you have any questions, please reach out to me at 505-379-1549 or via email at riley@sunvista.com.

Best regards,

DocuSigned by:

A handwritten signature in black ink that reads "Riley McKee".

5B0E1780E5834BA...

Riley McKee

Director

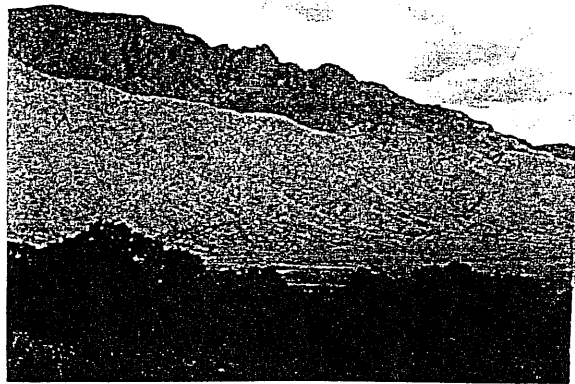
NAI SunVista

riley@sunvista.com

505-998-1656

G O L F C O U R S E R O A D

R I O R A N C H O , N E W M E X I C O



C O R R I D O R P L A N

C I T Y D E V E L O P M E N T D E P A R T M E N T

P L A N N I N G D I V I S I O N

1 9 9 8

GOLF COURSE ROAD

CORRIDOR PLAN

Governing Body of the City of Rio Rancho
John Jennings, Mayor

Mary Clare Minor, Councilor
Felicie Truscio, Councilor
Ron B. Yestrebi, Councilor

Joan Kellogg, Councilor
David L. Bency, Councilor
Jack Thomas, Councilor

James B. Lewis, City Administrator

City of Rio Rancho Planning and Zoning Commission

Dennis Blomberg, Chairman
William Nelson, Commissioner
Scott Zingler, Commissioner

Kenneth R. Halladay, Commissioner
Michael J. Williams, Vice Chairman
David Heil, Commissioner

Department of City Development
Planning Division

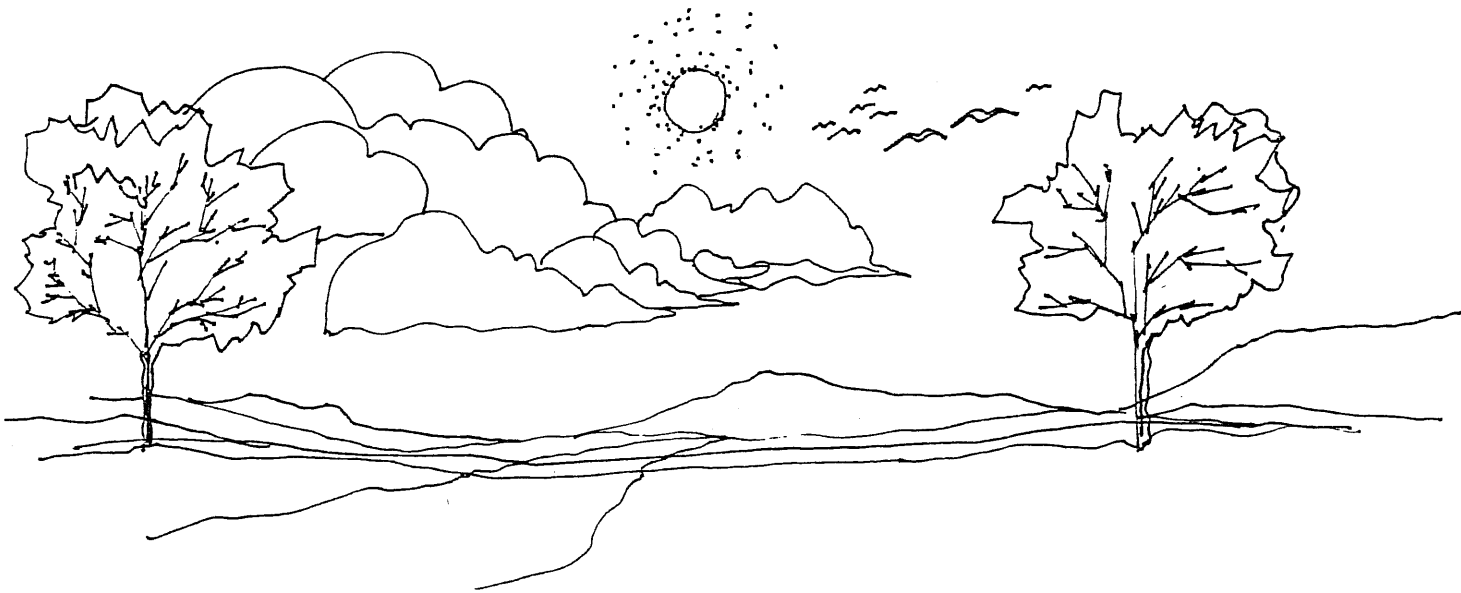
Art Corsie, City Development Director
Steve Tollefson, AICP, Municipal Planning Manager
Denise Chavez, Municipal Planner
Richard Macpherson, Municipal Planner
Don Plotner, Municipal Planner

GOLF COURSE ROAD CORRIDOR PLAN

TABLE OF CONTENTS

- I. **Introduction**
 - a. **Purpose** *p1*
 - b. **History** *p1*
 - c. **Corridor Area - Location** *2,3*
 - d. **Land Use - Establishing a Design Overlay Zone; Redevelopment Proposal in Unit 16 West**
 - e. **Existing Businesses and Institutions along the Corridor** *4,7*
 - f. **Lots located in Golf Course Road Corridor Plan Design Overlay Zone**
- II. **Zoning Information**
 - a. **Zoning Specifications**
 - b. **Land Use**
 - c. **Golf Course Road Corridor Plan - Allowable Zoning Designation**
- III. **Goals and Objectives**
 - a. **Land Use**
 - b. **Accessibility**
 - c. **Transportation**
 - d. **Urban Design - Architecture and Landscaping**
 - e. **Utilities**
- IV. **Relationship to Development Policy Statement**
- V. **Enforcement of Area Standards**
- VI. **Development Standards**
- VII. **Inventory and Analysis- Land Use and Infrastructure**
- VIII. **Architecture; Sign; Parking - Standards**
- IX. **Bufferyard; Landscaping; Fences - Standards**
- X. **Infrastructure Improvements**
- XI. **Appendix**

GOLF COURSE ROAD CORRIDOR PLAN



PURPOSE

The purpose of this Golf Course Road Corridor Plan is to help guide and manage future development along the well-known residential and business arterial in the City of Rio Rancho, New Mexico. This document provides a land use plan which addresses current conditions and restraints and contains design standards for future development proposals to adhere to along the corridor. In addition, it is intended that this Corridor Plan act as an information source. There are specific corridor qualities having to do with infrastructure availability and the future planned Golf Course Road widening which the potential developer/builder must pay special attention to.

HISTORY

Since 1984, there have been five studies written regarding the Golf Course Road corridor area. These studies or plans have addressed current land use and roadway conditions and proposed land use and zoning recommendations and scenarios. Many ideas and proposals have been presented but for one reason or another, the plans that were written, (two of these historical documents were analytical studies only and not up for adoption) failed to be approved by the Governing Body. There was a significant study/proposal regarding a large redevelopment project in Unit 16, adjacent to Golf Course Road in Unit 16 West. This redevelopment project has not occurred to date and progress toward development in Unit 16 and along Golf Course Road has been slow. Golf Course Road presents planning challenges and opportunities.

LOCATION

Golf Course Road in the City of Rio Rancho, New Mexico, is located west of New Mexico State Road 528 and starts at Southern Blvd. as its northern apex. This arterial bisects the platted land area known as Unit 16. This arterial runs in a north/south orientation and is an important transportation linkage which continues to grow in significance.

Residential neighborhoods are located on the east side of this corridor area; the easterly side of Unit 16. Scattered businesses and churches are located on the west side of this arterial and the westerly half of Unit 16 is mostly undeveloped except for some frontage lots on Golf Course Road and Southern Boulevard. Martin Luther King Elementary School is located in the northerly portion of Unit 16 west.

Golf Course Road is defined by the Middle Rio Grande Council of Governments Long-Range Street Map as a minor arterial that provides access to local and collector streets. This important arterial carries an average of 19,000 to 20,000 cars on a daily basis, and currently has traffic back ups and has no additional lanes to ease congestion or side areas to pull off on in dangerous conditions. Golf Course Road serves as an intra-city transportation facility for residents in Unit 16 and Rio Rancho as well as a major connector to the City of Albuquerque. There is an opportunity for this corridor area to create an outstanding entry way, "a gateway" to the City of Rio Rancho.

The Golf Course Road Corridor Plan Study Area is bounded on the north by Southern Blvd. and on the south by the Bernalillo/Sandoval County Line. This Plan concentrates on land use requirements on the west side of Golf Course Road. The east side of Golf Course Road is built-out to a much higher degree and it is residentially zoned; however, future residential construction on the east side of Golf Course Road shall take into consideration driveway location and design for assuring traffic safety on Golf Course Road.

SOUTHERN

GOLF COURSE ROAD

The Living Word
United Pentecostal Church
1201 Golf Course Road SE

Unique Touch Creative Interiors
1207 Golf Course Road SE

Ryder Truck
Golf Course Mini Storage
1311 Golf Course Road SE

Mesa Baptist Church
1411 Golf Course Road SE

El Espanol Two Landscaping
1601 Golf Course SE

JML Communications
1605 Golf Course SE

First Church of Christ, Scientist
1607 Golf Course Road SE

Episcopal Church

Mormon Church

Lutheran Church

Happy Days Day Care
2001 Golf Course Road SE

Care More Clinic
2109 Golf Course Road SE

COUNTY LINE

El Rio Rancho

N

GOLF COURSE
CORRIDOR PLAN
AREA

Golf Course

19th

NM-528

Sabana Grande

Southern

Sara

Meadowlark

Long

Corales

Alameda (NM-528)

Corales (NM-448)

Ellison

Irving

Lyons

Paradise

CORRIDOR AREA - LAND USE

REDEVELOPMENT PROPOSAL IN UNIT 16 WEST

Unit 16 West is geographically bounded on the north side by Southern Boulevard; on the east side by Golf Course Road, on the west side by Unser Boulevard and on the south side by the Sandoval/Bernalillo county line. Some properties listed within this document as part of the Golf Course Corridor Plan are also part of the Redevelopment Area. The properties located in this corridor plan and which are part of the "Redevelopment Area" are subject to legal action which is in the process of litigation. Before initiating any zone map amendments or building of any kind, please contact the City of Rio Rancho City Development Dept and the City of Rio Rancho Attorney's Office for more information on this subject.

ZONING OVERLAY ALONG THE WEST SIDE OF GOLF COURSE ROAD

A Zoning Overlay will be prepared by The City Development Dept in order to implement the goals and objectives of this plan once the plan is approved by the Governing Body.

A Overlay Zone shall be created along Golf Course Road in the City of Rio Rancho between Southern Blvd. and Bernalillo/Sandoval County line in order to ensure that the policies and objectives in this document can be met. By following the standards of the overlay, future development along Golf Course Road will enhance the surrounding neighborhood and the City of Rio Rancho.

Unit 16 contains a large and established neighborhood along the east side of the Golf Course Road Corridor. It is one of the oldest and most pleasant residential areas in Rio Rancho. This part of Rio Rancho should infill as medium density mixed residential/business area.

The west side of the Golf Course Road corridor area has a significant amount of vacant land. These vacant areas on the west side of this arterial should be targeted for infill development, consistent with the need to establish a wider variety of uses complimentary to their proximity to the large residential area to the east. Establishing uses which encourage property owners to invest in the Golf Course corridor area would benefit this plan area as well as the City of Rio Rancho.

GOLF COURSE ROAD CORRIDOR PLAN

EXISTING BUSINESSES AND INSTITUTIONS ALONG GOLF COURSE ROAD

The Living Word
United Pentecostal Church
1201 Golf Course Road SE

Unique Touch Creative Interiors
1207 Golf Course Road SE

Ryder Truck
Golf Course Mini Storage
1311 Golf Course Road SE

Mesa Baptist Church
1411 Golf Course Road SE

El Espanol Two Landscaping
1601 Golf Course SE

JML Communications
1605 Golf Course SE

First Church of Christ, Scientist
1607 Golf Course Road SE

St. Francis Episcopal Church - located along 19th Ave., off Golf Course Road SE
Lutheran Church - located along 19th Ave.
Mormon Church - located along 19th Ave.

Happy Days Day Care
2001 Golf Course Road SE

Care More Clinic
2109 Golf Course Road SE

IMPACT OF PROJECTED GOLF COURSE WIDENING ON FUTURE DEVELOPMENT

Golf Course Road is projected at a future width of 95' - 0" right-of-way, which will accommodate a five lane road that includes a turning lane. This road widening is scheduled to be completed in the very near future.

Before any proposed development takes place, careful land use planning and attention to all aspects of limited infrastructure availability is most important along Golf Course Road.

GOLF COURSE ROAD CORRIDOR PLAN

ZONING SPECIFICATIONS

This Golf Course Road Corridor Plan has as one of its primary objectives to initiate a new zoning category which will be known as CMU, (commercial/mixed use). This zone combines some of the zoning features which are presently utilized in zoning types C-1 and C-2, yet is designed to allow a neighborhood friendly group of businesses to be located on Golf Course Road which respect and take into consideration the adjacency of a large neighborhood area. This new zoning category has been specifically designed with Golf Course Road in mind and has taken into consideration the qualities of this corridor. What follows is a description of this proposed new zone. Currently zoned places of business and establishments will keep their current zoning status. This is the zoning category which will be allowed in the lots which follow:

CMU ZONE

This district permits limited commercial and residential uses such as those pertaining to the day to day needs of the residential populace:

A. PERMISSIVE USES:

1. Stores for the sale of retail goods and products; except gas stations are not permitted;
2. Repair shops - electrical, radio, and television appliances, keys and similar articles;
3. Shops - dressmaking, tailoring, laundry, dry cleaning, photo, pet, and similar trades;
4. Banks, and office buildings;
5. Churches and other places of worship, Sunday school buildings, and parish houses;
6. Bakeries and confectionaries where goods are sold at retail prices;
7. Parks, recreational parks, open spaces, and public utilities;
8. Nursery schools;
9. Undertaking establishments;
10. Club houses, buildings for fraternal organizations provided there is no liquor license, and nonprofit public nonprofit service organizations;

CMU - (continued)

11. Medical complexes, professional offices associated with medical complexes, and veterinarians with overnight kenneling for medical purposes only, (no boarding kennels);
12. Construction trailers for a period not to exceed twenty-one days before construction plus the entire period of construction up to six months and no more than thirty days after construction has finished, provided that the use of the trailer is for assisting in the security of the construction site and facilitating the delivery of construction material, and that no sales are conducted from the construction either before or after development is completed. If an extension is needed, application to and certification from the administration is necessary and may be granted for up to 120 days. Construction trailers will be allowed in R-1, R-2, and R-3 zones only where five or more contiguous lots are being developed at the same time, by and individual developer, and the trailer is not to be used for residence.
13. Photocopying and Blueprinting businesses;
14. Residential uses are permitted as a secondary use conducted in conjunction with a primary business use, providing the following conditions shall be met:
 - a. The exterior of any residential building shall be constructed of materials similar in color and appearance to those used in the primary business structure.
 - b. The residence shall be located either as part of the primary business structure or behind the primary business structure.
 - c. The residence can be used as a residence but cannot be used in a business capacity.

B. Conditional Uses (requiring use permit):

1. Temporary structures and enclosures used in construction of a building and used for storage of equipment and material. Such structure must be removed after the specific construction project is completed and not to remain on the premises for more than one month after completion. Temporary commercial structures used for seasonal purposes may be erected for a period of not more than ninety days. But, in no case shall the structure or enclosure be present for longer than one week after the ending of the season for which it was intended;
2. Schools;
3. Storage, limited to self-storage units and storage of vehicles which are behind a wall and not visible from the surrounding neighborhood;
4. Research and development offices, excluding those that could be a nuisance or hazard to the surrounding neighborhood.

- C. Area: minimum 1/4 acre.
- D. Height: Same restrictions as R-1; 32 feet.
- E. Setback: Thirty -five foot front set back only except where the parcel is adjacent to residential property in which case front, rear, and side setback adjacent to the residential property shall be equal to those in the residential zone.
- F. Off-street parking: Off-street parking shall be provided as set forth in 9-1-16.
- G. Landscaping: Appropriate landscaping shall be provided for visual relief along the frontage of the parcel provided that no less than 10 percent of the lot shall be landscaped, and no less than 1/4 of the 10 percent shall be located on the front and the landscaping requirements are met from this corridor plan.
- H. Buffer Zone:
 1. Where the side and/or rear property lines of a commercial site are contiguous to a residential zoning district, or are separated therefrom only by an alley, there shall be a six foot high solid masonry wall adjacent to the property lines, plus a ten foot wide landscaped area adjacent to the wall on the commercial property. The landscaped area shall contain evergreen trees at least 3 inch caliber, spaced no further than 25 feet apart and the requirements met from this corridor plan for landscaping.
 2. If the masonry wall plus retaining wall have an effective height of over 8 feet on the residential side, the City shall decide the required height. Any lighting shall be placed so as to reflect the light away from adjacent residential districts. No noise, odor, or vibration shall be emitted by uses outside the boundaries of the commercial district. Lighting requirements from this corridor plan shall be met.
 3. Parking will be permitted in side and rear yard setbacks, but no accessory buildings will be permitted in that area.

All lots within the plan area listed below are eligible to apply for CMU zoning.

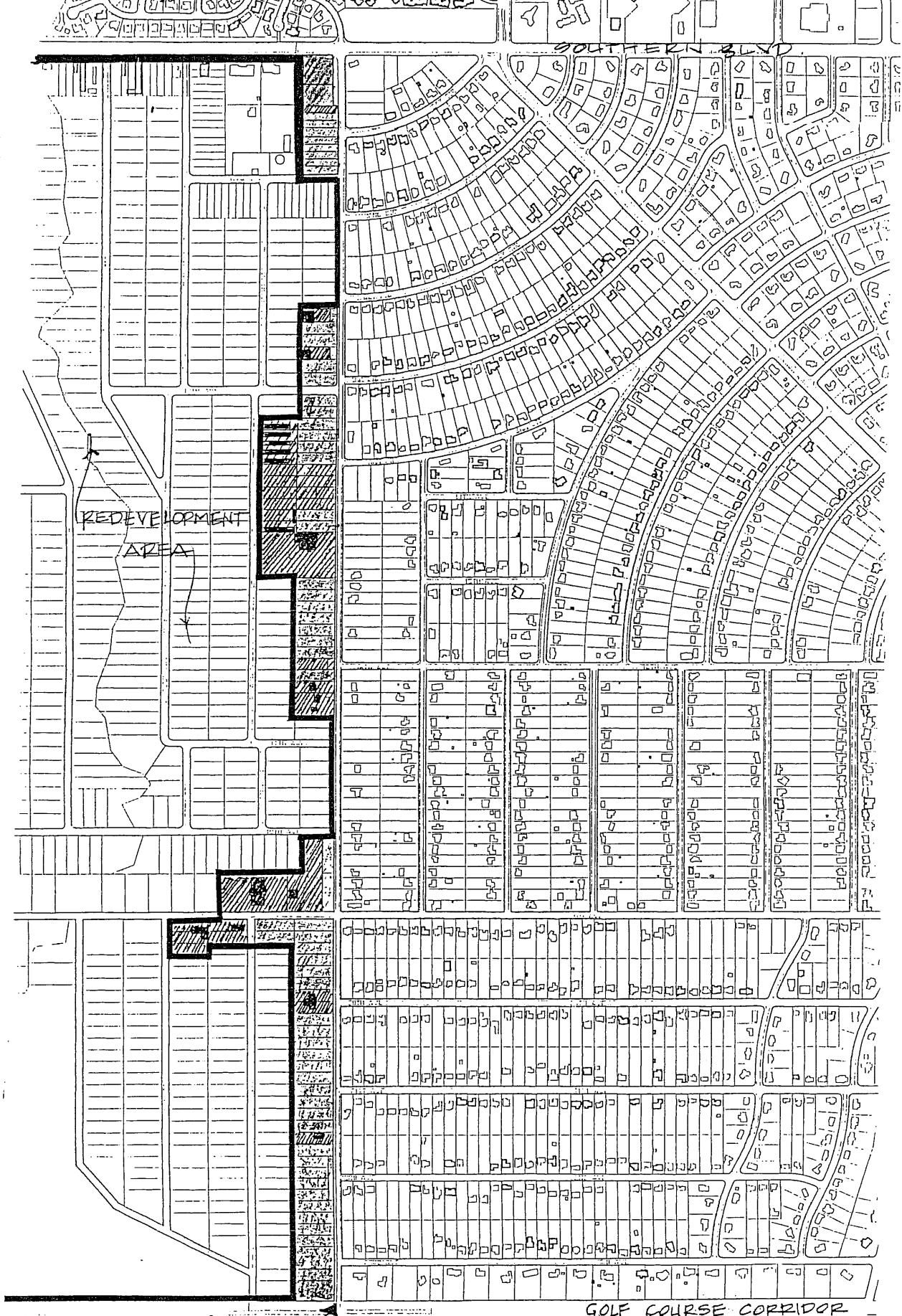
- BLOCK BB - lot 17 through lot 25, lots B and C
- BLOCK 59 - lot 31 through lot 64
- BLOCK 70 - lot 50, lot 1A, lot A
- BLOCK 83 - lots 19 thru 28, lots 31 thru 42, 15A, 47 thru 57A
- BLOCK 85 - lots 17A, 18, 19 20A, 21, 22

Please read the following zoning policy in addition to any land use criteria for this corridor area:

***The Golf Course Road Zoning Policy - adopted July 12, 1995, Resolution no. 36, Enactment no. 95-033, states "that it shall be the policy of the City of Rio Rancho to grant no further amendments to zoning for any lot along the west side of Golf Course Road until the City has acquired the right- of- way necessary for the widening of Golf Course Road unless the applicant desires to dedicate voluntarily such right- of- way to the city."**

Above document signed by Mayor Swisstack on July 14, 1995.

The requirements as listed in this Golf Course Road Corridor Plan are in addition to the land use policies of the Rio Rancho Comprehensive Plan and the requirements of the Rio Rancho Zoning Code and Subdivision Code, which together will guide proposed new development along Golf Course Road.



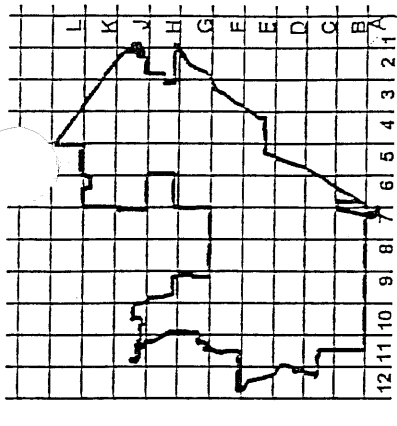
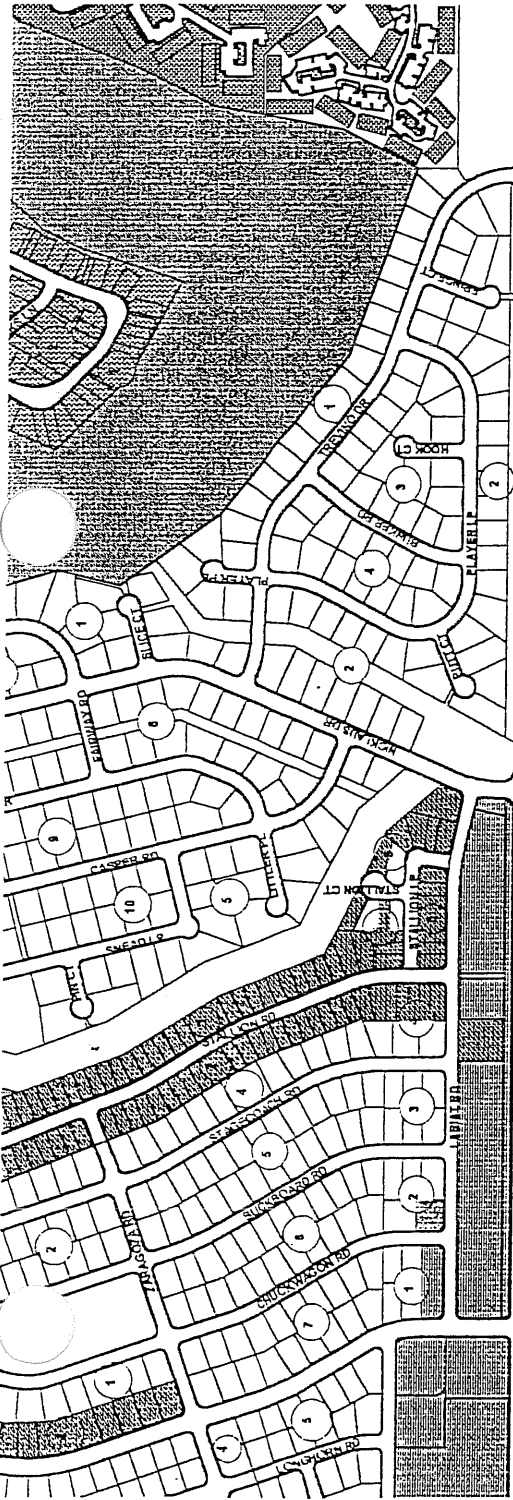
REDEVELOPMENT
AREA

GOLF COURSE CORRIDOR

GOLF COURSE ROAD

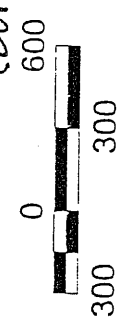
PROPERTIES IN
CORRIDOR AREA
PLAN, (in gray tone) ↑ NORTH

▨ - STRIPPED AREAS ARE
EXISTING ZONED ESTABLISHMENTS



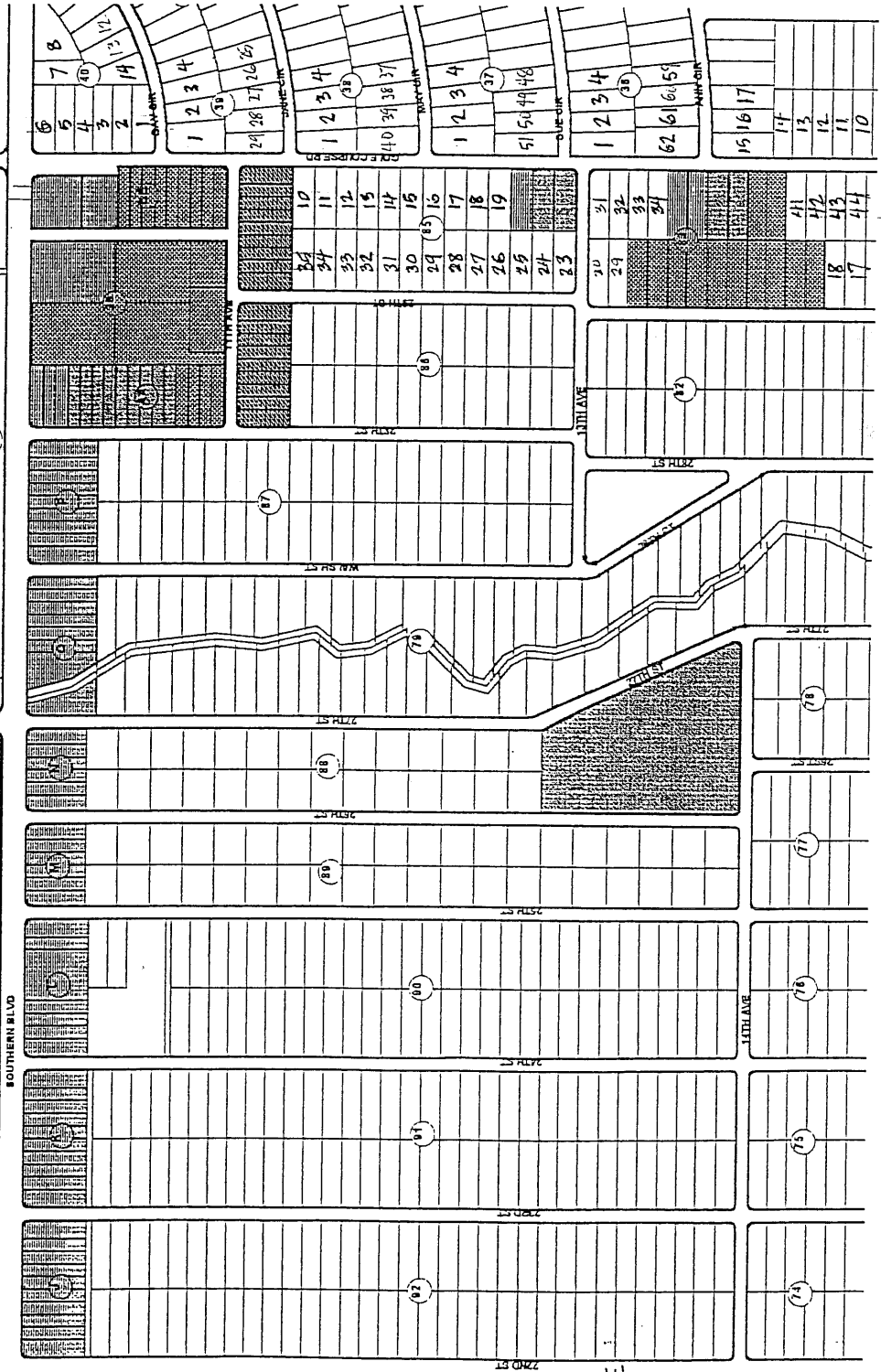
Block and Lot Number
GOLF COURSE ROAD

ZONING (current)

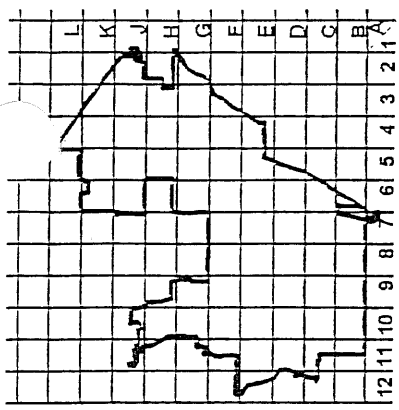


Prepared by
 City Development Department
 Planning Division

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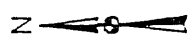


923 B-101



Municipal Boundary Zoning Designation

- A-R
- C-1
- C-2
- E-1
- M-1
- MH
- R-1
- R-2
- R-3
- SU/MF
- SU/NR



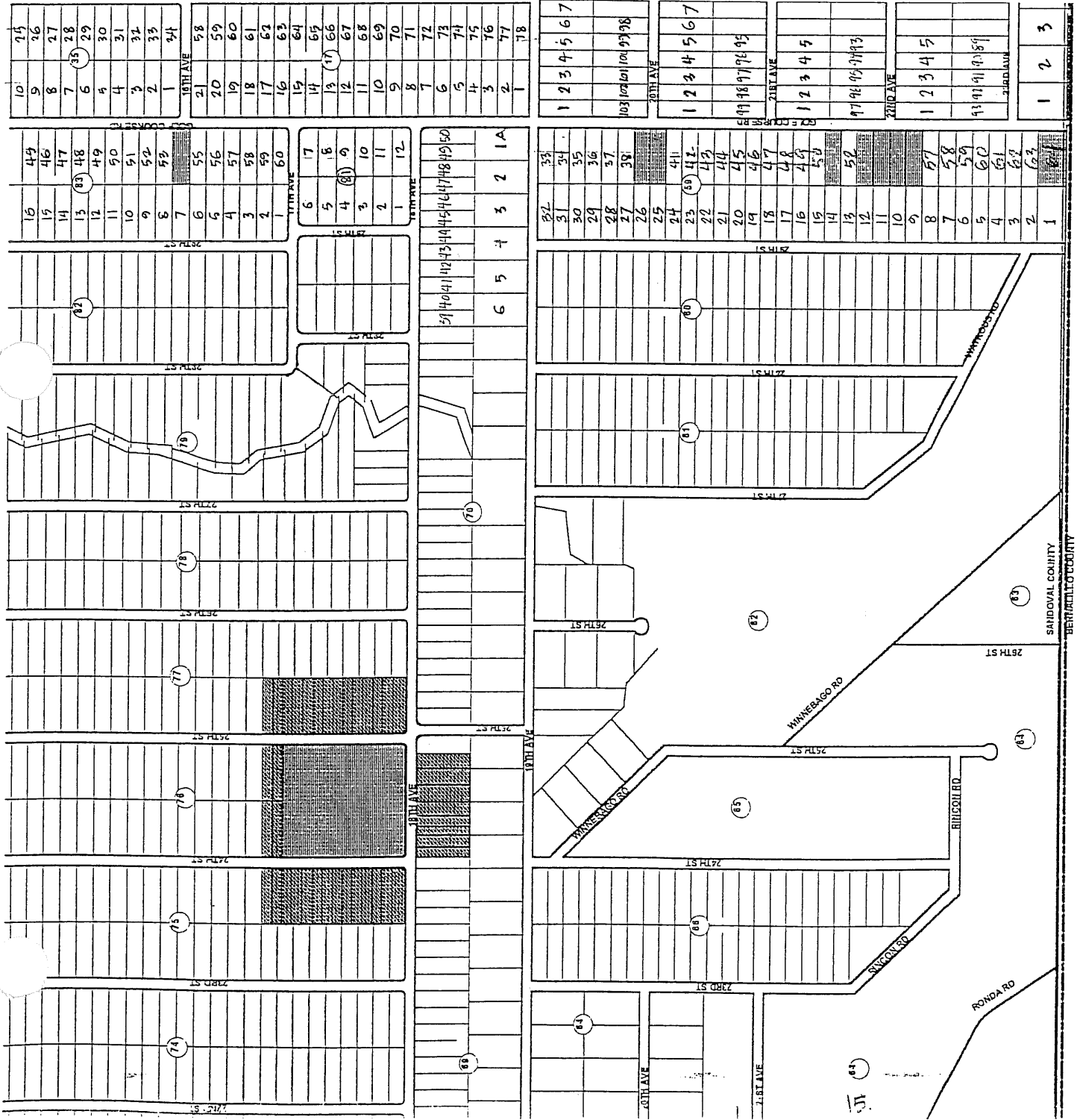
BLOCK AND LOT NUMBER
GOLF COURSE ROAD

CURRENT ZONING



Prepared by
City Development Department
Planning Division

B-8



GOLF COURSE ROAD CORRIDOR PLAN

GOALS AND OBJECTIVES

1. LAND USE

- A. GOAL:
PROMOTE COMPATIBLE LAND USE AREAS ALONG THE GOLF COURSE ROAD CORRIDOR.
- B. OBJECTIVE:
TO MAINTAIN LOW-DENSITY RESIDENTIAL ON THE EAST SIDE AND MIXED USE DEVELOPMENT ON THE WEST SIDE.
- C. EXPLANATION:

The planning and zoning of a land use area must take into consideration the geographic and social aspects of the adjacent areas. The established neighborhoods surrounding Golf Course Road will interact with the corridor planning area in many aspects including utilizing Golf Course Road as a neighborhood scale commercial area. It is essential that structures and developments are sensitive to the needs and qualities of the established neighborhood areas.

2. ACCESSIBILITY

- A. GOAL:
ASSURE RESIDENTS HAVE SAFE AND CONVENIENT VEHICLE, BICYCLE AND PEDESTRIAN ACCESS TO USES ADJACENT TO GOLF COURSE ROAD.
- B. OBJECTIVE:
ACCESS SHALL BE LIMITED TO ONE DRIVEWAY PER OWNERSHIP/BUSINESS AND ACCESS TO LOTS SHALL BE NO CLOSER THAN 100 FEET FROM EACH ACCESS POINT.

3. TRANSPORTATION

- A. GOAL:
ASSURE A SAFE AND EFFICIENT TRANSPORTATION CORRIDOR
- B. OBJECTIVE:
TO PROVIDE ADDITIONAL LANES, SIDEWALKS, BIKEPATHS, AND TRANSIT STOPS AND SHELTERS.

C. EXPLANATION:

Within two to five years Golf Course Road is to be widened to five lanes, two lanes in each direction with a middle turning lane. This MRGCOG designated minor arterial not only provides local transportation access but is a connector to an integral west side metropolitan travel route. A pedestrian and neighborhood scale shall be maintained as this corridor area changes in the future decades.

4. URBAN DESIGN - LANDSCAPING AND ARCHITECTURE

LANDSCAPING

A. GOAL:

REQUIRE LANDSCAPING BE CONSISTENT WITH XERISCAPING - LOW-WATER AND LOW MAINTENANCE PRINCIPLES.

B. OBJECTIVE:

TO DEVELOP A LOW WATER USE PLANT PALLET AND STANDARDS FOR APPLICATION TO FUTURE DEVELOPMENT.

C. EXPLANATION:

Landscaping of a xeriscaping nature shall be required along the front edge and the sides of all developed lots. Street trees are required along the front of all developed properties. There are many types of desert-hardy trees and shrubs, please contact the City Development Department for a list.

ARCHITECTURE

A. GOAL:

REQUIRE UNIFORM SOUTHWESTERN ARCHITECTURAL STYLES WITHIN THE DESIGN OVERLAY ZONE.

B. OBJECTIVE:

TO ALLOW FOR A VARIETY OF SOUTHWESTERN STYLES FOR FUTURE DEVELOPMENT.

C. EXPLANATION:

ARCHITECTURE ALONG THE CORRIDOR PLAN AREA SHALL HAVE A SOUTHWESTERN DESIGN QUALITY WHICH IS IN SCALE WITH AND SYMPATHETIC WITH THE SINGLE FAMILY RESIDENTIAL AREA ACROSS THE STREET.

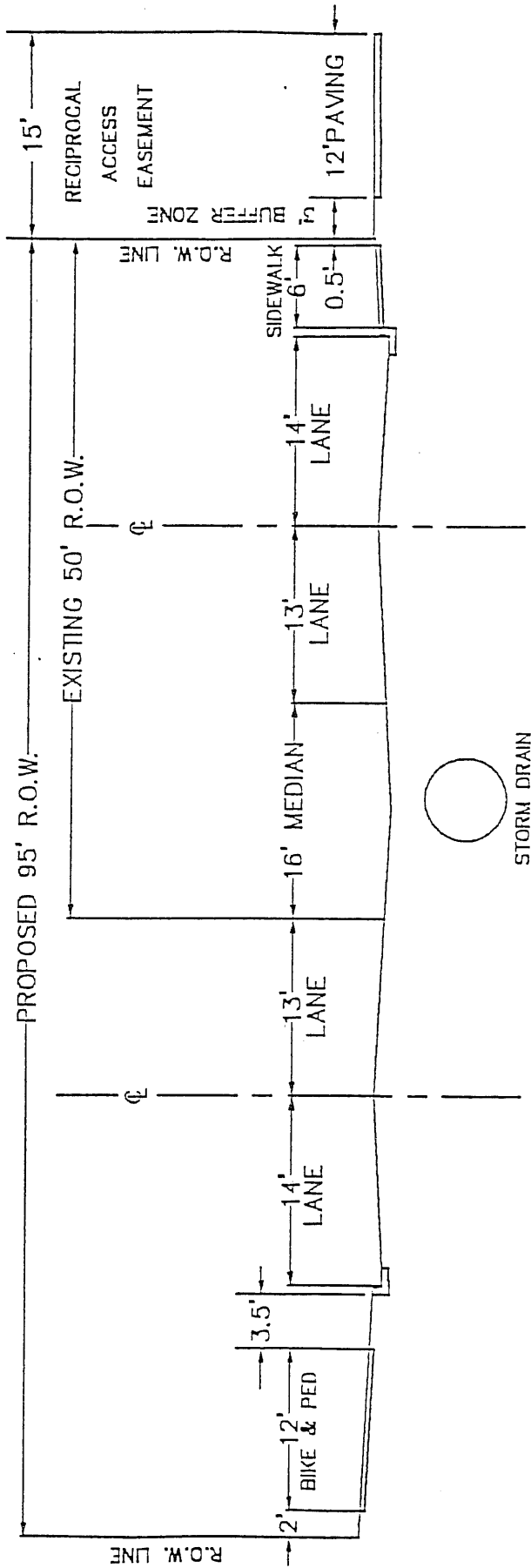
5. UTILITIES

- A. GOAL:
ASSURE THAT URBAN USES HAVE URBAN UTILITIES.
- B. OBJECTIVE:
TO COORDINATE PROVISION OF WATER, SEWER, ELECTRIC, GAS SERVICE WITH URBAN DEVELOPMENT.
- C. EXPLANATION:
WHEN POSSIBLE, ALL UTILITIES INCLUDING GAS, ELECTRIC, CABLE AND WATER SHALL BE LOCATED UNDERGROUND AND THE LOCATIONS APPROVED BY THE CITY DEVELOPMENT AND THE PUBLIC WORKS DEPT.

BY CONCEALING UTILITIES WHEN POSSIBLE, THE PEDESTRIAN AND RESIDENTIAL SCALE IS GIVEN IMPORTANCE AND THE HORIZON IS NOT CLUTTERED BY OVERHEAD WIRES AND POLES.

IT IS RECOMMENDED SEWER LINE BE INSTALLED ON WEST SIDE OF PROPERTIES, FACING WEST SIDE OF GOLF COURSE ROAD. PLEASE CONTACT PUBLIC WORKS DEPT. FOR SPECIFICS.

**ALTHOUGH NOT AVAILABLE AT THE PRESENT TIME, WHEN WATER, SEWER AND OTHER UTILITY LINES ARE PLACED ON THE WEST SIDE OF GOLF COURSE ROAD, IT SHALL BE REQUIRED THAT FUTURE BUSINESSES AND INSTITUTIONS HOOK UP AND UTILIZE THESE SERVICES. A SPECIAL ASSESSMENT DISTRICT MAY BE PUT IN PLACE TO COVER THE PRICE OF INSTALLING INFRASTRUCTURE.



GOLF COURSE ROAD
(LOOKING NORTHBOUND)

WIDENING PROJECT
CONCEPT FROM
PUBLIC WORKS DEPT.

RELATION TO DEVELOPMENT POLICY STATEMENT/ COMPREHENSIVE PLAN

The following goals are stated in the Development Policy Statement and relate to this corridor plan.

“Enhance the function of arterial streets by using access controls, signalized intersections, parking restrictions, and land use regulations.” (4.5)

“Protect, preserve and acquire adequate right-of-way for all designated arterial streets in the Rio Rancho Planning Area.” (4.4)

“Consider the Long Range Major Street Plan for the Albuquerque Urban Area in establishing an arterial base network for a street system plan in the Rio Rancho Planning Area.” (4.1)

“To prevent disruption of residential neighborhoods, encourage major commercial development to be located on arterial streets, to have adequate vehicle access and parking, situated at appropriately spaced locations.” (2.4)

“Within the Rio Rancho Planning Area, designate an arterial street network which generally conforms to a one mile grid pattern on continuous and connected through routes. (4.2)

“Promoted medium to high density residential development near Activity Centers.” (2.2)

ENFORCEMENT OF AREA STANDARDS

All proposed developments along Golf Course Road shall conform to the requirements, goals and policies of this Golf Course Road Corridor Plan and to the Rio Rancho Comprehensive Plan, the Rio Rancho Zoning and Subdivision Codes, and reviewed by the Rio Rancho City Development Department for conformance with requirements put on this corridor planning area. Architectural styles shall be reviewed by a committee of local Citizens and City Development Dept. Personnel to assure conformance with the standards in this plan. Please check with the Rio Rancho City Development Department for any information you may need in the utilization of this corridor plan.

GOLF COURSE ROAD CORRIDOR PLAN

STANDARDS FOR DEVELOPMENT IN THE GOLF COURSE ROAD CORRIDOR PLAN AREA

The standards in this document shall be met in any development proposal within the Golf Course Road Design Overlay Area. Along with the standards of this document, the potential builder/developer must also meet the particular zone requirements of the City of Rio Rancho zoning ordinance and the goals and objectives of Rio Rancho Comprehensive Plan. Only certain zoning categories are allowed in this plan area, please refer to the zoning section in this document for specifics. In many and/or all cases, a zone map amendment process must take place before any of the zoning categories in this document can be utilized. Please contact The City of Rio Rancho City Development, Zoning Division for information on this process.

GOLF COURSE ROAD CORRIDOR PLAN

INVENTORY AND ANALYSIS NATURAL FEATURE CONSTRAINTS

LAND USE - SITE QUALITIES

SOILS - STANDARDS

The use and proposed development shall not cause or continue erosion of the land or increased drainage from the lot. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following management practices:

- The stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion.
- The time length of exposure of the disturbed area shall be kept to a practical minimum, an outline and time line of this proposed activity is required with any proposed development.
- All temporary vegetation and or mulching shall be used to protect exposed critical areas during development.
- All permanent and final vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends.
- Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, slit traps, or other acceptable methods as determined by the Rio Rancho Public Works Dept. and the Rio Rancho City Development Dept.
- During grading operations, methods of dust control shall be employed wherever practicable.

SOIL QUALITY

Current conditions:

- This area is in the Santa Fe geologic formation. The soil is classified BCC which means Bluepoint loamy fine sand.

- Suitability as a source of different materials. Generally, the soil conditions along the portion of Golf Course in this corridor study area are as follows:
 1. Road fill is good.
 2. Sand is fair.
 3. Gravel is unsuited.
 4. Topsoil is poor, too sandy.
- Shrink/Swell potential is low.
- Seepage would affect ponds and embankments.

Limitations - soil quality:

1. Septic tank absorption fields
 - a. Slight limitation at 1-8% slope
 - b. Moderate limitation at 8-15% slope
2. Dwellings without basements
 - a. Slight limitation at 1-8% slope
 - b. Moderate limitation at 8 - 15% slope
3. Local Roads/Streets
 - a. Slight limitation at 1-8% slope
 - b. Moderate limitation at 8 -15%

SLOPE / TOPOGRAPHY

1. The road slopes gently from 5380' at Southern Blvd. to 5190' at the Sandoval/Bernalillo County Line.
2. There is a small hill rising 10' from 5240' to 5250 on Golf Course Road near 21st Street.
3. Slope = 2% along Golf Course Road.
4. The surrounding lots also have a gentle 2% slope.

DUST AND DIRT - STANDARDS

Appropriate grading procedures shall include, but are not limited to, the following:

- Grading allowed only after site plan submitted and approved by City Development Building Inspection and Planning Division.
- Wind fences shall be installed to limit blowing sand and debris during construction.
- Native plants and vegetation should be disturbed as little as possible.
- Water graded areas to prevent blowing dust or dirt, hydro-seeding with temporary irrigation, adding a dust pallative, and/or building wind fences.
- Revegetate graded areas as soon as possible.

INVENTORY AND ANALYSIS **INFRASTRUCTURE CONSTRAINTS**

SEWAGE

Please check with the City of Rio Rancho Utilities Dept. and the Public Works Dept. for more specific information on this subject. At the present time, (July 1998) there is no sewage line along the west side of Golf Course Road. All developments planned along the corridor area must check into availability of infrastructure and locations of available utilities in the preliminary design and development planning stages.

DRAINAGE

Drainage along the corridor needs to be controlled to avoid run-off, flooding, and water damage. Storm sewers shall be built by Golf Course Road as per the City of Rio Rancho City Engineer's Standards, (when funding is available).

STORM WATER RUN-OFF

Surface water run-off shall be minimized and detained on-site if at all possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channels may be required of the developer to prevent flooding caused by his project, please check with The City Development Dept regarding this subject. The natural state of watercourses, swales, floodways, or rights-of-ways shall be maintained as nearly as possible.

WATER

Water lines exist on the east side of Golf Course Road. At the present time, water lines must be extended from the east side of Golf Course Road or a water well installed for water use on the west side of Golf Course Road. Please check with the City of Rio Rancho Public Works Dept. and the Rio Rancho Utilities Co. for availability of water when you are ready to develop. All measures to detect and eliminate any possibility of groundwater pollution must be taken into consideration before any development takes place.

UTILITIES SERVICES

This is a list of the current services available to Golf Course Road:

- A. Sewage infrastructure is absent except at the corner of Southern and Golf Course Road.
- B. Water is available on the east side and west side locations of Golf Course Road.
- C. Electricity is available on the east side and some west side locations of Golf Course Road.
- D. Gas is available on the east side and some west side locations of Golf Course Road.

All future utilities including gas, electric and water shall be located underground.

All development plans and location of utilities must be approved by The City Development Dept. Any questions regarding existing infrastructure and availability of infrastructure can be addressed by the City Development Dept. Public Works Dept., Rio Rancho Utilities.

GOLF COURSE ROAD CORRIDOR PLAN

ARCHITECTURAL DESIGN STANDARDS

The following are *architectural design standards* for the Design Overlay Area of the Golf Course Road Corridor Plan:

- A. The proposed structures/buildings shall be constructed in a style and form listed in this document which will contribute to the character and architectural integrity of the adjacent communities and Golf Course Road.
- B. Proposed signage, (*monument signs shall be required - please see sign section*) and landscaping, (*xeriscaping plant list, is included*) will compliment the main architectural structure and will not dominate or overwhelm the structure or property.
- C. All storage areas, trash areas, and utilities shall be architecturally screened to match particular style of building and from public view, (will meet zoning requirements and refuse pick-up requirements).
- D. All parking structures shall be architecturally compatible with the primary and surrounding structures. There are landscaping requirements for parking areas described within this document. *If a parking structure is needed, please include specifics in your proposal on how parking structure relates architecturally and as part of the site.*
- E. *All structures/buildings designed shall be of stuccoed or bricked facing on all sides primarily and shall compliment the surrounding architecture. A very limited amount of exposed metal may be acceptable if treated or painted. Innovative architectural designs and desert-type landscaping and detailing are required.*

ARCHITECTURAL STYLES

for the Golf Course Road Corridor Plan Design Overlay Area

This section shall establish guidelines for a variety of architectural styles and appropriate standards for all structures within the Golf Course Road Corridor Plan Design Overlay Area.

A. For properties in this Golf Course Road Corridor Plan Design Overlay Area; southwestern architectural styles, classic or modern, - Pueblo, Spanish Colonial, Territorial, Northern New Mexico Vernacular, Mission, Spanish Eclectic and Contemporary Pueblo shall be required. For information regarding these styles, please refer to the following books for reference purposes; *New Mexico Historic Building Inventory Manual, Section VI. Introduction to New Mexico Architectural Styles* and *A Field Guide to American Housing by Virginia and Lee McAlester.*

Of the styles identified in the *Building Inventory Manual*, Gothic, Richardson Romanesque, Colonial Revival, World's Fair Classic, Prairie, Hipped Box, Bungalow, Decorative Brick, Tudor Revival, Thatched Cottage, Provincial, Georgian Revival, Art Deco, International Style, and Streamlined Moderne shall not be used because this area of Rio Rancho presents a special opportunity to be more regionally significant utilizing architectural styles native to the west and southwestern United States and establish a visually appealing gateway corridor area into the City of Rio Rancho.

A detailed description of the required Southwestern and Contemporary Southwest styles follows:

1. Pueblo Revival Style

Facade

In the Pueblo Style walls shall be surfaced with a smooth stucco surfacing and shall incorporate soft rounded corners or buttressed corners in order to emphasize structural massing. Parapet walls above the roof line shall be used in the design and shall have rounded edges and variations in height. The use of bell coates (espadanas) or other design strategies which simply vary the heights of the facade shall be incorporated in large scale (*business center or apartment complex*) commercial or residential buildings. Structures which are more than one story in height shall have the top story setback further from the front property line than the first story. Manipulation of the facade using these strategies will help break up building mass and reflect a more appropriate scale to adjacent surroundings.

Roof

Roofs are generally flat except that sloping of the surface will be allowed to facilitate the shedding of moisture. Canales made of clay or treated wood shall be incorporated along appropriate areas of the roof and facade to aid in the removal of the surface moisture. Color stuccoed walls and applied ornamentation shall be of a desert or earth tone.

Ornamentation

Although the Pueblo architectural style is generally limited in ornamentation, the use of exposed/treated wood lintels above the windows and entryways and wood vigas shall be required. Application of these features may be used in their structural form or may be applied simply as decoration. Vigas, applied as decoration, shall be placed along the exterior wall in a single i.e., north/south or east/west in order to avoid the appearance of crossed or misplaced supports (buildings of more complicated design may be allowed multi-directional placement). The use of portales/loggias are strongly encouraged but not required elements. Vertical supports for these items, if used in the design, shall consist of round wood columns with corbel bracketed capitals. If chimneys are incorporated as a design feature, all components shall be appropriately constructed and detailed in a manner consistent with the rest of the structure.

2. T e r r i t o r i a l S t y l e

Facade

Walls shall be surfaced with either a smooth stucco or brick. If brick is used, the brick must be antiqued or otherwise treated to give the appearance of a weathered and aged brick. Overall building form should be clean and simple in appearance. Parapet walls above the roof line shall be used in the design and shall be capped with brickwork, masonry, or wood unless a folk territorial design is used in which case, no parapet shall be used. Structures shall have facades of varying heights. Structures which are more than one story in height shall have the (or stories, if three stories allowed) setback further from the front property line than the first story. These design techniques are useful for emphasizing structural depth and aid in defining and distributing structural mass and scale.

Roof

Roofs shall generally lie flat except that sloping of the surface will be allowed to facilitate the shedding of moisture. Folk territorial designs shall have pitched gable roofs surfaced with tin or corrugated sheet metal which has been factory painted / treated in a manner which eliminates its reflective properties yet contributes to the design characteristics of the selected architecture. Dormer windows are not required in folk territorial designs but are strongly encouraged. Color stuccoed walls shall have earth tones such as tan, sand, beige. Brick facades shall consist of muted colors such as red brick which has been "antiqued." Trim materials shall have light or neutral colors which contrast to primary surface colors. Ornamentation in designs which incorporate parapets, the cornice shall be detailed with decorative brick or wood and contain

lenticular ornamentation. Canales shall be square or rectangular in shape and be constructed of a natural material such as wood or have surface treatment.

3. M i s s i o n S t y l e

Facade

Walls shall be surfaced with a smooth stucco finish and maintain clean edges or corners. Walls shall give the appearance of mass through their construction. For larger structures (*i.e., business center, warehouse, etc*) which contain two (or more) stories, facades shall, through their design, create at minimum two distinct levels, feature an arched portal feature along the first level and incorporate a vertical element such as a espadana or bell coate in the design. The portal shall characteristically contain curvilinear openings or archways to emphasize the portal and assist in defining two levels. The second and third (if appropriate) story shall be set back further from the front property line than the first story. *Smaller structures used for single uses or a small number of uses* may incorporate similar design features as what is required of the larger structures, however, greater design latitude shall be afforded to smaller structures in order to ensure that scale and mass do not overwhelm the overall appearance. All facades regardless of building size shall incorporate arched entryways in the design. Arched window openings or detailing is strongly encouraged for all such openings and shall be required for windows which figure prominently in the facade design. Facades shall also incorporate curvilinear parapets projecting above gabled rooftops.

Roof

Roofs shall be pitched in a gable fashion and shall be surfaced with a red colored tile. Emphasis to the roof detailing shall be provided through the use of curvilinear parapets. Projecting eaves shall be accentuated with exposed rafters. Color stuccoed walls shall have light or neutral tones. Roof tiles shall have a red tone. Ornamentation of curvilinear parapets shall be required. Any projecting eaves shall be accentuated by exposed rafters. Detailing which emphasizes rounded or curved openings such as windows or portal entry arches are encouraged.

4. S p a n i s h C o l o n i a l S t y l e

Facade

Walls shall be surfaced with a smooth stucco surfacing and shall have a belt mold which encircles the building along the top of the facade. Structures which are more than one story in height shall have the top story(ies) setback further from the front property line than the first story. Manipulation of the facade using these strategies will help break up building mass and reflect a more appropriate scale to surroundings.

Roof

Roofs shall be pitched using a 4 in 12 to 5 in 12 pitch. Roofs over balconies and other such features may have pitches of 2 in 12. Roofs shall have clipped eaves, generally flush with the wall, and shall be surfaced with clay barrel tiles. When overhangs are created exposed and treated timbers shall be used. Color stuccoed walls shall be white or contain light desert colors, such as tones of peach, etc. Color accents, if used, shall not be of a stark contrast to the primary color of the wall.

Ornamentation

There shall be limited arches used in the overall design of the structure. Arches serving primary entryways are typical and are encouraged. Windows shall be of a divided light variety and shall be recessed or otherwise defined and accentuated with molded surroundings. All doors shall be constructed of or give the appearance of heavy carved wood. Exposed timber shall be used in the design of overhangs. Courtyards and patio designs incorporated into the building design are strongly encouraged and, if used, shall have strong timber accents such as beams or joists. If chimneys are incorporated design element, all components shall be constructed and detailed in a manner consistent with the rest of the structure.

5. C o n t e m p o r a r y - P u e b l o S t y l e

Contemporary, modernistic interpretations of the Pueblo style incorporating large areas of glass and innovative massing can be designed with skill to be in harmony with more traditionally styled southwestern buildings.

Facade

Style shall incorporate innovative massing including large areas of glass and planes of stucco surfacing. Not more than (3) color changes to stucco exterior wall finish from desert or earth tones. *Percentage of glass area to wall area not to exceed 30%*. Wood lintels over window or door openings shall not be allowed. Courtyards are encouraged and courtyard walls extending geometries of commercial, residential complex, or business structures are part of this style.

Roof

There shall be no pitched forms in this style. Roof may have very slight slope behind a parapet to facilitate in the shedding of moisture. Parapets are used to emphasize forms and screen roof equipment.

6. Northern New Mexico Style

Facade

This historic Northern New Mexico style building was typically a simple Pueblo or Territorial style residence with a pitched roof added and a usable attic space resulting. To keep the roof simple and affordable and to conserve heat the building/house is more compact, lower additions with shed or low sloped roofs branch off of the main form. This creates a dominant single form with lower dependant forms. Exterior wall finish is stucco with square or rounded corners from desert or earth tones. Second story rooms are typically half in the roof creating cathedral ceilings and characteristics dormer windows. Trim over openings are / can be pedimented wood with moldings, but untrimmed openings are just as common. Entry porches(s) are a hallmark of this style. Exterior wall finish is stucco with square or rounded corners. Portal columns are square or square tapered and typically painted finished wood with painted wood trim forming the capital and base of the post. No corbels.

Roof

Pitched roof forms are allowed in this style with 1 ½ story height maximum. The traditional Northern New Mexico roofing material is corrugated metal sheets with a galvanized finish. Colored standing seam roofs are also possible in red, blue, green and silver. No swamp coolers or heating units are to be mounted on pitched roofs. Roof eaves and rakes require painted moldings and trim at the termination of roofing.

7. Spanish Eclectic Style

Spanish style buildings and residences in New Mexico follow similar masonry traditions as the Pueblo style and can be rustic or very finished in character. The Spanish style tradition is characterized by low pitched roofs, usually with little or no overhang; mission tile roof covering; and one or several arches at the entry or most important room. An entry courtyard with an elaborate entry door is common to this style. Tower forms have also been associated with this style in the past but must be carefully integrated into the massing of the residence.

Roof

There are pitched roof forms on main volumes, porches and colonnades or behind parapets in this style maximum slope is 6 in 12. Low sloped roofs can also be integrated into the massing. Parapets are also used to emphasize forms and screen roof equipment.

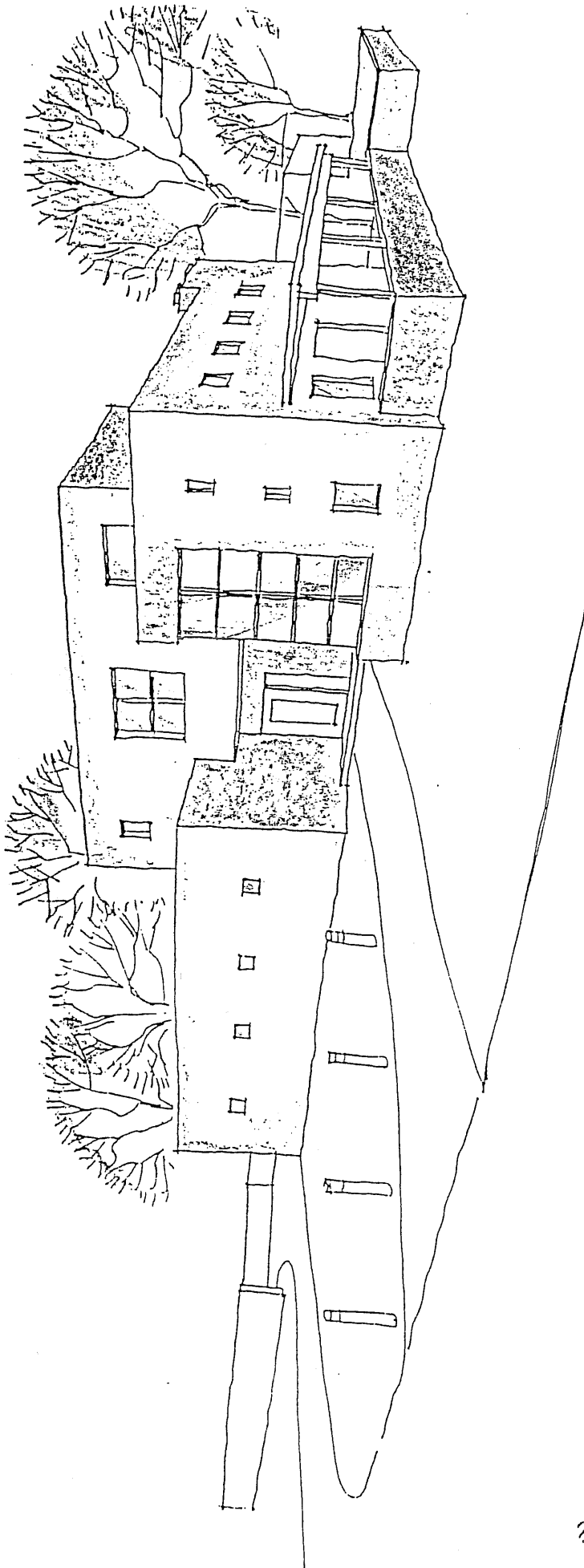
Facade

Exterior wall finish is stucco with square or slightly rounded corners from the desert pastel and or earth tone pallette stucco selection. Smooth stone can be used in horizontal benches at the base of walls, as parapet caps. Trim over and around openings can be tile or terra cotta moldings, but untrimmed openings are just as common. The symmetrical form allows for formal courtyards to be easily integrated into the design by low walls and gates extending rectilinear geometries. Portal columns are typically round, classical stone or wood, finished with capital and base. Portals can be formed with masonry arches.

Pueblo Revival Style

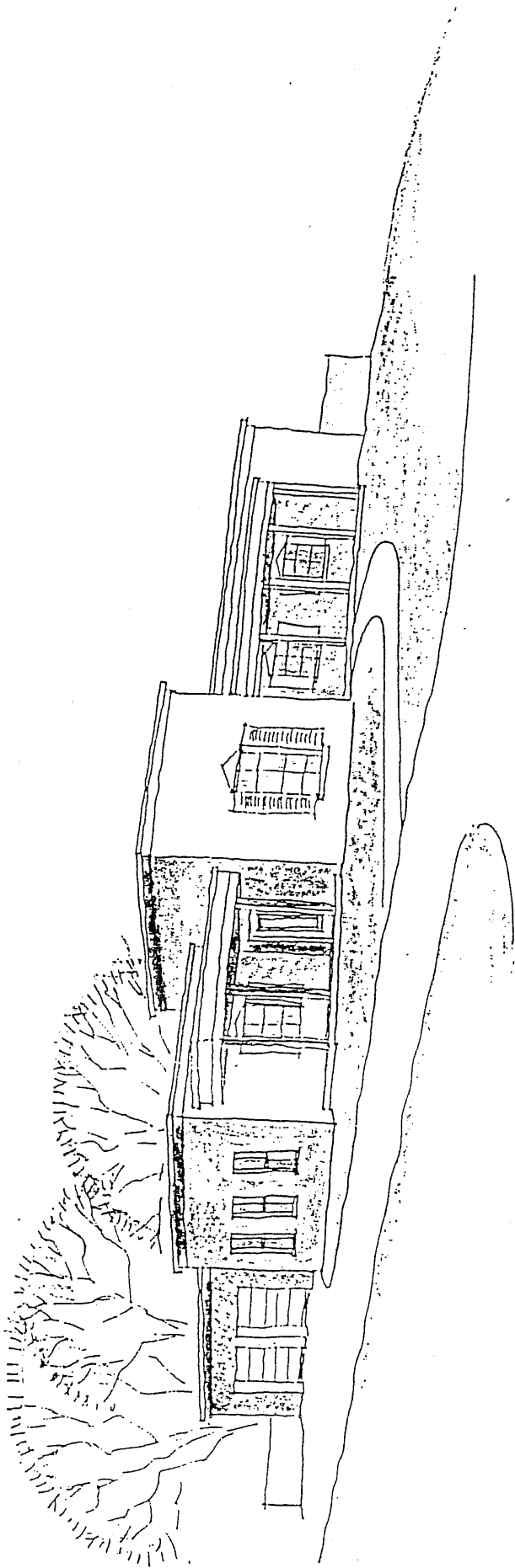


Contemporary Pueblo style

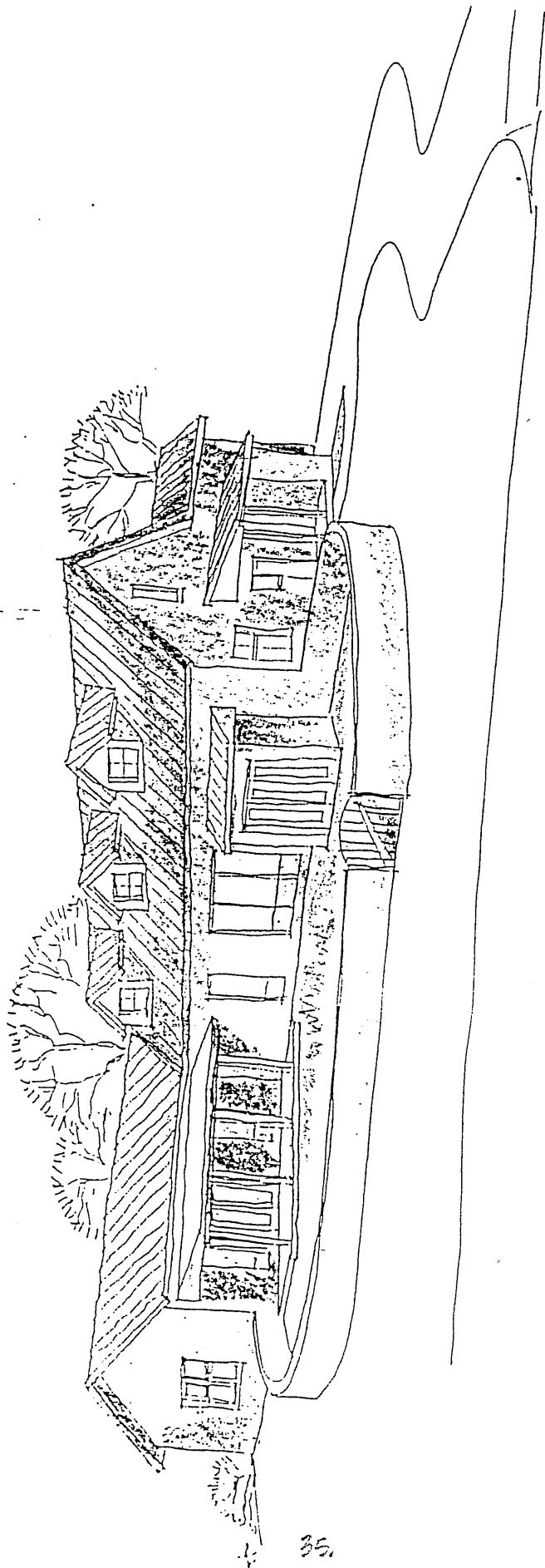


7/7.

Territorial Style



Northern New Mexico Style



ARCHITECTURAL LIGHTING

STANDARDS

Exterior lighting shall be soft, and glare free, of a residential, and low-intensity character; to suit the nature of the neighborhood which is mixed business/residential. Many of the future businesses along Golf Course Road shall design lighting which is suitable for close proximity to a large residential area, (Unit 16) of Rio Rancho. *In general, directional spot or flood lights shall be avoided in favor of path lights and tree up lights. Street lights shall be of low intensity and mounted on standards that are compatible with the residential scale and character.*

The lighting along Golf Course Road and surrounding areas must be controlled in both height and intensity to maintain a residential and business environment. **Light levels at the lot line shall not exceed 1 foot candle measured at ground level.**

In this environment of mixed residential and commercial uses, **light standards are restricted to a maximum of twenty (20) feet in height, and shielded so the source of light is not seen from the street or adjoining property.**

MONUMENT SIGNS

STANDARDS

Signs along this plan area shall be pedestrian and residentially scaled monument signs. These signs shall be flush to the ground and architectural innovation is encouraged in the design. Concrete and ceramic materials along with plastic/fiberglass materials often lend themselves to this style and this signage is more attractive and less obtrusive than larger signage which overwhelms the environment where it is located.

***Monument signs shall be no more than seven feet high, and not more than eight feet in length, depth or width of sign shall not be more than 24 inches. All signage proposals must be approved by the Rio Rancho City Development Dept. Design of sign can vary from a rectangular shape, but all sign designs and dimensions must be approved by the City Development Dept.**

WALL MOUNTED SIGNS

STANDARDS

***The surface area of wall- mounted signs shall not exceed 12 (twelve) percent of the exposed building face of the wall to which it is attached, each wall to be considered separately.**

All signs proposed for installation, whether for on or off -site messages, shall avoid creating distractions for the motoring public and competition between advertisers.

No signs of any type, with the exception of traffic control and other governmental signs, shall be placed within the Golf Course right-of -way.

All signs must receive design approval and a sign permit from the City Development Department.

Off- street PARKING

STANDARDS

- The parking spaces shall be designed to meet City Zoning and Subdivision requirements. A site plan shall be submitted and approved by the City Development Dept. prior to issuance of any building permits.
- Handicapped designated parking spaces shall meet ADA standards.
- If needed, the City of Rio Rancho Traffic Safety Advisory Committee shall evaluate the site and the designated use of the parking spaces and driveways as indicated in the submitted site plan.
- Space for off-street parking will be provided which, *in the proposed development design will accommodate the number of occupants and or residents of the proposed development of all structures on the lot, and this parking arrangement will require no backing out onto the public right of way.* Please contact The City of Rio Rancho City Development Dept. for any concerns or questions regarding parking.

BUFFERYARD STANDARDS

Noted, influential American architect Frank Lloyd Wright succinctly captured the essence of the bufferyard concept when he observed that "greenery hides a multitude of sins." A bufferyard is an area of plantings surrounding a land use which screens or blocks vision, noise pollutants, or other negative by-products associated with that use. In the case of intense uses abutting less intense ones, structural components such as fences or berms may be required of a bufferyard.

- **Bufferyards are required on all developments which are built along the west side of Golf Course Road starting with the Rio Rancho Governing Body approval of this plan.*

The developer has flexibility to build at different land use intensities on a particular site, but all neighbors to the development are protected - literally "buffered" from the consequences of the more or similar intense use "next door."

The purpose of this section is to provide guidelines for bufferyards and landscaping standards for the Golf Course Road area. These standards are meant to provide a certain amount of flexibility yet also provide that the public interests are protected.

- *Peripheral bufferyards shall be located along the outer perimeter of a lot or parcel and shall extend to the lot or parcel boundary line.*
- **Bufferyards shall contain side walls of four to six feet high to buffer adjacent uses. This wall shall be of a ceramic, concrete, adobe or other similar material and be effective in blocking and buffering sound. The exact height and material will be determined at time of submittal. Only solid wall construction (no chain link or wire fencing allowed) is allowed in buffer areas.*
- **A bufferyard of at least 10' to 15' (or ten to fifteen feet), measured along the ground in the property to be developed, is required between neighboring land uses. Exact buffer of property to be determined at time of submittal. Location and description of bufferyard size and planting materials must be included in any development design and proposal.*
- **Bufferyards are intended as a landscaped buffer between land uses. Bufferyards must contain landscaping and as act as a way to not only buffer sound and visually divide neighboring land uses but to provide landscaping and visual interest to the Golf Course Corridor Area.*

PLANT MATERIALS and MORE SPECIFICS FOR LANDSCAPING/ BUFFERYARDS

All existing and proposed off-street parking and on-lot building areas and bufferyards shall conform to xeriscaping/ desert- hardy landscaping requirements of this desert region of the United States.

For each bufferyard, a combination of deciduous or evergreen trees and shrubs is required. A suggested listing of plant alternatives follows:

Trees:

Arizona Cypress
Desert Willow
Honey Mesquite
One-seed Juniper

Shrubs and Accents:

Apache Plume
Beargrass
Bird of Paradise
Chamisa
Creosote Bush
Mormon Tea
Three-Leaf Sumac

Perennials and ground covers:

Blackfoot Daisy
Bush Morning Glory
Chocolate Flower
Gray Santolina

- All bufferyard areas shall be seeded in *native groundcover* unless such vegetation is already fully established, or an organic or inorganic ground cover shall be provided to prevent soil erosion and discourage weed growth.

ROADSIDE TREES - STANDARDS

Because roadside trees are extremely important to the character of any city or town, the planting of roadside trees is encouraged and given special emphasis in this plan. ***The planting of new trees approximately every thirty (30) feet, (two inches in diameter at time of planting), along the Golf Course Road corridor plan sidewalk area shall be required.*** These trees shall be planted and maintained by the developer and/or owner. These trees will most likely be located on the west side of the sidewalk; please check with The City Development Dept. and the Public Works Dept. for specific locations for these important roadside trees. ***Locations (set back from curb by at least 10 feet but not more than 15 feet) need to be included on site plan. . Please indicate on any building proposal submittal a site plan with the exact species and location of trees.***

- Roadside trees along Golf Course Road should meet the below listed criteria:

- Long-lived, meaning a life span of over sixty (60) years;
- Have the capacity to live two years with no irrigation after establishment;
- Trees should be of native origin, desert hardy and pertain to the criteria of this list;
- Requiring little maintenance by nature of its structural strength and be insect and disease-resistant;
- Be tolerant of pollution and direct or reflected heat.

LANDSCAPING STANDARDS

Planting Restrictions

- Landscaping for new development within the plan shall be provided to cover 20% of the parking area for each parcel. Parking area shall be defined as the surface area of a parcel excluding building area. Please see Parking Area -Trees Section for more specifics.
- Of the total area required to be landscaped, one-half (½) shall be located within the front setback of the property. For purposes of this Plan, the front setback of the property shall be defined as the area between the front setback curb and the property's principal structure. Landscaping for corner lots, double or triple fronting lots shall follow City of Rio Rancho Zoning Code Standard specifications. Businesses which have outdoor seating on patios and/ or grassed/xeriscaped areas may provide only (1/4) of the required landscaping on the front setback, subject to review by the City.
- In addition to the required landscaping percentage specified un this section, all commercial, office and apartment development shall *be required to plant trees within parking area for shade and relief. *One (1) tree shall be planted for every seven (7) parking spaces within parking lots as they are located along Golf Course Road. Please include in your development proposal and plan the location and specific type of trees you plan on using in your parking areas.
- This approach requires the use of medium and low water use plants on a minimum of 80% of the landscaped area. High water use turf may not be used on more than 20% of the landscaped. A plant list is included in the Bufferyards section and from the City Development Department. Most trees are exempt from the requirements.
- Control erosion with plantings on all existing, disturbed and man made slopes. Concrete, asphalt or other impervious coverings are not allowed.
- Utilize existing and natural features and attributes of the site into the design.

PLANTING RESTRICTIONS

This approach requires the use of medium and low water use plants on a minimum of 80% of the landscaped area. High water use turf may not be used on more than 20% of the landscaped. An extensive plant list is available from the City Development Department. Trees are exempt from the requirements. Control erosion with plantings on all existing, disturbed and man made slopes. Concrete, asphalt or other impervious coverings are not allowed.

Utilize existing and natural features and attributes of the site into the design.

IRRIGATION SYSTEM STANDARDS

These guidelines are for all new development; all irrigation system design must:

- Decrease over watering and water waste, and irresponsible use of water usage.
- Coordinate the site location and the plant types, rates of infiltration and prevailing wind direction.
- Place sprinkler heads eight inches from curbs or pavement, if possible.
- Install controls to program watering due to season and age of plants.
- Malfunctioning or damaged parts must be replaced immediately.

FENCES AND SCREENING STANDARDS

Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, shall be screened visually * both horizontally and vertically, from roads and surrounding land uses. Suitable types of screening include masonry fences, stuccoed block or adobe, opaque wood fences; chain-link is not allowed with or without slats as a screening device.

In areas where health issues are a concern, and there is a potential for health or safety hazards- a solid wooden or masonry or plastered adobe or block, fence, six (6) feet in height is required (to deter animals and humans from entering the area.) Please refer to the zoning code for more specifics on fences for specific zoning areas.

Any new fencing of a continuous surface length of ten (10) feet in length or greater shall require a visually softening effect of trees and shrubs included in the plan.

A fence permit must be obtained from the City Development Dept.

PARKING - AREA TREES

STANDARDS

- Parking lots containing ten or more spaces shall be planted with at least one tree per seven spaces, no smaller than 2" caliper (trunk diameter at chest height). Please refer to landscaping section for additional information.
- Parking areas must also be *screened* along lot lines bordering *institutional or residential uses*. * Screening shall consist of a landscaped area at least six (6) feet wide, planted to create a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier.
- Native trees and shrubs shall be planted wherever possible, in order to capture the spirit of the desert landscaping/southwestern landscape which surrounds the Golf Course Corridor Plan Area. Please refer to the plant list further into this document for suggested plants and also contact The Rio Rancho City Development Dept., Planning Division, for a list of desert hardy trees and shrubs.

GOLF COURSE ROAD CORRIDOR PLAN

PUBLIC STREET - INFRASTRUCTURE IMPROVEMENTS

The infrastructure system is comprised of those basic facilities, equipment, services and installation needed for the growth and function of the corridor. These facilities include the street, access points, street illumination, drainage facilities, sewage systems, medians, and sidewalks. These improvements result in an increased efficiency of the traffic flow, while providing for the health, safety and welfare of the residents of Rio Rancho.

ROAD ALIGNMENTS

**Important road alignment improvement when Golf Course is widened:*

**At the present time, 13th Ave. and Sue Circle, streets within the corridor plan area, which run adjacent to Golf Course Road on opposite sides to Golf Course, don't line up properly. To have these two corridor access streets line up properly would create an efficient and safer traffic flow and a better geometry; it is strongly suggested that with the widening of Golf Course in the near future, these streets become aligned.*

MEDIANS

Currently, no medians exist on Golf Course Road. *Medians may be placed in future construction projects to limit turning motions on the facility, control the flow of traffic and provide a place for landscaping.* Median breaks may be located primarily at intersections. Rounded median caps may accommodate left and U-turns to access residential and non-residential uses.

STREET ILLUMINATION

All intersections along Golf Course Road shall be illuminated by a street light as per the Rio Rancho Subdivision Ordinance. Street lights shall be installed to provide adequate illumination for safe vehicular and pedestrian traffic. Please see sketch which details specific lighting qualities desired by street lighting along Golf Course.

ACCESS POINTS / CREATING AN EFFICIENT TRAFFIC FLOW

Safe and efficient access along Golf Course Road is one of the goals of the Corridor Plan. Access along Golf Course Road needs to be controlled and special attention given to the area of single family residential lots fronting the east side of the arterial. Access shall be limited to one driveway per lot.

RESIDENTIAL TURNAROUNDS

Driveway turn-around shall be required on all future single family residential lots that front the Golf Course Road as per city standards, to discourage unsafe access made by residents backing out onto the arterial.

It is strongly recommended that careful access be designed into any future residential designs along Golf Course Road. With the widening of Golf Course Road anticipated in the next few years, it is essential that access and design of homes and structures be designed with the knowledge of Golf Course Road as a major transportation carrier for the future.

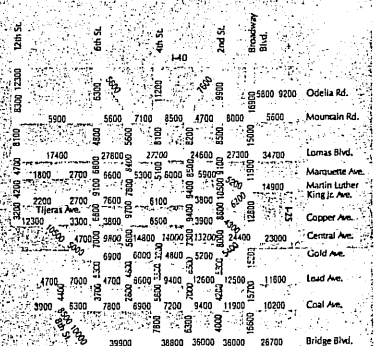
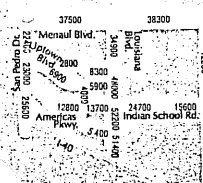
All development plans, residential or commercial in nature, must be reviewed by The City of Rio Rancho City Development Dept., and additional access requirements may be placed along the Golf Course Road corridor to assure safe access to lots.

SIDEWALKS / BIKEWAYS

A six foot sidewalk shall be constructed along the west side of Golf Course Road adjacent to a eight foot bikepath; these widths may vary according to the final, approved roadway design for Golf Course Road. A sidewalk shall be constructed along the east side of Golf Course Road. Please contact The Public Works Dept. For information regarding these improvements.

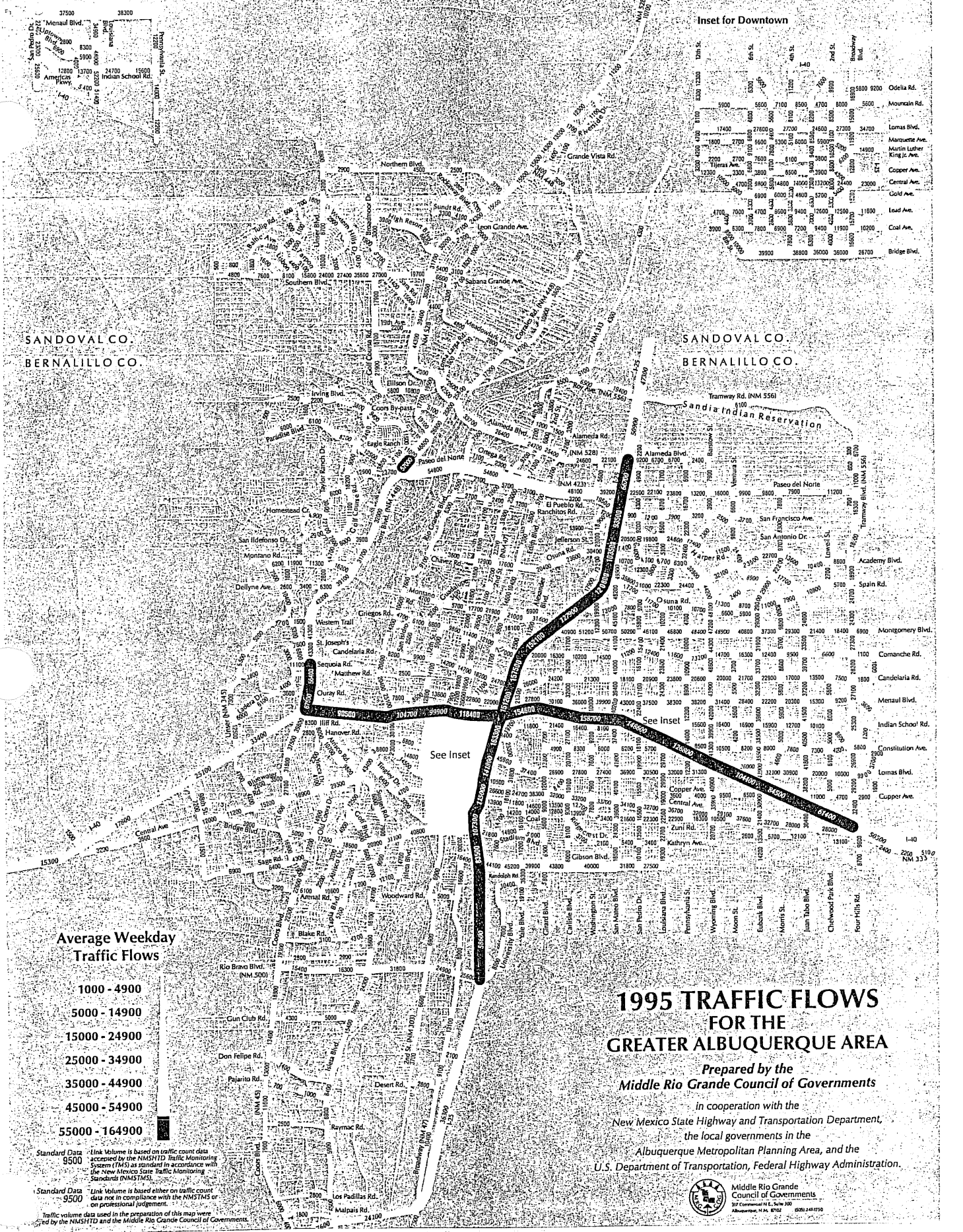
Possible business types to consider which could add to a successful business/neighborhood interaction along the Golf Course Road Corridor Area:

- a. Bookstore
- b. Bike / Outdoor Gear Shop
- c. Flower / Gift Shop
- d. Architect's Offices
- e. Bakery / Pastry Shop
- f. Health Food Store
- g. Real Estate Business
- h. Gardening Supplies
- I. Bank
- j. Contractor's Offices
- k. Coffee Supplies
- l. Import Store
- m. Physician's / Professional Offices
- n. Shoe Store
- o. Ice Cream Parlor / Store
- p. Photo Supplies
- q. Lawyer's Offices
- r. Furniture / Furnishings Store
- s. Southwestern Indian Arts Store / Gallery
- t. Collectibles Shop
- u. Fine Art Gallery
- v. Specialty Grocery Store
- w. Ceramics Supply Store
- x. Pet Groomer
- y. Vegetable / Fruit / Market
- z. Card / Postcards / Gifts Shop



SANDOVAL CO.
BERNALILLO CO.

SANDOVAL CO.
BERNALILLO CO.



Average Weekday Traffic Flows

- 1000 - 4900
- 5000 - 14900
- 15000 - 24900
- 25000 - 34900
- 35000 - 44900
- 45000 - 54900
- 55000 - 164900

Standard Data 9500
Link Volume is based on traffic count data accepted by the NMSHTD Traffic Monitoring System (TMS) as standard in accordance with the New Mexico State Traffic Monitoring Standards (NMS1M5).

Standard Data 9500
Link Volume is based either on traffic count data not in compliance with the NMS1M5 or on professional judgement.

Traffic volume data used in the preparation of this map were provided by the NMSHTD and the Middle Rio Grande Council of Governments.

1995 TRAFFIC FLOWS FOR THE GREATER ALBUQUERQUE AREA

Prepared by the
Middle Rio Grande Council of Governments
in cooperation with the
New Mexico State Highway and Transportation Department,
the local governments in the
Albuquerque Metropolitan Planning Area, and the
U.S. Department of Transportation, Federal Highway Administration.



Existing Proposed

Interstate (includes frontage)
 Limited Access Roadway
 Principal Arterial
 Minor Arterial
 Collector

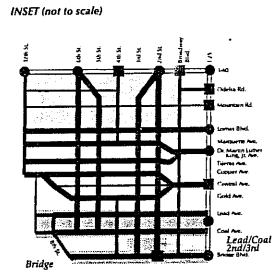
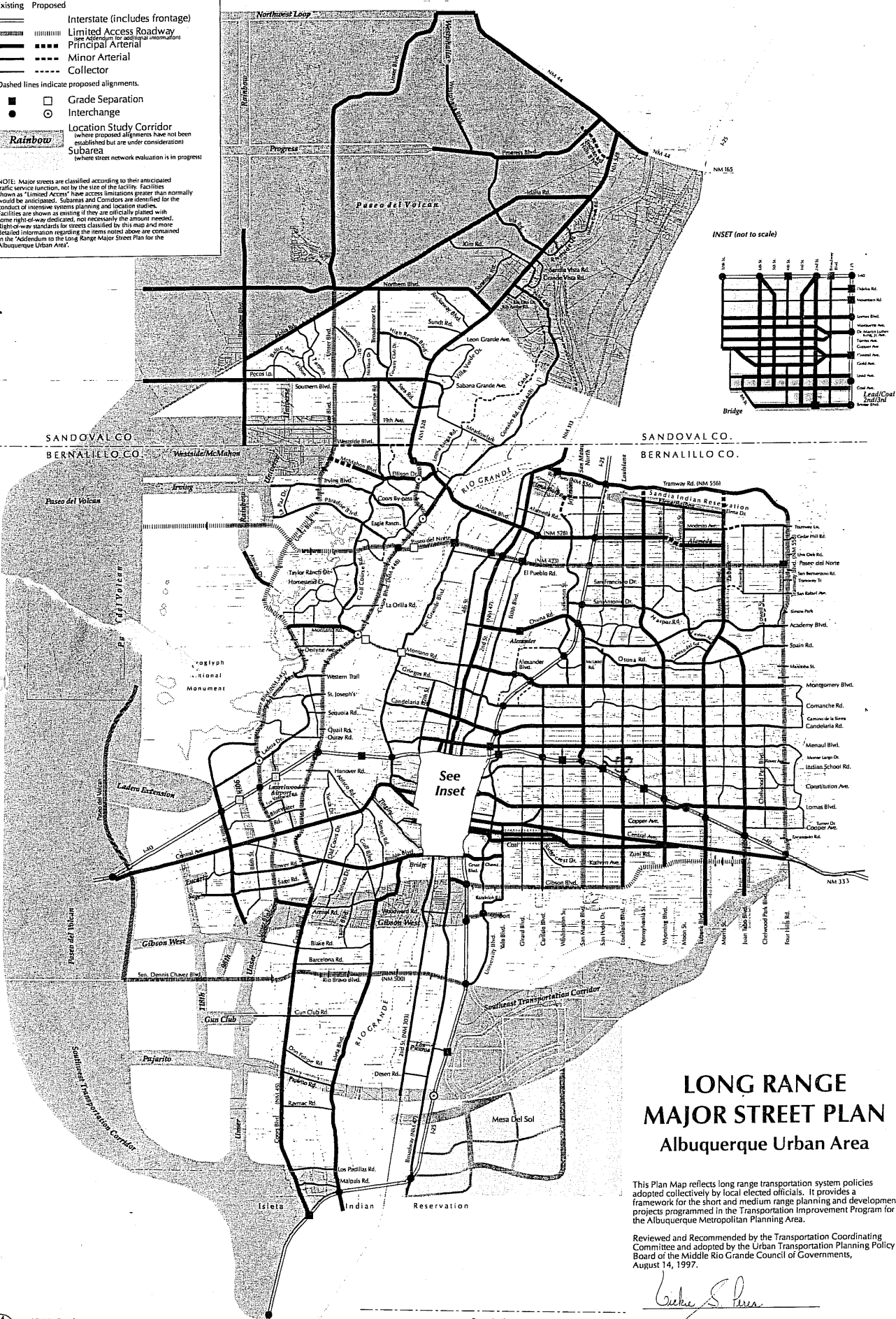
Dashed lines indicate proposed alignments.

Grade Separation
 Interchange

Location Study Corridor
 where proposed alignments have not been established but are under consideration
 Subarea
 where street network evaluation is in progress

Rainbow

NOTE: Major streets are classified according to their anticipated traffic service function, not by the size of the facility. Facilities shown as "Limited Access" have access limitations greater than normally would be anticipated. Subareas and Corridors are identified for the conduct of intensive systems planning and location studies. Facilities are shown as existing if they are officially planned with some right-of-way dedicated, not necessarily the amount needed. Right-of-way standards for streets classified by this map and more detailed information regarding the items noted above are contained in the "Addendum to the Long Range Major Street Plan for the Albuquerque Urban Area".



LONG RANGE MAJOR STREET PLAN

Albuquerque Urban Area

This Plan Map reflects long range transportation system policies adopted collectively by local elected officials. It provides a framework for the short and medium range planning and development projects programmed in the Transportation Improvement Program for the Albuquerque Metropolitan Planning Area.

Reviewed and Recommended by the Transportation Coordinating Committee and adopted by the Urban Transportation Planning Policy Board of the Middle Rio Grande Council of Governments, August 14, 1997.

Vickie S. Perea

Vickie S. Perea
 Chair, MRGCOG/UTPPB



The City of Rio Rancho

Development Services

Planning Division

3200 Civic Center Circle NE

Rio Rancho, NM 87144

Phone (505) 891-5005 • Fax (505) 896-8994

December 21, 2022

RE: Zone Map Amendment
Case No. 22-100-00026
U16, Blk 59, Lot 50A (1207 Golf Course Rd SE)

Dear Property Owner:

You are receiving this certified notice because your property abuts a site where a land development decision is required by the Governing Body.

The applicant, Meichi Lee, through her agent, Riley McKee, of Sun Vista, is requesting approval of a Zone Map Amendment for the subject property legally described as U16, Blk 59, Lot 50A; located at 2107 Golf Course Rd SE. The property is currently zoned R-1: Single-Family Residential and is seeking a zoning change to NC: Neighborhood-Commercial.

The **Planning and Zoning Board** considered the request and are recommending approval to the **Governing Body**; they have the final approval on **Thursday, January 12, 2022** at 6:00 pm in the **Council Chambers** and **Virtually** as a hybrid meeting, through the **Zoom link and number below**.

On the back of this letter is a location map of the project, with the subject property identified with the black outline.

If you would like to comment on this application, you are encouraged to send in comments in writing, which will be presented to the Governing Body. This Governing Body meeting will be hybrid with options to participate virtually or in person. The City highly encourages citizens to watch the meeting live on the City's website www.rnm.gov or on Sparklight cable channel 56.

For the **Governing Body meeting**, to participate virtually: Join via computer: <https://us06web.zoom.us/j/85302353741?pwd=bWp1QXliSGJoeHhJaGV0czF4MDN0UT09>
Meeting ID: 853 0235 3741 Passcode: 789419 Join via phone: 1-346-248-7799 US

Please do not hesitate to contact me via e-mail me at lruizcarlos@rnm.gov or call me at 505-896-8785, if you have any questions concerning this matter. The agenda for this hearing and related staff reports will be posted on the City's website, www.rnm.gov, the Friday before the hearing.

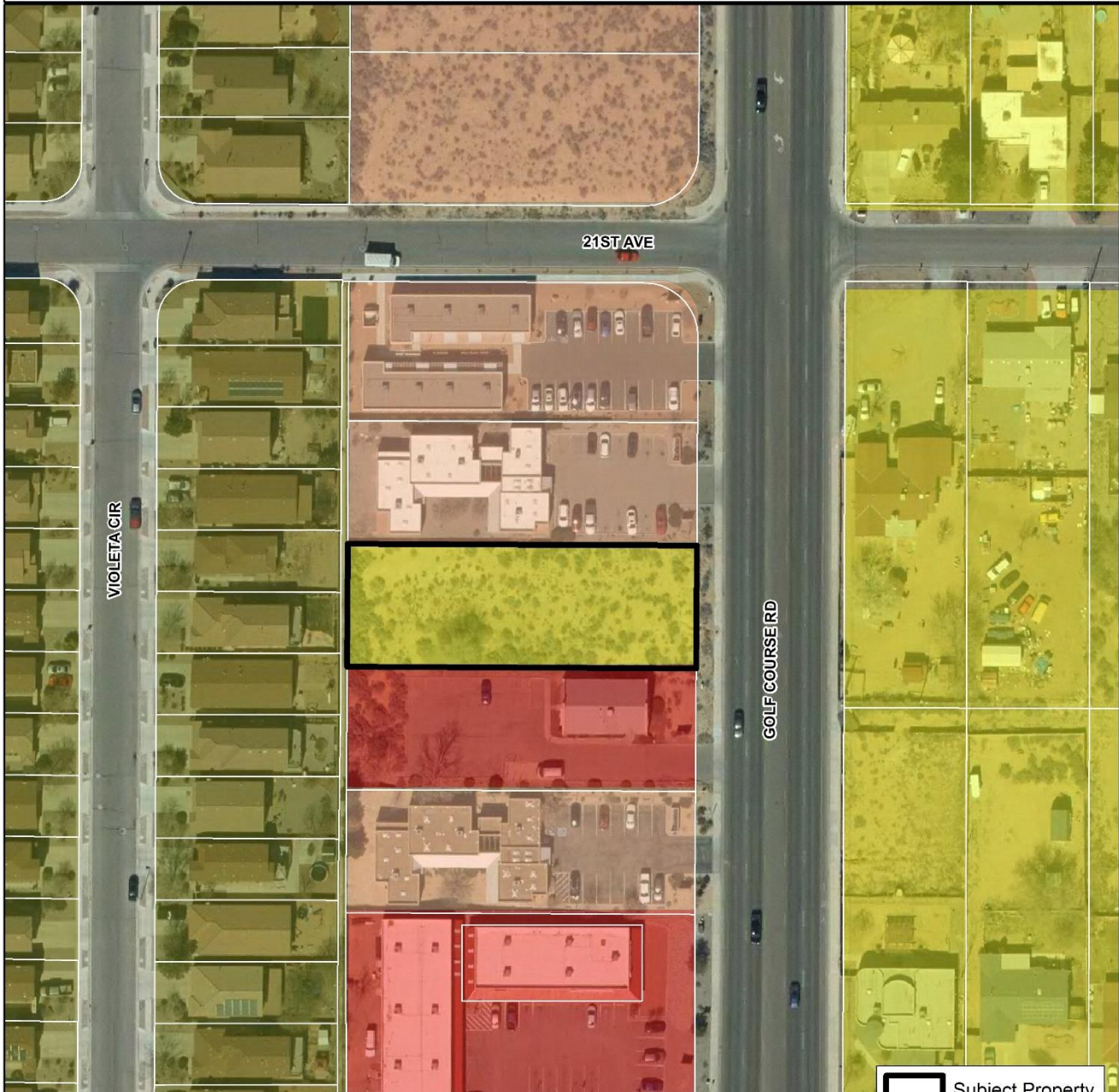
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.






Respectfully,

Liz Ruiz Carlos

Liz Ruiz Carlos
Municipal Planner I
Development Services Department
City of Rio Rancho

1207 GOLF COURSE RD SE - ZONE MAP AMENDMENT



	Subject Property
Zoning	
	C-1
	NC
	R-1
	R-4



**CITY OF RIO RANCHO
PUBLIC HEARING NOTICE**

The GOVERNING BODY of the CITY OF RIO RANCHO, NM, will consider the following matter at its regularly scheduled meeting on Thursday, January 12, 2023 at 6:00 pm:

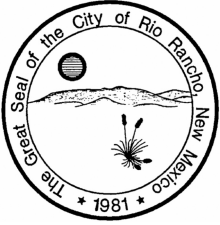
**Zone Map Amendment
Case #22-100-00026**

The applicant, Meichi Lee, through her agent, Riley McKee, of Sun Vista, is requesting approval of a Zone Map Amendment for the subject property legally described as U16, Blk 59, Lot 50A; located at 2107 Golf Course Rd SE. The property is currently zoned R-1: Single-Family Residential and is seeking a zoning change to NC: Neighborhood-Commercial.

The meeting is scheduled in the Council Chambers at City Hall, 3200 Civic Center Cir NE, Rio Rancho, NM. The public is invited to attend in person or virtually at www.rmm.gov. Materials related to this item are available for viewing in the Development Services Department at City Hall.

If you would like to comment on this application, you are encouraged to submit a written comment to planning@rmm.gov. Written comments will be inserted into the public record.

Journal: December 28, 2022



CITY OF RIO RANCHO COVER PAGE

Legislation Item: O35

AGENDA DATE:
January 12, 2023

DEPARTMENT:
City Clerk

SUBJECT:
O35, Ordinance Repealing Section 33.23 and Amending Other Portions of Chapter 33 Boards, Commissions and Committees of the Rio Rancho Municipal Code

BACKGROUND AND ANALYSIS:

Second reading of an Ordinance. The Governing Body approved the first reading of the Ordinance on December 15, 2022.

The Boards and Commissions Ordinance of the City (compiled as Chapter 33 of the Municipal Code) was first adopted in 1982. Subsequently, there have been amendments to the Chapter either to establish new boards/commissions, to modify duties and responsibilities or to generate overarching regulations applicable to all boards/commissions. The patchworked product that makes up the entire Chapter today consists of redundant, inconsistent or outdated language in need of clarity in areas, and in some cases, is in conflict with State law or the City Charter.

In line with the City's effort of cleaning up antiquated regulations, the proposed amendments provide wording and formatting edits for the readability of the Chapter as a whole and eliminate duplicative or outdated phraseology and adds language that:

1. references superseding rules (State law or the City Charter*);
2. cites back to rules that pertain to all boards/commissions (i.e., member removal, quorum calculation, procedures on noticing and record-keeping of meetings, compensation, etc., language**), or
3. conveys the standard for representation of each City Council district***.

*The authority for various acts of boards/commissions within Chapter 33 are granted by either State law or the City Charter. To ensure acknowledgement of the superseding regulations, references to them have been added, and in some instances amendments proposed to comply with the regulations, to include:

- Articles 3.02 and 5.07 of the City Charter stipulate that the Mayor is responsible for making appointments to boards/commissions, with consent from the Governing Body. Language inconsistent with the Charter in the existing ordinance has been removed.
- The Planning and Zoning Board is authorized by State law (3-19-1 - 3-19-4 and 3-21-1 - 3-21-11 NMSA 1978), should the Governing Body choose to delegate or receive advise on portions of it's land use, planning and zoning responsibilities. Rio Rancho has opted to have a Planning and Zoning Board and has specific board removal guidelines unique to only the Planning and Zoning Board. References to both state law and the City Charter have been added to the ordinance to reflect the guidelines.
- The Capital Improvement Plan Citizens Advisory Committee (CIPCAC) is authorized by the

New Mexico Development Fees Act. The statute has specific board composition requirements, to include a prohibition of an employee/official of a municipality, county or other governmental entity to serve as a member. A reference to state law has been added to the ordinance.

- The Lodgers Tax Advisory Board is authorized by the New Mexico Lodger's Tax Act, if a Governing Body chooses to enact such an advisory board. The Governing Body has selected to have a Lodger's Tax Advisory Board, but is subject to the membership composition and industry qualifications required of the statute. A reference to State law has been added to the ordinance.
- All boards/commission members, as appointed officials are held to the ethical standards setout in the Code of Conduct. The ordinance has been reformatted to create a new section that references not only the conflict of interest and recusal requirements, but highlights the expectation of compliance with the entire Code of Conduct, including non-engagement of ex parte communications.
- Article 5.07 F of the City Charter states that no vacancy in the office of any board member shall be caused by redistricting of council districts, even if the redistricting causes the number of members to exceed two from any one district. This provision was referenced to select boards, but has now been added as a rule, applicable to all boards/commissions.

**The current ordinance has redundant or inconsistent language scattered throughout it, as it pertains to requirements that apply to all boards/commissions. The language has been removed, and citations to the following overarching regulations have been inserted:

- Section 33.02 Appointments; Qualifications and Terms - also carves out procedures for how vacancies are handled; reiterates that a vacancy cannot be caused by redistricting (*explained above*).
- Section 33.03 Removal From Office - several boards/commissions had language stating that a majority of the members could recommend removal for just cause. The Library Board stated that a member should be removed for good/sufficient cause and by a vote of two-thirds of the Governing Body. This language was removed, and the ordinance is now structured to make it clear that all boards/commission are subject to the same removal process.
- Section 33.04 Meeting; Notice and Procedure – Within the amended language, all boards/commissions are required to abide by the Open Meetings Act Resolution, and Rules of Procedure used by the Governing Body. Boards/Commissions are also given the authority to set rules beyond the stated documents. This section also prescribes minute keeping and the election of chair and vice-chair annually requirements for all boards/commissions.
- Section 33.05 Reporting to Governing Body - references to this section were added within the amended Ordinance.
- Section 33.06 Quorum – in August of this year, a section on the calculation for a quorum, taking into consideration vacancies, was included in the ordinance. This proposal makes amendments to the various sections of the Chapter referencing the new section on quorums.
- Section 33.07 Conflict of interest and recusal - (*explained above*).
- Section 33.08 Compensation – Some of the boards/commissions had language stating that no compensation would be given, while others were silent on the matter. A new section was added stating that no board/commission member will receive compensation for their service, unless stated in the creating ordinance/resolution. There are currently no board/commissions that provide compensation. Years ago, when the city had a Utilities Commission, the members received \$50 for each meeting they attended.

*** Article 5.07 E of the City Charter sets a standard for full council district representation on boards/commissions - "Every effort shall be made to ensure that all council districts are represented on all advisory bodies. No more than two members of any advisory body may reside in the same council district, unless provided for otherwise by law, or unless the advisory body is comprised of more than twelve members."

Within the current Ordinance, only four out of the nine boards/commissions that the City has composition control of (exceptions are CIPCAC and Lodger's Tax) have the requirement of district representation from each City Council District and one at-large member. Currently, the Library Board membership calls for residents of the Sandoval County community who are served by the library. Some boards/commissions require 7 members, with no reference to districting. If the Ordinance remains unchanged, these boards/commissions could theoretically have two members from three of the Council Districts, and a member from one other Council District. This would leave two districts completely unrepresented on the board/commission.

In observance of the City Charter, the ordinance has been revised to require one member from each City Council District and one at-large member for every applicable board/commission. The Charter Committee membership composition has also been amended to align with the full district representation. The Committee will still include the Mayor and two Councilors, who will serve as ex-officio, non-voting members, to incorporate knowledge and personal experience of the City operation and use of the Charter. This information together with the resident member expressions of particular needs unique to each geographical areas is anticipated to provide for a well-rounded, thorough review of the Charter.

Lastly, this Ordinance proposes to repeal Section 33.23, which would eliminate the Personnel Board. The Personnel Board no longer serves a purpose in the dispute resolution process within the current Personnel Policies and Work Rules and Collective Bargaining Unit Agreements (CBA). The City Manager is the final decision maker of employee resolution matters that rise to a certain level. Even prior to the amendments to the Policies and CBA's, the Personnel Board had been unused, with the last convened meeting occurring in 2003.

IMPACT:

The amended Ordinance will eliminate duplicative, incorrect and inconsistent language within Chapter 33, and provide clarity. The addition of citations to superseding authorities and corrected language are intended to make it easier for City staff responsible for, or impacted by the actions of boards/commissions of the City, to perform their duties. Each board/commission, as advisors to the Governing Body, aids in the operation of the City and using the correct procedures and regulations for their membership, meetings and actions is critical.

ALTERNATIVES:

Adopt the Ordinance.

Do not adopt the Ordinance.

DEPARTMENT RECOMMENDATION:

City staff recommends approval of the proposed amendments.

ATTACHMENT: [Ordinance](#)

ATTACHMENT: [Current Chapter 33](#)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

**ORDINANCE REPEALING SECTION 33.23 AND AMENDING OTHER PORTIONS OF
CHAPTER 33 BOARDS, COMMISSIONS AND COMMITTEES OF THE RIO RANCHO
MUNICIPAL CODE**

WHEREAS: the Governing Body of the City of Rio Rancho adopted the Boards and Commissions Ordinance on May 12, 1982, as compiled into Chapter 33 of the Municipal Code; and

WHEREAS: since implementation, additions to the Chapter have been made to reflect newly created boards, committees and commissions; and

WHEREAS: portions of the Chapter are either redundant, inconsistent or need clarity with areas of the City Charter or sections of Chapter 33 that apply to all Authorities; and

WHEREAS: the Governing Body desires to make wording and formatting amendments for the readability of the Chapter as a whole, and to make clear that the sections pertaining to appointment, removal, meeting procedures, district representation, and conflicts of interest are to be consistently applied to all boards, commissions and committees of the City; and

WHEREAS: the Governing Body also desires to repeal Section 33.23, relating to the Personnel Board, as the Board has been dormant for roughly 20 years, and in 2021, was eliminated from the dispute resolution process in the Personnel Policies and Work Rules, and Collective Bargaining Unit Agreements.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. Chapter 33 Boards, Commissions and Committees, Sections 33.01 through 33.28, is hereby amended to read as provided below and Section 33.23 is repealed in its entirety:

33.01 CREATION.

(A) All standing, ongoing boards, committees, commissions and authorities, which are advisory in nature to the Governing Body, whether authorized by specific state statute or by implied powers granted to municipalities by general statute, shall be established by ordinance. The ordinance shall specify the purpose, membership, terms of service, duties and responsibilities, and organization of the board, committee, commission or authority.

(B) Ad hoc boards, committees, commissions and authorities, which are advisory in nature to the Governing Body, shall be established by resolution for a term not to

1 exceed one year. The creating resolution shall state, at the minimum, the purpose of the
2 committee, composition, term and process for removal of the members.

3
4 **33.02 APPOINTMENT; QUALIFICATIONS AND TERM.**

5 (A) All municipally appointed members of boards, commissions or authorities, including
6 city councilors, serving as city representatives to outside regional, state or national
7 boards, commissions, committees and authorities, except ex officio members, shall be
8 municipal residents, appointed by the Mayor with approval of the majority of all of the
9 members of the Governing Body, pursuant to ~~Sections~~Articles 3.02 and 5.07 of the City
10 Charter.

11
12 (B) Qualifications and terms of office of members of city boards, commissions or
13 authorities shall be established by the enabling ordinance.

14
15 (C) Vacancies may be caused by resignation, death, expiration of term, or removal by
16 the appointing authority, and shall be filled by appointment of a replacement to complete
17 the unexpired term, if any. Pursuant to Article 5.07(F) of the City Charter, no vacancy in
18 the office of any member of a board, commission or authority shall be caused by
19 redistricting of City Council election districts.

20
21 (DB) City employees, serving as city representatives to outside regional, state or
22 national boards, commissions, committees and authorities, except ex-officio members,
23 shall obtain approval from the City Manager, provided that they shall not be held to the
24 municipal residence requirements.

25
26 **33.03 REMOVAL FROM OFFICE.**

27 Any appointed member, except ex officio members, of any city board, commission, or
28 authority may:

29
30 (A) Be removed at any time by the Mayor, with the approval of the majority of the
31 members of the Governing Body.

32
33 (B) Be automatically removed for failure to attend seventy-five (75) percent of the
34 regular meetings in a consecutive twelve (12) month period.

35
36 **33.04 MEETINGS; NOTICE AND PROCEDURE.**

37 (A) All meetings of boards, commissions, authorities shall be held on a regular basis
38 with at least the minimum frequency prescribed by the enabling ordinance. Meetings
39 shall be held at the municipal building or other public facility as may be decided by the
40 board, commission, or authority to be suitable to the business before the body. All
41 meetings shall be open to the public unless otherwise permitted by the Open Meetings
42 Act, and shall be announced in the same manner and with the same advance notice as
43 required for meetings of the Governing Body as adopted by the annual Open Meetings
44 Act Resolution, or as required by state statute.

45
46 (B) Each board shall:

47
48 (1) Keep minutes of its proceedings which shall be open to examination by any
49 citizen. The official minutes shall contain, at a minimum, the date, place and time of
50 beginning and ending of the meetings, the names of those members present and

1 absent, and the name of the presiding officer. Minutes of open meetings shall also
2 contain any official actions and votes taken by the board or commission, including
3 votes of the individual members. No official actions or votes may be taken in a
4 closed meeting, except as may be provided by state statute. Minutes will be filed in
5 the City Clerk's office within 5 days following approval, or in no case later than 60
6 days following the date of the meeting;

7
8 (2) Preserve order and decorum at each meeting, and conduct all proceedings in
9 accordance with the parliamentary rules contained in Robert's Rules of Order,
10 Newly Revised;

11
12 (3) Conduct the order of business in the same manner as required of the Governing
13 Body; ~~and~~

14
15 (4) Conduct each meeting in accordance with the agenda announced for the
16 meeting; and

17
18 (5) Elect from its members a chair and a vice-chair for one-year terms. Officers may
19 be reelected for an indefinite number of years.

20
21 ~~(C) Conflict of interest and recusal.~~

22
23 ~~(1) To avoid the appearance of impropriety, no member of any standing or ad hoc~~
24 ~~board, commission or committee shall participate in any discussion, debate,~~
25 ~~deliberation or vote, or otherwise take part in the decision-making process on any~~
26 ~~agenda item in which the member has a conflict of interest,~~

27
28 ~~(2) Any member of any standing or ad hoc board, commission or committee~~
29 ~~determined to have a conflict of interest shall immediately leave the meeting room,~~
30 ~~except that if the matter is being considered at a public meeting, the member may~~
31 ~~remain in the area of the room occupied by the general public.~~

32
33 **33.05 REPORTS TO GOVERNING BODY.**

34 Each board, commission or authority shall report in person or in writing annually to the
35 Governing Body through its chairperson or representative as the chairperson shall
36 delegate, unless the Mayor or the chairperson through the Mayor requests more
37 frequent or special reports. Each year the City Clerk shall establish and coordinate a
38 Governing Body reporting schedule which includes every active board, commission, or
39 authority. Any recommendations from the board, commission or authority or any
40 financial reports shall be in writing.

41
42 **33.06 QUORUM.**

43 A majority of each board, commission or authority shall constitute a quorum, unless
44 there are two or more vacancies, in which case, a quorum shall be a majority of the
45 members of the board, commission or authority, excluding those seats which are
46 vacant.

47
48 **33.07 CONFLICT OF INTEREST AND RECUSAL.**

49 Each member of a board, commission or authority, as an appointed official subject to
50 Chapter 39, the city's Code of Conduct, is prohibited from participating in any

1 discussion, debate, deliberation or vote, or otherwise take part in the decision-making
2 process on any agenda item in which the member has a conflict of interest.

3
4 (1) Recusal Process: Any member determined to have a conflict of interest shall
5 disclose the conflict into the official record when the agenda item is to be heard and
6 immediately leave the meeting room until the item is no longer being discussed or
7 deliberated.

8
9 (2) Any member designated to hear an administrative adjudicatory matter is
10 prohibited from engaging in ex parte communications, as defined in the Code of
11 Conduct, and shall use the recusal process in such instances.

12
13 **33.08 COMPENSATION.**

14 Members of a board, commission or authority shall serve without compensation, unless
15 the ordinance or resolution creating the board, commission or authority specifies
16 compensation for such service.

17
18 **33.15 PLANNING AND ZONING BOARD.**

19 (A) Pursuant to Article 5.08 of the City Charter, the purpose of this section is to establish
20 a municipal organization of appointed officials in order to promote and carry out a
21 continuing process of comprehensive planning and zoning within the jurisdiction of the
22 city. (1) There is hereby created the Planning and Zoning Board for the city pursuant to
23 NMSA §§ Sections 3-19-1 through 3-19-4 and Sections §§ 3-21-1 through 3-21-11
24 NMSA 1978.

25
26 (12) The Planning and Zoning Board shall consist of seven members, one member
27 from each of the six City Council districts and one member appointed at-large, who
28 shall be appointed by the Mayor with the consent of the City Council.

29
30 (23)(a) The terms of appointment for the members of the Planning and Zoning Board
31 shall be terms of three years, staggered for overlapping terms.

32
33 (ab) Vacancies shall be filled in accordance with Section 33.02 of this Chapter.
34 for the remainder of any unexpired term by the Mayor with the approval of the
35 City Council.

36
37 (bc) After a public hearing and for cause stated in writing and made part of the
38 public record, the Mayor with the approval of the City Council may remove A
39 member of the Planning and Zoning Board may be removed pursuant to the
40 provisions set out in Section 33.03 or Article 5.08 (E) of the City Charter for
41 cause.

42
43 (BC)(1) Powers, and duties and responsibilities. The Planning and Zoning Board shall
44 have such powers and duties as may be delegated to it by the Governing Body of the
45 city and other such power, authority, jurisdiction and duty incidental and necessary to
46 carry out its purposes, to include:

47
48 (2) Responsibilities. The Planning and Zoning Board shall have the following
49 responsibilities:

1 (1a) The Planning and Zoning Board shall promote a comprehensive planning
2 process with the general purpose of guiding and accomplishing a coordinated,
3 adjusted, aesthetically appealing and harmonious development of the city;

4
5 (2b) The Planning and Zoning Board shall make careful and comprehensive surveys
6 and studies of existing conditions and probable future growth of the city and shall
7 make recommendations on means of protecting and improving the environment;

8
9 (3e) The Planning and Zoning Board shall prepare for adoption by the Governing
10 Body a master plan for the physical development of the city and the area within the
11 planning, platting, and zoning jurisdiction of the city;

12
13 (4d) The Planning and Zoning Board shall prepare for adoption by the Governing
14 Body regulations governing the subdivision of land within the planning, platting, and
15 zoning jurisdiction of the city;

16
17 (5e) The Planning and Zoning Board shall review and approve or disapprove any
18 proposed subdivision platting, re-platting, or vacation of plats, conditional use
19 permits, variance requests, sign exceptions, and appeals taken from decisions or
20 actions of the City Development Department. The Board's decisions on these
21 matters shall be final, unless appealed. Other decisions of the Board are non-final
22 recommendations to the Governing Body, as provided in Chapter 154;

23
24 (6f) The Planning and Zoning Board shall prepare for adoption by the Governing
25 Body zoning ordinances applicable to the territory within the boundaries of the city;

26
27 (7g) The Planning and Zoning Board may recommend to the Governing Body of the
28 city programs for public improvements and their financing;

29
30 (8h) The Planning and Zoning Board is authorized to confer with other municipal,
31 county, regional, state, or federal agencies as it deems necessary; and

32
33 (9i) All appeals of final Board decisions or review of recommended decisions will be
34 decided by the Governing Body only after a de novo hearing in which any aggrieved
35 party may appear. An aggrieved party does not have to appear before the Board to
36 participate in the Governing Body's de novo hearing.

37
38 (CD) Organization.

39
40 ~~(1) The Planning and Zoning Board shall elect from its members a chairman and a~~
41 ~~vice-chairman for one-year terms. Officers may be reelected for an indefinite number~~
42 ~~of years.~~

43
44 (12) The Planning and Zoning Board shall adopt and publish the rules, regulations
45 and procedures for the conduct of business in compliance with Section§ 33.04.

46
47 (2) Section 33.06 shall be used to calculate a quorum shall be a majority of the
48 membership of the Planning and Zoning Board.

49
50 (3) The Planning and Zoning Board shall hold regularly scheduled meetings at least

1 once a month. All meetings of the Planning and Zoning Board must conform to the
2 open meeting resolution adopted annually by the Governing Body of the city.

3
4 (4) A public record shall be kept of all actions and considerations undertaken by the
5 Planning and Zoning Board in accordance with Section 33.04. The records shall be
6 filed with the City Clerk and kept available for public inspection in the City Clerk's
7 office during normal office hours.

8 9 **33.16 PARKS AND RECREATION COMMISSION.**

10 ~~(A)(1) Members of the Parks and Recreation Commission, except ex officio members,~~
11 ~~shall be municipal residents, appointed by the Mayor with the approval of a majority of~~
12 ~~the City Council.~~

13
14 ~~(2) The Parks and Recreation Commission shall act in an advisory capacity to the~~
15 ~~Governing Body and shall advise and recommend to the Governing Body to insure the~~
16 ~~efficient, economical and comprehensive planning of parks and recreation.~~

17
18 ~~(13)(a) The Commission shall consist of seven members. One member of the~~
19 ~~Commission shall be appointed from each of the six districts and each member shall~~
20 ~~reside in their respective district during their term. One member shall be a resident of~~
21 ~~the city, appointed at-large. Members of the Parks and Recreation Commission shall~~
22 ~~be appointed by the Mayor with the approval of a majority of the City Council.~~

23
24 ~~(2b) The terms of appointment for commissioners shall be three years. The terms~~
25 ~~shall be staggered for overlapping terms.~~

26
27 ~~(3c) Vacancies shall be filled in accordance with Section 33.02 of this Chapter only~~
28 ~~for the remainder of any unexpired term by the Mayor with the approval of the City~~
29 ~~Council.~~

30
31 ~~(d) The Commission shall elect from its members a chairman and vice chairman~~
32 ~~for one year terms. Officers may be reelected as long as their term exists.~~

33
34 ~~(B4) All meetings of the Parks and Recreation Commission shall be held on a regular~~
35 ~~basis, at least once a month. All meetings shall be held conducted using the procedures~~
36 ~~and order of business required in Section 33.04. open to the public, unless otherwise~~
37 ~~permitted by the Open Meetings Act, and shall be announced in the same manner and~~
38 ~~with the same advance notice as required for meetings of the governing body or as~~
39 ~~required by state statute. The procedure and order of business shall be conducted~~
40 ~~pursuant to the requirements of § 33.04.~~

41
42 ~~(1) Section 33.06 shall be used to calculate a quorum shall be a majority of the~~
43 ~~membership of the Parks and Recreation Commission.~~

44
45 ~~(5) No vacancy on the Commission shall be caused by redistricting of governing~~
46 ~~body election districts. All members of the Commission shall be entitled to serve out~~
47 ~~their terms, unless otherwise removed pursuant to this code, even if redistricting~~
48 ~~causes a Commissioner to reside outside the district which that Commissioner was~~
49 ~~appointed to represent.~~

1 (2B) Section 33.04 shall govern the recording of meeting proceedings and the public
2 availability public record shall be kept of all actions and considerations undertaken
3 by the Parks and Recreation Commission. The records shall be filed with the City
4 Clerk and kept available for public inspection in the City Clerk's office during normal
5 office hours.

6
7 (C) The Commission shall have the following responsibilities:

8
9 ~~(1) Act in an advisory capacity to the governing body;~~

10
11 ~~(12) Assist in providing research for the annual budget development, when~~
12 ~~requested to do so; provide the research needed to assist the Director in developing~~
13 ~~the budget;~~

14
15 ~~(23) Advise in the development of parks and recreation programs;~~

16
17 ~~(34) Recommend the needs and policies for the acquisition, development and~~
18 ~~improvement of parks and playgrounds through comprehensive long- and short-term~~
19 ~~planning and research;~~

20
21 ~~(45) Analyze and recommend programs for all citizens;~~

22
23 ~~(56) Perform duties, as assigned by the Governing Body; and~~

24
25 ~~(67) Encourage development of intra-community council which will provide a format~~
26 ~~of information and cooperation between clubs, service organizations, schools and~~
27 ~~the Parks and Recreation Commission; and~~

28
29 ~~(8) The Parks and Recreation Commission may serve as an advisory board against~~
30 ~~which the Department Administrator may test plans and ideas.~~

31
32 **33.17 LIBRARY BOARD.**

33 (A) Purpose.

34
35 ~~(1) Under NMSA § 3-18-14, the city is empowered to establish and maintain a free~~
36 ~~public library.~~

37
38 ~~(2) The Rio Rancho Community Library Association, Inc., has requested the city take~~
39 ~~over the ownership, operation and maintenance of its library facilities.~~

40
41 ~~(3) It is deemed necessary by the governing body to create the Library Board of~~
42 ~~Trustees of the city.~~

43
44 ~~(AB) Creation Board Established. There is hereby created the Library Board of~~
45 ~~Trustees, hereinafter referred to as the "Library Board." The Library Board shall act in~~
46 ~~an advisory capacity to the Governing Body and shall advise and assist the Governing~~
47 ~~Body on policy matters related to the Library and Information Services Department in~~
48 ~~every possible way to insure the efficient and economical management and operation of~~
49 ~~the public library. All members of the Library Board shall serve without compensation,~~
50 ~~but may be reimbursed for all necessary travel expenses incurred away from the city on~~

1 ~~library business, in accordance with state statutes.~~

2
3 (1) The Board shall consist of seven members. One member of the Board shall be
4 appointed from each of the six City Council districts. One member shall be a resident
5 of the City, appointed at-large.

6
7 (2) The Mayor shall make appointments to the Board based upon qualifications,
8 knowledge, and experience, subject to confirmation by a majority of the Governing
9 Body.

10
11 ~~(C) Appointment of Board. The Library Board shall consist of seven members who shall~~
12 ~~be residents of the Sandoval County community served by the library and shall include,~~
13 ~~as far as possible, representatives of various geographic, ethnic, socioeconomic,~~
14 ~~professional and business interest of the community. The members shall be appointed~~
15 ~~by the Mayor with the approval of the majority of the City Council.~~

16
17 ~~(D) Term of office.~~

18
19 ~~(31) The terms of appointment of members of the Library Board shall be staggered~~
20 ~~for overlapping terms of three years. Through attrition of appointment, the staggering~~
21 ~~of terms shall be implemented.~~

22
23 ~~(a2) Vacancies shall be filled in accordance with Section 33.02 only for the~~
24 ~~remainder of any unexpired term by the Mayor with the approval of the City~~
25 ~~Council.~~

26
27 (b) Removal of a Board member shall be in accordance with Section 33.03.

28
29 (B) Meetings.

30
31 (1) The Board shall hold at minimum regular quarterly meetings.

32
33 (2) All meetings, and the order thereof, of the Board shall be conducted pursuant to
34 Section 33.04.

35
36 ~~(CE) Duties and functions-responsibilities. The Library Board shall advise the Governing~~
37 ~~Body on policy matters related to the operation of the public library and shall have the~~
38 ~~responsibility and obligations to:~~

39
40 ~~(1) Recommend to the governing body policies for the administration of the public~~
41 ~~library for public inspection and information;~~

42
43 ~~(2) Post rules and regulations, according to policy, for public use of the library in~~
44 ~~appropriate places in the library for public inspection and information;~~

45
46 ~~(3) Recommend to the governing body an annual budget in sufficient time for the~~
47 ~~library budget to be included in the total budget for the city;~~

48
49 (14) Through the designated city staff notify the Mayor of any vacancies on the
50 Board and recommend persons to fill vacancies;

1
2 ~~(5) Provide the Personnel Board with qualifications, not in conflict with state statutes,~~
3 ~~for head librarian and other library personnel;~~

4
5 ~~(6) Make recommendations to the Mayor for employment;~~

6
7 ~~(7) Recommend to the governing body any action to maintain or administer the~~
8 ~~public library;~~

9
10 ~~(28) Research other revenue sources including, but not limited to grants,~~
11 ~~endowments and other gifts;~~

12
13 ~~(9) Establish, support and participate in a vital public relations program for the~~
14 ~~library;~~

15
16 ~~(340) Assist in establishing long-range priorities for the public library;~~

17
18 ~~(411) Report to the Governing Body, pursuant to Section 33.05 on a regular basis;~~

19
20 ~~(12) Promote coordination of library activities with those of public officials, civic~~
21 ~~groups and other community organizations;~~

22
23 ~~(513) Contribute special knowledge of the community to library staff members so~~
24 ~~they can efficiently serve the community which supports the library;~~

25
26 ~~(14) Know local, state and federal library laws, and actively support legislation that~~
27 ~~improves and extends library services;~~

28
29 ~~(15) Know and understand the sources available through the statewide library~~
30 ~~development program, and study advantages of participation in the program;~~

31
32 ~~(46) Keep abreast of public library standards and trends;~~

33
34 ~~(17) Arrange, aid, encourage and attend regional and state trustee meetings and~~
35 ~~workshops for a fuller utilization of trustee talent and experience; and~~

36
37 ~~(18) Uphold the Library Bill of Rights and the Freedom to Read Statement adopted~~
38 ~~by the American Library Association.~~

39
40 ~~(F) Removal from office. No member of the Library Board shall be removed from office~~
41 ~~except for good and sufficient cause and by a vote of two-thirds of the membership of~~
42 ~~the governing body.~~

43
44 ~~(G) Vacancies. On death, removal, resignation, change of residence to a place outside~~
45 ~~Sandoval County, or other inability to act as a member of the Library Board, the~~
46 ~~vacancy shall be filled in the same manner as the original appointment for the unexpired~~
47 ~~portion of the term.~~

48
49 ~~(H) Organization of the Board. At the first meeting of the Library Board and annually~~
50 ~~thereafter at the regular anniversary meeting, the members shall elect from its~~

1 membership a president, vice-president, a secretary and other officers as may be
2 necessary to carry out the functions of the Library Board. Each officer shall serve for a
3 term of one year.

4
5 ~~(I) Meetings. The Library Board shall hold regular monthly meetings and other special~~
6 ~~meetings as may be called by the president. The time and place of the meetings shall~~
7 ~~be fixed by the Library Board at its first meeting, at which time the Library Board shall~~
8 ~~also adopt rules to govern its proceedings which shall be in compliance with the~~
9 ~~requirements of § 33.04. A majority of the members of the Board constitutes a quorum~~
10 ~~for the transaction of business. The act of a majority of the Board present shall be the~~
11 ~~act of the Board. All Library Board meetings shall be in accordance with the city open~~
12 ~~meetings resolution.~~

13 14 **33.18 SENIOR SERVICES ADVISORY BOARD.**

15
16 (A) The purpose of this section is to establish a Senior Services Advisory Board. ~~(B)~~
17 There is hereby created the Senior Services Advisory Board, hereinafter referred to as
18 the "Board." The Board shall act in an advisory capacity to the Director of the
19 Department of Cultural Enrichment or designee and City Manager Governing Body and
20 shall advise and assist the director and the Manager the Governing Body to insure the
21 efficient and economical management and operation of on policy matters related to the
22 city senior services programs and facilities. All members of the Board shall serve
23 without compensation.

24
25 ~~(C)~~(1) The Board shall consist of seven members ~~who shall be residents of the city and~~
26 ~~shall include one representative of the general public from each Council district and one~~
27 ~~representative of the general public to serve as an at-large member of the Board.~~

28
29 (2) The members shall be appointed by the Mayor with the approval of the majority
30 of the City Council.

31
32 (32) The appointment for the members of the Board shall be staggered for
33 overlapping terms of three years.

34
35 (a3) Vacancies shall be filled in accordance with Section 33.02 ~~only for the~~
36 ~~remainder of any unexpired term by the Mayor with the approval of the City~~
37 ~~Council.~~

38
39 (b) Removal of a Board member shall be in accordance with Section 33.03.

40
41 ~~(BD)~~ The Board shall have the following duties and responsibilities ~~as may be delegated~~
42 ~~to it by the governing body. The Board shall:~~

43
44 (1) Recommend policies and procedures for development of the city Department of
45 senior services programs;

46
47 (2) Recommend services to promote and stimulate public interest;

48
49 (3) Through the designated city staff Department Director, notify the Mayor of any
50 vacancies on the Board and ~~recommend persons to fill vacancies;~~

1
2 ~~(4) Through the Department Director, contribute special knowledge of the community~~
3 ~~to senior services staff members so they may efficiently serve the community which~~
4 ~~uses the programs;~~

5
6 ~~(5) Be familiar with local, state and federal laws relating to seniors, and actively~~
7 ~~support legislation that impacts favorably the rights, lifestyle, health and welfare of~~
8 ~~seniors in the community;~~

9
10 ~~(46) Research other revenue sources including, but not limited to grants,~~
11 ~~endowments and other gifts;~~

12
13 ~~(57) Through the Department Director, Assist in developing short and long-range~~
14 ~~priorities for the provision of senior services;~~

15
16 ~~(68) Through the Department Director, Report to the Governing Body, pursuant to~~
17 ~~Section 33.05 on a regular basis or as needed;~~

18
19 ~~(79) Promote coordination of senior services activities with those of public officials,~~
20 ~~civic groups and other organizations.~~

21
22 ~~(E) No member of the Board shall be removed from office except for good and sufficient~~
23 ~~cause and by a vote of a majority of the membership of the governing body.~~

24
25 ~~(F) On death, removal, resignation, change of residence of a Board member to another~~
26 ~~district, (except for the at-large member), relocating to outside of the city or other~~
27 ~~inability to act as a member of the Board, the Board shall vacate that member's position~~
28 ~~and the vacancy shall be filled in the same manner as the original appointment for the~~
29 ~~unexpired portion of the term.~~

30
31 ~~(G) At the regular July anniversary meeting, the members shall elect from its~~
32 ~~membership a chairperson, vice chair, a secretary and other officers as may be~~
33 ~~necessary to carry out the functions of the Board. Each officer shall serve for a term of~~
34 ~~one year.~~

35
36 ~~(CH) The Board shall hold regular monthly meetings and other special meetings as may~~
37 ~~be called by the chairperson. The time and place of the meetings shall be fixed by the~~
38 ~~Board at its first meeting, at which time the Board shall also adopt rules and procedures~~
39 ~~for the conduct of business in compliance with to govern its proceedings which shall be~~
40 ~~the requirements of § Section 33.04. A majority of the members of the Board constitutes~~
41 ~~a quorum for the transaction of business. The act of a majority of the Board present~~
42 ~~shall be the act of the Board. All Board meetings shall be in accordance with the city~~
43 ~~open meetings resolution. Section 33.06 shall be used to calculate a quorum of the~~
44 ~~Board.~~

45
46 **33.19 CHARTER REVIEW COMMITTEE.**

47
48 (A)(4) The purpose of this section is to establish a Charter Review Committee in
49 accordance with ~~Section~~ Article 1.07 (A) of the ~~Rio Rancho Municipal City~~ Charter. All
50 Charter amendments initiated pursuant to Section 1.07A-B of the Charter, regardless of

1 timing, must follow the provisions of this section.

2
3 ~~(2)~~ Notwithstanding the requirements of Section 1.07A-B of the Charter, the
4 Governing Body may activate the Charter Review Committee at any other time as
5 described below.

6
7 (B) Before any Charter amendments are submitted to the voters, a Charter Review
8 Committee shall be activated by resolution of the Governing Body to propose Charter
9 amendments, and shall consist of the following members:

10
11 (1) The Mayor, as an ex-officio, non-voting member, serving as Chair of the
12 Committee.

13
14 (2) Two Councilors, as ex-officio, non-voting members, who have notified the Mayor
15 of their interest in serving on the Committee at a public meeting of the Governing
16 Body. If more than two Councilors request to be appointed to the Committee, the
17 City Clerk shall determine the two appointments by random lot. ~~In the event that one~~
18 ~~or no Councilors are interested in serving on the committee, a resident member may~~
19 ~~be appointed instead, in accordance with subsection (B)(3) of this section.~~

20
21 (3) ~~Four~~ Seven resident members, one from each Council district and one member
22 serving at-large, appointed by the Mayor with the approval of the majority of the City
23 Council, pursuant to Article 3.02 of the City Charter. ~~each of the four Councilors who~~
24 ~~are not serving on the committee. Resident members must reside in the Councilor's~~
25 ~~district for which they are appointed and must be registered voters of the City of Rio~~
26 ~~Rancho. In the event of a council vacancy in any district during activation of the~~
27 ~~Committee, the Mayor shall appoint, subject to Governing Body confirmation, a~~
28 ~~resident representative from the vacant district. Resident representatives must~~
29 ~~reside within their district throughout the term of their appointment.~~

30
31 (4) Section 33.06 shall be used to calculate a quorum, provided that ex-officio
32 members shall be included in the count for purposes of a meeting quorum.

33
34
35 (C) At the first meeting of the Charter Committee, the members shall select a Deputy
36 Vice Chair from among the Committee members to serve in the absence of the Mayor.
37 At any meeting where the Mayor and Deputy Vice Chair are absent, the remaining
38 members shall appoint an acting chair as their first order of business who shall preside
39 for only that meeting.

40
41 (D) The resolution activating the Charter Review Committee shall specify the specific
42 sections of the Charter to be reviewed, or in the case of any required periodic reviews,
43 shall specify that the Committee shall review the Charter as a whole, and the appointed
44 members of the Committee.

45
46 (E) All meetings of the Committee shall be public and held in accordance with Section
47 33.04. The Committee shall meet as soon as practical after appointment. At the first
48 regularly scheduled meeting of the Charter Review Committee, the Committee shall
49 adopt a schedule of regular meetings that allows for adequate time to review
50 appropriate Charter sections and formulate any proposed amendments. The maximum

1 time the Committee shall be active is six months or a lesser length of time as
2 established in the enabling resolution.

3
4 (F) Any resident member of the Committee who fails to attend more than two
5 Committee meetings, for any reason, shall be automatically removed as a member and
6 a successor shall be appointed within 10 days in accordance with the terms of
7 subsection (B)(3) of this section. A member so removed under this section shall not be
8 eligible for reappointment and such member's original appointment shall serve as a
9 valid appointment for the purposes of subsection (H) of this section.

10
11 (G) Any appointed Council member who fails to attend more than two committee
12 meetings, for any reason, shall be automatically removed as a member and a successor
13 shall be appointed by the Governing Body in accordance with the terms of subsection
14 (B)(2) of this section. Should the Mayor fail to attend more than two Committee
15 meetings, for any reason, the ~~Deputy~~ Vice Chair shall preside at all subsequent
16 meetings and the Governing Body shall appoint a replacement from among its
17 members.

18
19 (H) In the event any resident member of the Committee moves from the City or from the
20 district from which the member was chosen to represent, a vacancy shall occur and a
21 successor shall be appointed within 10 days in accordance with the terms of
22 subsections (B)(1) through (3) of this section.

23
24 (I) No resident member may serve on more than one Charter Review Committee during
25 that person's lifetime.

26
27 (J) Approval of amendments.

28
29 (1) No later than 90 days after activation, the committee shall submit
30 recommendations for Charter revisions to the Governing Body.

31
32 (2) The City Attorney shall review and render an opinion as to the legality and form
33 of any proposed Charter amendment before it is submitted to the Governing Body
34 for consideration.

35
36 (3) If the proposed Charter amendments are approved by a majority of the
37 Governing Body, the Governing Body shall issue an election proclamation and an
38 election shall be held in accordance with Section NMSA § 3-15-10 NMSA 1978.

39
40 (4) The Governing Body may modify the language of any amendment submitted by
41 the Charter Review Committee to align with the form proposed by the City Attorney,
42 but shall not make any substantive changes to any proposed amendments.
43 Substantive changes may only be made following approval by the Charter Review
44 Committee.

45
46 (5) Should the Governing Body by majority vote suggest substantive changes to any
47 proposed amendment(s), the Charter Review Committee shall hold an additional
48 meeting to discuss the changes and obtain public input no later than 30 days
49 following action of the Governing Body. At the meeting, the Charter Review
50 Committee shall vote to approve or not approve the proposed changes to any

1 amendment(s). Should the Charter Review Committee not approve the proposed
2 changes, the amendment(s) shall not be submitted to the voters. Should the Charter
3 Committee approve the proposed changes to any amendment(s), the Governing
4 Body, pursuant to Section 1-16-3 NMSA 1978, shall then ~~issue an election~~
5 ~~proclamation~~ a resolution, including all revised and previously approved
6 amendments within 30 days following action of the Charter Review Committee and
7 an election shall be held in accordance with Section ~~NMSA § 3-15-10~~ NMSA 1978.

8
9 (K) Election.

10
11 (1) The proposed Charter amendments must receive a majority of the votes cast in
12 the election in order to be adopted.

13
14 (2) If the proposed Charter amendments are not adopted at the election, those
15 proposed Charter amendments shall not be resubmitted to the voters of the city for a
16 period of two years thereafter.

17
18 (3) All Charter amendments duly adopted by a majority vote of the voters shall take
19 effect immediately.

20
21 **33.22 KEEP RIO RANCHO BEAUTIFUL COMMITTEE.**

22
23 (A) The purpose of this section is to establish a committee that will assist the Governing
24 Body of the city in improving the quality of life for all residents of the community. ~~(B)(1)~~
25 ~~There is hereby created the Keep Rio Rancho Beautiful Committee and all members~~
26 ~~shall serve without compensation.~~

27
28 ~~(12)~~ The ~~C~~committee shall consist of ~~not less than five~~ seven members, one
29 member from each of the six City Council districts and one member appointed at-
30 large, all of whom shall be appointed in accordance with Section §33.02.

31
32 ~~(d) The Mayor shall endeavor in the appointments to maintain a committee, in~~
33 ~~particular its racial, ethnic and cultural spectrum.~~

34
35 ~~(2)(a)~~ The term of service for the members of this Committee shall be staggered for
36 overlapping terms of three years.

37
38 ~~(3e) Any v Vacancies y occurring other than by expiration of term shall be filled for~~
39 ~~the remainder of the unexpired term by the Mayor with the consent of the City~~
40 ~~Council pursuant to Section 33.02.~~

41
42 ~~(d) The Mayor shall endeavor in the appointments to maintain a committee, in~~
43 ~~particular its racial, ethnic and cultural spectrum.~~

44
45 ~~(4C)(1) The Keep Rio Rancho Beautiful Committee shall elect a chairperson and~~
46 ~~vice-chairperson from its members. Each officer shall serve for a term of one year.~~

47
48 ~~(B2)~~ The Committee shall conduct a regularly scheduled monthly meeting and other
49 special meetings as may be necessary. The time and place for the meetings shall be
50 set by the ~~Keep Rio Rancho Beautiful~~ Committee at its first meeting. A majority of the

1 ~~members present shall act as the board. All meetings shall be in accordance with the~~
2 ~~open meetings provisions of the city, and shall be conducted in compliance with the~~
3 ~~requirements of §33.04.~~

4
5 (1) The Committee shall set and publish rules and procedures for the conduct of
6 business in compliance with Section 33.04.

7
8 (2) A public record shall be kept of the actions of the Committee. The records shall
9 be filed with the City Clerk and kept available for public review during normal office
10 hours in accordance with Section 33.04.

11
12 (C) The Keep Rio Rancho Beautiful Committee shall:

13
14 ~~(1) Set rules and procedures as are necessary for the operation of the Committee;~~

15
16 (12) Appoint community committees that will assist the Committee in specific tasks
17 in accordance with the certification guidelines of the Keep America Beautiful
18 program; (Members appointed to community committees shall not be required to be
19 municipal residents.)

20
21 ~~(23)~~ Conduct public forums upon the request of the Governing Body ~~City Council or~~
22 ~~Mayor for matters as the City Council or the Mayor may from time to time directed;~~
23 and

24
25 (34) Promote mutual trust, understanding and respect between residents of the
26 community and their governmental agencies.

27
28 **~~33.23 PERSONNEL BOARD.~~**

29
30 ~~(A) The governing body intends to achieve professional development for city~~
31 ~~employees, protection of employees rights, avoidance of employee dissatisfaction,~~
32 ~~access by employees to management and input by employees into decisions affecting~~
33 ~~wages, hours and other terms and conditions of employment. The governing body also~~
34 ~~intends that public service is an attractive career and efficient and effective services be~~
35 ~~provided to the people of the city.~~

36
37 ~~(B)(1) The Personnel Board consisting of five members, is hereby created. Members of~~
38 ~~the Board shall be appointed by the Mayor with the consent of a majority of all of the~~
39 ~~members of the City Council. The members of the Board shall reside in the city. The~~
40 ~~members of the Board shall serve without compensation.~~

41
42 ~~(2)(a) The terms of service for the members of the Personnel Board shall be~~
43 ~~staggered for overlapping terms, beginning January 1, 1993, as follows:~~

- 44 ~~1. Two members shall be appointed for a three-year term.~~
45 ~~2. Two members shall be appointed for a two-year term.~~
46 ~~3. One member shall be appointed for a one-year term.~~

47
48 ~~(b) Through attrition of appointment, the staggering of terms shall be~~
49 ~~implemented.~~

1 ~~(c) Any vacancy occurring other than by expiration of term shall be filled for the~~
2 ~~remainder of the unexpired term by the Mayor with the consent of the City~~
3 ~~Council.~~

4
5 ~~(d) The Mayor shall make appointments to achieve broad racial, ethnic and~~
6 ~~cultural representation.~~

7
8 ~~(3) The Mayor, with the consent of the City Council, shall appoint a replacement for~~
9 ~~a member of the Board whose term is terminated either by resignation, removal from~~
10 ~~office or death.~~

11
12 ~~(C) The Personnel Board shall:~~

13
14 ~~(1) Advise the Mayor and the City Council concerning matters relating to city~~
15 ~~employees;~~

16
17 ~~(2) Adopt rules establishing procedures for the hearing of employee grievances;~~
18 ~~(The Board may delegate the duty to hear employee grievances to a hearing officer~~
19 ~~who may be a Board member. Provided that the Board shall make the final decision~~
20 ~~after consideration of the hearing officer findings of fact and conclusions of law.)~~

21
22 ~~(3) Recommend adoption, repeal or amendment of personnel rules; and~~

23
24 ~~(4) Report regularly to the governing body.~~

25
26 **33.24 CAPITAL IMPROVEMENT PLAN CITIZENS ADVISORY COMMITTEE.**

27
28 ~~(A) Purpose of the Capital Improvement Plan Citizens Advisory Committee. The~~
29 ~~purpose of this section is to establish a citizens advisory committee to advise and assist~~
30 ~~the city in the preparation, implementation and update of the impact fees capital~~
31 ~~improvement plan (IFCIP). The IFCIP is a plan developed to support the creation of~~
32 ~~impact fees. The provisions herewith are in accordance with the New Mexico~~
33 ~~Development Fees Act, (NMSA 1978 Sections 5-8-1 through 5-8-42 NMSA 1978et seq.)~~
34 ~~and City of Rio Rancho Code the Impact Fees Subchapter, Sections 150.20 through~~
35 ~~150.49et seq. (B) Committee. There is hereby created a permanent Capital~~
36 ~~Improvement Plan Citizens Advisory Committee (CIPCAC). All members shall serve~~
37 ~~without compensation and comply with the requirements of Section 33.02.~~

38
39 ~~(1) The Committee CIPCAC shall consist of seven citizens who shall be appointed~~
40 ~~by the Mayor and approved subject to confirmation by the Governing Body.~~

41
42 ~~(2) Not less than 40% of the Committee CIPCAC (three members) shall be~~
43 ~~representatives of the real estate, development or building industries, nor shall any~~
44 ~~member be an employee or official of a municipality, county or other governmental~~
45 ~~entity in accordance with Section 5-8-37 NMSA 1978 ~~the New Mexico Development~~~~
46 ~~Fees Act.~~

47
48 ~~(3) No more than two members of the Committee CIPCAC shall reside in the same~~
49 ~~district, in accordance with the City Charter.~~

1 ~~(4) The Impact Fee Administrator shall have staff assistance responsibility for the~~
2 ~~CIPCAG.~~

3
4 ~~(C) Terms of Service.~~

5
6 ~~(41) The term of service for members of the Committee each seat on the CIPCAG~~
7 ~~shall be staggered for overlapping terms of three years.~~

8
9 ~~(52) Reappointments or filling of vacancies will be made in accordance with Section~~
10 ~~33.02.~~

11
12 ~~(B) Meetings.~~

13
14 ~~(1) The Committee CIPCAG shall hold quarterly meetings, with such additional~~
15 ~~meetings as deemed necessary by the Impact Fee Administrator.~~

16
17 ~~(2) The CIPCAG shall elect a chairperson and a vice-chairperson from its members,~~
18 ~~and any other officers as necessary to carry out the duties of the committee.~~

19
20 ~~(23) Section 33.04 shall govern the recording of meeting proceedings and the public~~
21 ~~availability of all actions and considerations undertaken by the Committee, CIPCAG~~
22 ~~The records shall be filed with the City Clerk and kept available for public inspection~~
23 ~~in the City Clerk's Office during normal office hours. shall submit written copies of all~~
24 ~~minutes and reports to the Governing Body.~~

25
26 ~~(C) Duties and Responsibilities. The duties and responsibilities of the Committee~~
27 ~~CIPCAG, with staff assistance from the Impact Fee Administrator, shall conform to the~~
28 ~~New Mexico Development Fees Act as adopted on July 1, 1993, which are restated as~~
29 ~~follows:~~

30
31 (1) Advise and assist the city in adopting land use assumptions (which includes a
32 description of the service area and projections of changes in land uses, densities,
33 intensities and population in the service area over at least a five-year period);

34
35 (2) Review the impact fee capital improvements plan and file written comments;

36
37 (3) Monitor and evaluate implementation of the impact fees capital improvements
38 plan;

39
40 (4) File annual reports with respect to the progress of the capital improvements plan
41 and report to the city any perceived inequities in implementing the plan or imposing
42 the impact fee;

43
44 (5) Advise the city of the need to update or revise the land use assumptions, the
45 impact fee capital improvements plan and impact fees.

46
47 **33.25 LODGER'S TAX ADVISORY BOARD.**

48
49 (A) The purpose of this section is to establish a Lodger's Tax Advisory Board in the city.
50 ~~(B) There is hereby created the Lodger's Tax Advisory Board for the city, pursuant to~~

1 the Lodger's Tax Act Sections 3-38-13 through 3-38-25 NMSA 1978, which will act in an
2 advisory capacity to the Governing Body.

3
4 ~~(C)~~(1) The Mayor shall appoint an advisory board of five members with the confirmation
5 of the City Council. The five-member advisory board shall consist of two members
6 who are owners or operators of lodgings subject to the occupancy tax with the city,
7 two members who are owners or operators of industries located within the city that
8 primarily provide services or products to tourists and one member who is a resident
9 of the city and represents the general public.

10
11 (2) The terms of appointment for the members of the Board shall be staggered for
12 overlapping terms of three years.

13
14 (3) Vacancies shall be filled in accordance with Section 33.02 ~~only for the remainder~~
15 ~~of any unexpired term by the Mayor with the confirmation of the City Council.~~

16
17 ~~(BD)~~ The Lodger's Tax Advisory Board shall have the duties and responsibilities as may
18 be delegated to it by the Governing Body, to include:

19
20 (1) Advise the Governing Body on expenditure of funds authorized in Section ~~under~~
21 § 37.02, for advertising, publicizing and promoting tourist attractions and facilities in
22 the city or surrounding area;

23
24 ~~(2) Set rules and regulations as are necessary for the operation of the Board~~
25 ~~pursuant to Section 33.04;~~

26
27 ~~(23)~~ Conduct public forums upon the request or approval of the City Council or
28 Mayor Governing Body ~~for upon~~ matters as the City Council or Mayor may from time
29 to time directed; and

30
31 ~~(34)~~ Identify areas of concern in the community as they relate to tourism-related
32 industries and promote mutual trust, understanding and respect between residents
33 and their governmental agencies.

34
35 ~~(E)~~(1) ~~At the first meeting of the Lodger's Tax Advisory Board, and annually thereafter at~~
36 ~~the regular anniversary meeting, the members shall elect from its membership a~~
37 ~~chairperson, vice-chair and secretary and other officers as may be necessary to carry~~
38 ~~out the functions of the Board. Each officer shall serve a term of one year.~~

39
40 ~~(C2)~~ The Board shall give adequate notice of all meetings and adopt rules, regulations
41 and procedures for the conduct of business, pursuant to Section 33.04, ~~as set forth by~~
42 ~~the city's open meetings resolution.~~

43
44 ~~(13)~~ ~~The Board shall adopt rules, regulations and procedures for the conduct of~~
45 ~~business as may be appropriate. Section 33.06 shall be used to calculate a quorum~~
46 ~~shall be a majority of the membership of the Board.~~

47
48 ~~(24)~~ A public record shall be kept for all actions and considerations undertaken by
49 the Board in accordance with Section 33.04. The record shall be filed with the City

1 Clerk and kept available for public inspection in the City Clerk’s office during regular
2 office hours.

3
4 **33.26 PUBLIC INFRASTRUCTURE ADVISORY BOARD.**

5
6 (A) Board established. The Governing Body has determined that formal citizen input on
7 roads, drainage, and water and wastewater utilities is appropriate and advantageous to
8 the conduct of City government. A Public Infrastructure Advisory Board (“Board”) is
9 hereby established, comprised of citizens that will provide input to the Governing Body
10 regarding water and wastewater utilities, roadway and drainage matters in the manner
11 set forth in subsection (FG) of this section, prescribing the duties and responsibilities of
12 the Board.

13
14 (B) Membership.

15 (1) The Board shall consist of seven members. One member of the Board shall be
16 appointed from each of the six City Council districts. One member shall be a resident
17 of the City, appointed at-large.

18
19 (2) The Mayor shall make appointments to the Board based upon qualifications,
20 knowledge, and experience, subject to confirmation by a majority of the Governing
21 Body.

22
23 (3) Removal of a Board member shall be in accordance with Section 33.03.

24
25 ~~(4) Pursuant to Article 5.07(F) of the City Charter, no vacancy in the office of any~~
26 ~~member of the Board shall be caused by redistricting of City Council election~~
27 ~~districts.~~

28
29 ~~(5) Board members shall receive no compensation.~~

30
31 (C) Terms of service.

32
33 (1) The initial Board members shall be appointed in the following manner: One
34 member shall serve a one-year term; three members shall serve a two-year term;
35 and three members shall serve a three-year term. The designated initial term for
36 each district shall be determined by lot and coordinated by the City Clerk.

37
38 (2) The term of appointment for all Board members subsequent to initial
39 appointments shall be three years.

40
41 ~~(D) Organization.~~

42
43 ~~(1) The Board shall elect from its members a Chairperson and Vice-Chairperson.~~
44 ~~The Board shall elect its officers as the first order of business at the first regularly~~
45 ~~scheduled meeting of each fiscal year; the balance of such meeting shall be chaired~~
46 ~~by the newly elected Chairperson, if present, or the newly elected Vice-Chairperson~~
47 ~~in his or her stead.~~

1 ~~(2) Each officer's term shall be one year and a vacancy in any of the offices shall be~~
2 ~~filled by the Board as the first order of business at the first regularly scheduled~~
3 ~~meeting after the vacancy occurs for the unexpired term of the office to be filled.~~

4
5 ~~(3) The Chairperson shall preside at all meetings of the Board and, in the~~
6 ~~Chairperson's absence, the Vice-Chairperson shall preside.~~

7
8 (DE) Meetings.

9
10 (1) The Board shall hold at minimum regular quarterly meetings.

11
12 (2) All meetings of the Board shall be conducted pursuant to Section 33.04.

13
14 ~~(3) The Board and its meetings shall be subject to the Boards and Commissions~~
15 ~~Rules of Procedure established by the Governing Body.~~

16
17 (EF) Staffing. The City Manager shall, in his or her discretion, assign appropriate
18 personnel to present and provide information to the Board.

19
20 (EG) Duties and responsibilities. The Board's duties and responsibilities shall consist of
21 only the following:

22
23 (1) Provide input to the Governing Body regarding the City Manager's proposed
24 annual operating and capital improvement budget in relation to roads, drainage, and
25 the water and wastewater utilities system.

26
27 (2) Provide input to the Governing Body regarding the City Manager's five-year
28 capital improvement program for roads, drainage, and the water and wastewater
29 utilities system.

30
31 (3) Provide input to the Governing Body on proposals from the City Manager or
32 Governing Body member(s) pertaining to rate and charge adjustments for water and
33 wastewater utilities services.

34
35 (4) Provide input to the Governing Body regarding proposals from the City Manager
36 related to road, drainage, and the water and wastewater utilities system that would
37 be funded through bonds or loans.

38
39 (5) Report annually to the Governing Body in accordance with Section 33.05.

40
41 (6) Perform such other duties and functions as may be authorized by the Governing
42 Body or provided by city ordinance consistent with the provisions of the City Charter.

43
44 (7) By majority vote, provide the Governing Body with a formal proposal for
45 consideration related to improving or otherwise enhancing roads, drainage, and/or
46 water and wastewater utilities. Before any city resources are used researching or
47 developing such a proposal, the Board, by majority vote of its membership, must first
48 formally seek and receive concurrence from the Governing Body.
49

1 (8) Meet as appropriate with the Planning and Zoning Board to coordinate land use
2 and public infrastructure.

3
4 (GH) Manner of reporting. The Board's input to the Governing Body shall be limited to
5 those matters approved by a vote of the Board at a duly noticed meeting, and shall be
6 conveyed in a timely manner to the Governing Body by the Chairperson (or Vice-
7 Chairperson in the Chairperson's absence), either in writing or in person at a Governing
8 Body meeting.

9
10 **33.27 ARTS COMMISSION.**

11
12 (A) Purpose. The purpose of this section is to establish a municipal organization of
13 appointed officials who will act in an advisory capacity to the Governing Body and make
14 recommendations to the Governing Body in order to enhance and promote the arts
15 within the jurisdiction of the city.

16
17 ~~(1B) Appointment and qualifications. The Arts Commission membership shall consist~~
18 ~~of seven municipal residents, one member from each City Council district and one~~
19 ~~at-large member, appointed by the Mayor with the approval of a majority of the City~~
20 ~~Council. Each member shall have professional experience or knowledge in an art-~~
21 ~~related discipline.~~

22
23 (2) Each member shall have professional experience or knowledge in an art-related
24 discipline.

25
26 ~~No member of the Governing Body or employee of the City of Rio Rancho shall serve~~
27 ~~on the Arts Commission as a voting member.~~

28
29 (3C) Term of service. The terms of appointment for Arts Commission members shall
30 be three years. Of the original Arts Commission members, one member shall serve
31 a one-year term; three members shall serve two-year terms; and three members
32 shall serve three-year terms.

33
34 ~~(a) Vacancies may be caused by resignation, death, expiration of term, or~~
35 ~~removal by the appointing authority, and shall be filled by appointment of a~~
36 ~~replacement to complete the unexpired term, if any. Vacancies shall be filled in~~
37 ~~accordance with Section 33.02 by the Mayor with approval of the City Council.~~

38
39 ~~(b) Removal of a member shall be in accordance with Section 33.03.~~

40
41 ~~(c) Commission members may be reappointed for an indefinite number of terms.~~

42
43 ~~The Commission shall elect from its members a Chairperson and Vice-~~
44 ~~Chairperson for one-year terms. Officers may be reelected as long as their term~~
45 ~~exists.~~

46
47 ~~(D) Removal from office. Any Arts Commission member may be removed at any time by~~
48 ~~the Mayor, with approval of the majority of the Governing Body, or failure to attend three~~
49 ~~consecutive regular meetings. Failure to attend three consecutive regular meetings,~~
50 ~~without good cause, shall constitute a presumption of good and sufficient cause for~~

1 ~~removal. The Arts Commission shall be the sole judge as to whether good cause is~~
2 ~~shown. If the Arts Commission determines that good cause has not been shown, it shall~~
3 ~~be recommended — via vote of the Arts Commission with the member in question being~~
4 ~~excluded from the vote — to the Mayor that the member be removed.~~

5
6 (BE) Meetings, notice and procedures. All meetings of the Arts Commission shall be
7 held on a regular basis, at least once per month. Meetings shall be conducted using the
8 procedures and order of business required in Section 33.04~~held at the municipal~~
9 ~~building or another public facility as may be decided by the Arts Commission.~~ All
10 meetings shall be open to the public, unless otherwise permitted by the Open Meetings
11 Act, and shall be announced in the same manner and with the same advance notice as
12 required for meetings of the Governing Body or as required by state statute.

13
14 (1) Section 33.06 shall be used to calculate a quorum of the Arts Commission shall
15 consist of a majority, four, of the commission members.

16
17 (2) Section 33.04~~The Arts Commission shall govern the recording keep minutes of~~
18 its meeting proceedings and all actions and considerations undertaken by the Arts
19 Commission. ~~which shall be open to examination by any citizen. The official minutes~~
20 ~~shall contain, at a minimum, the date, place and time of beginning and ending of the~~
21 ~~meetings, the names of those members present and absent, and the name of the~~
22 ~~presiding officer. Minutes of open meetings shall also contain any official actions and~~
23 ~~votes taken by the Arts Commission, including votes of the individual members. No~~
24 ~~official actions or votes may be taken in a closed meeting, except as may be~~
25 ~~provided by state statute. Minutes will be filed in the City Clerk's office within five~~
26 ~~days following approval or in no case later than 60 days following the date of the~~
27 ~~meeting. The records filed with the City Clerk's office shall be kept available for~~
28 ~~public inspection in the City Clerk's office during normal office hours.~~

29
30 ~~Meetings of the Arts Commission shall preserve order and decorum at each meeting,~~
31 ~~conduct all proceedings in accordance with the parliamentary rules contained in~~
32 ~~Robert's Rules of Order, and conduct the order of business in the same manner as~~
33 ~~required of the Governing Body.~~

34
35 ~~The Arts Commission shall conduct each meeting in accordance with the agenda~~
36 ~~announced for the meeting.~~

37
38 ~~To avoid the appearance of impropriety, no member of the Arts Commission shall~~
39 ~~participate in any discussion, debate, deliberation or vote, or otherwise take part in the~~
40 ~~decision-making process of any agenda item in which the member has a conflict of~~
41 ~~interest. Any Arts Commission member determined to have a conflict of interest shall~~
42 ~~immediately leave the meeting room, except that if the matter is being considered at a~~
43 ~~public meeting and in this instance the member may remain in the area of the room~~
44 ~~occupied by the general public.~~

45
46 (CF) Powers, and duties and responsibilities. The Arts Commission shall have such
47 powers and duties as may be delegated to it by Governing Body of the City of Rio
48 Rancho and other such power, authority, jurisdiction and duty incidental and necessary
49 to carry out its purposes, including ~~The Arts Commission shall have the following~~
50 ~~responsibilities:~~

1
2 (1) Develop and seek Governing Body approval for a City of Rio Rancho Cultural
3 Arts Plan. This plan will provide guidelines on how the city will promote public art in
4 all its forms and how the city will go about providing a formal art presence in the city.
5 Once this plan is established, the Arts Commission will update and revise the plan
6 as needed.

7
8 (2) As applicable, review and provide recommendations to the Governing Body
9 regarding the purchase and placement of public art throughout the city.

10
11 (3) Work with appropriate city departments and divisions to increase the presence of
12 art and art-related cultural activities in the City of Rio Rancho with an emphasis on
13 community involvement.

14
15 (4) Make recommendations to the Governing Body related to incentives that help
16 further the arts in the City of Rio Rancho.

17
18 (5) Provide support for already established art programs, organizations and
19 institutions.

20
21 (6) Recognize and honor local achievements in art.

22
23 (7) Work with local educational institutions to promote arts education.

24
25 (8) Encourage public-private partnerships that promote the arts.

26
27 ~~(G) Powers and duties. The Arts Commission shall have such powers and duties as~~
28 ~~may be delegated to it by Governing Body of the City of Rio Rancho and other such~~
29 ~~power, authority, jurisdiction and duty incidental and necessary to carry out its~~
30 ~~purposes.~~

31
32 ~~(DH) Staff liaison. The City Manager shall assign staff as appropriate to A member of~~
33 ~~the city's Parks and Recreation Department shall serve as the Arts Commission's staff~~
34 ~~liaison.~~

35 ~~Duties shall consist of to assisting the Arts Commission in carrying out and~~
36 ~~implementing their duties and responsibilities as well as attend all Arts Commission~~
37 ~~meetings. If the manager cannot attend an Arts Commission meeting, the manager shall~~
38 ~~appoint a representative to attend in their place.~~

39
40 **33.28 INVESTMENT ADVISORY BOARD.**

41 (A) Board established. The Governing Body has determined that formal citizen input
42 regarding the management of a voter-approved City Charter Permanent Fund and
43 associated investment policy, as well as other local government investment portfolios
44 and associated policy, is appropriate and advantageous. An Investment Advisory Board
45 is hereby established, comprised of citizens that will review applicable information and
46 provide input to the Governing Body in the manner set forth in this section.

47
48 (B) Membership.
49

1 (1) The Board shall consist of seven members that are municipal residents. One
2 member of the Board shall be appointed from each of the six City Council Districts.
3 One member shall be appointed at-large. Knowledge or professional experience in
4 public finance or public funds investing is desirable for Board members to possess.
5

6 (2) The Mayor shall make appointments to the Board pursuant to Charter Articles
7 3.02 and 5.07.
8

9 (3) Removal of a Board member shall be in accordance with Section 33.03.
10

11 ~~(4) Pursuant to Charter Article 5.07, no vacancy in the office of any member of the~~
12 ~~Board shall be caused by redistricting of City Council election districts.~~
13

14 ~~(5) Board members shall receive no compensation.~~
15

16 (C) Terms of service.
17

18 (1) Initial Board members shall be appointed in the following manner: one member
19 shall serve a one-year term; three members shall serve a two-year term; and three
20 members shall serve a three-year term. The designated initial term for each Board
21 member shall be determined by lot and coordinated by the City Clerk.
22

23 (2) The term of appointment for all Board members subsequent to initial
24 appointments shall be three years.
25

26 ~~(D) Organization.~~
27

28 ~~(1) The Board shall elect from its members a Chairperson and Vice-Chairperson.~~
29 ~~The Board shall elect its officers as the first order of business at the first regularly~~
30 ~~scheduled meeting of each fiscal year; the balance of such meeting shall be chaired~~
31 ~~by the newly elected Chairperson, if present, or the newly elected Vice-Chairperson~~
32 ~~in his or her stead.~~
33

34 ~~(2) Each officer's term shall be one year and a vacancy in any of the offices shall be~~
35 ~~filled by the Board as the first order of business at the first regularly scheduled~~
36 ~~meeting after the vacancy occurs for the unexpired term of the office to be filled.~~
37

38 ~~(3) The Chairperson shall preside at all meetings of the Board and, in the~~
39 ~~Chairperson absence, the Vice-Chairperson shall preside.~~
40

41 ~~(DE) Meetings.~~
42

43 (1) The Board shall hold at minimum regular quarterly meetings.
44

45 (2) All meetings of the Board shall be conducted pursuant to Section 33.04.
46

47 (3) The Board and its meetings shall be subject to the Boards and Commissions
48 Rules of Procedure established by the Governing Body.
49

50 (4) A quorum of the Board shall be pursuant to Section 33.06.

1
2 ~~(EF)~~ Reports to ~~G~~governing ~~B~~body.
3

4 (1) The Board shall provide the Governing Body an annual report pursuant to
5 Section 33.05.
6

7 (2) The Board's required input to the Governing Body shall be limited to those
8 matters approved by a vote of the Board at a duly noticed meeting, and shall be
9 conveyed in a timely manner to the Governing Body by the Chairperson (or Vice-
10 Chairperson in the Chairperson's absence), either in writing or in person at a
11 Governing Body meeting.
12

13 ~~(EG)~~ Staffing. The City Manager shall assign appropriate personnel to present and
14 provide information to the Board including, but not limited to, the City Treasurer, which
15 is defined in Article 6.01 of the Charter as the Director of Finance.
16

17 ~~(GH)~~ Duties and responsibilities. The Board's duties and responsibilities regarding the
18 City Charter Permanent Fund and other investment portfolios shall consist of only the
19 following:
20

21 (1) Review applicable investment policies annually and provide input to the
22 Governing Body regarding proposed amendments, if any.
23

24 (2) Beginning January 2024, and each January thereafter, provide input to the
25 Governing Body regarding the general government purpose use of interest and
26 dividend earnings that are 50% above the prior year's Permanent Fund principal
27 amount.
28

29 (3) Beginning April 2024, and each April thereafter, provide input to the Governing
30 Body regarding additional revenue contributions, if any, to the Permanent Fund
31 principal amount.
32

33 (4) Review investment holdings reports.
34

35 (5) Review quarterly performance reports.
36

37 (6) Review investments for compliance with applicable policies.
38

39 (7) Review investment portfolio strategy, diversification, maturity, structure, and
40 potential portfolio risks.
41

42 (8) Review the efficacy of internal controls and procedures over investments.
43

44 (9) Review any applicable compliance audits.
45

46 (10) Review the selection of any investment advisor, broker/dealer or other
47 investment consultant.
48

49 (11) Adhere to any requirements outlined in applicable investment policies.
50

1 **Section 2. Severability Clause.** If any section, paragraph, clause, or provision of
2 this Ordinance, or any section, paragraph, clause, or provision of any regulation
3 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
4 enforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
5 clause, or provision shall not affect the validity of the remaining portions of this
6 Ordinance or the regulation so challenged.

7
8 **Section 3. Compiling Clause.** This Ordinance shall be incorporated in and compiled
9 as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

10
11 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
12 adoption.

13
14 ADOPTED THIS _____ DAY OF _____, 2023.

15
16
17 _____
18 Gregory D. Hull, Mayor
19

20
21 ATTEST:

22
23 _____
24 Rebecca A. Martinez, City Clerk
25 (SEAL)

**CHAPTER 33
BOARDS, COMMISSIONS AND COMMITTEES Revised 10/22**

Section

General Provisions

[33.01 Creation](#) Revised 10/22

[33.02 Appointment; qualifications and term](#) Revised 10/22

[33.03 Removal from office](#) Revised 10/22

[33.04 Meetings; notice and procedure](#) Revised 10/22

[33.05 Reports to Governing Body](#) Revised 10/22

[33.06 Quorum](#) Revised 10/22

Boards, Commissions, Committees

[33.15 Planning and Zoning Board](#)

[33.16 Parks and Recreation Commission](#)

[33.17 Library Board](#)

[33.18 Senior Services Advisory Board](#)

[33.19 Charter Review Committee](#)

[33.20 Reserved](#)

[33.21 Reserved](#)

[33.22 Keep Rio Rancho Beautiful Committee](#)

[33.23 Personnel Board](#)

[33.24 Capital Improvement Plan Citizens Advisory Committee](#)

[33.25 Lodger's Tax Advisory Board](#)

[33.26 Public Infrastructure Advisory Board](#)

[33.27 Arts Commission](#)

[33.28 Investment Advisory Board Revised 10/22](#)

[Cross-reference:](#)

[Departments, Offices, Boards and Commissions, see Charter Article V](#)

[GENERAL PROVISIONS](#)

33.01 CREATION. Revised 10/22

All standing, ongoing boards, committees, commissions and authorities, which are advisory in nature to the Governing Body, whether authorized by specific state statute or by implied powers granted to municipalities by general statute, shall be established by ordinance. The ordinance shall specify the purpose, membership, terms of service, duties and responsibilities, and organization of the board, committee, commission or authority. Ad hoc boards, committees, commissions and authorities, which are advisory in nature to the Governing Body, shall be established by resolution for a term not to exceed one year. The creating resolution shall state, at the minimum, the purpose of the committee, composition, term and process for removal of the members.

('87 Code, § 4-1-1) (Ord. 82-31; Am. Ord. 88-028; Am. Ord. 90-008; Am. Ord. 02-014; Am. Ord. 22-19)

33.02 APPOINTMENT; QUALIFICATIONS AND TERM. Revised 10/22

(A) All municipally appointed members of boards, commissions or authorities, including City Councilors, serving as city representatives to outside regional, state or national boards, commissions, committees and authorities, except ex officio members, shall be municipal residents, appointed by the Mayor with approval of the majority of all of the members of the Governing Body, pursuant to Section 3.02 of the City Charter. Qualifications and terms of office of members of city boards, commissions or authorities shall be established by the enabling ordinance. Vacancies may be caused by resignation, death, expiration of term, or removal by the appointing authority, and shall be filled by appointment of a replacement to complete the unexpired term, if any.

(B) City employees, serving as city representatives to outside regional, state or national boards, commissions, committees and authorities, except ex officio members, shall obtain approval from the City Manager; provided, that they shall not be held to the municipal residence requirements.

('87 Code, § 4-1-2) (Ord. 82-31; Am. Ord. 88-028; Am. Ord. 90-008; Am. Ord. 02-014; Am. Ord. 22-19)

33.03 REMOVAL FROM OFFICE. Revised 10/22

Any appointed member, except ex officio members, of any city board, commission, or authority may:

(A) Be removed at any time by the Mayor, with the approval of the majority of the members of the Governing

Body.

(B) Be automatically removed for failure to attend 75% of the regular meetings in a consecutive 12-month period.

('87 Code, § 4-1-3) (Ord. 82-31; Am. Ord. 88-028; Am. Ord. 90-008; Am. Ord. 02-014; Am. Ord. 15-18; Am. Ord. 22-19)

33.04 MEETINGS; NOTICE AND PROCEDURE. Revised 10/22

(A) All meetings of boards, commissions, and authorities shall be held on a regular basis with at least the minimum frequency prescribed by the enabling ordinance. Meetings shall be held at the municipal building or other public facility as may be decided by the board, commission, or authority to be suitable to the business before the body. All meetings shall be open to the public unless otherwise permitted by the Open Meetings Act, and shall be announced in the same manner and with the same advance notice as required for meetings of the Governing Body, or as required by state statute.

(B) Each board shall:

(1) Keep minutes of its proceedings which shall be open to examination by any citizen. The official minutes shall contain, at a minimum, the date, place and time of beginning and ending of the meetings, the names of those members present and absent, and the name of the presiding officer. Minutes of open meetings shall also contain any official actions and votes taken by the board or commission, including votes of the individual members. No official actions or votes may be taken in a closed meeting, except as may be provided by state statute. Minutes will be filed in the City Clerk's office within five days following approval, or in no case later than 60 days following the date of the meeting;

(2) Preserve order and decorum at each meeting, and conduct all proceedings in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised;

(3) Conduct the order of business in the same manner as required of the Governing Body; and

(4) Conduct each meeting in accordance with the agenda announced for the meeting.

(C) *Conflict of interest and recusal.*

(1) To avoid the appearance of impropriety, no member of any standing or ad hoc board, commission or committee shall participate in any discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item in which the member has a conflict of interest.

(2) Any member of any standing or ad hoc board, commission or committee determined to have a conflict of interest shall immediately leave the meeting room, except that if the matter is being considered at a public meeting, the member may remain in the area of the room occupied by the general public.

('87 Code, § 4-1-4) (Ord. 82-31; Am. Ord. 88-028; Am. Ord. 90-008; Am. Ord. 04-021; Am. Ord. 22-19)

33.05 REPORTS TO GOVERNING BODY. Revised 10/22

Each board, commission or authority shall report in person or in writing annually to the Governing Body through its Chairperson or representative as the Chairperson shall delegate, unless the Mayor or the Chairperson through the Mayor requests more frequent or special reports. Each year the City Clerk shall establish and coordinate a Governing Body reporting schedule which includes every active board, commission, or authority. Any recommendations from the board, commission or authority or any financial reports shall be in writing.

('87 Code, § 4-1-5) (Ord. 82-31; Am. Ord. 88-028; Am. Ord. 90-008; Am. Ord. 15-09; Am. Ord. 22-19)

33.06 QUORUM. Revised 10/22

A majority of each board, commission or authority shall constitute a quorum, unless there are two or more vacancies, in which case a quorum shall be a majority of the members of the board, commission or authority, excluding those seats which are vacant.

(Ord. 22-19)

BOARDS, COMMISSIONS, COMMITTEES

33.15 PLANNING AND ZONING BOARD.

(A) The purpose of this section is to establish a municipal organization of appointed officials in order to promote and carry out a continuing process of comprehensive planning and zoning within the jurisdiction of the city.

(B)(1) There is hereby created the Planning and Zoning Board for the city pursuant to NMSA §§ 3-19-1 through 3-19-4 and §§ 3-21-1 through 3-21-11.

(2) The Planning and Zoning Board shall consist of seven members, who shall be appointed by the Mayor with the consent of the City Council.

(3)(a) The terms of appointment for the members of the Planning and Zoning Board shall be terms of three years, staggered for overlapping terms.

(b) Vacancies shall be filled for the remainder of any unexpired term by the Mayor with the approval of the City Council.

(c) After a public hearing and for cause stated in writing and made part of the public record, the Mayor with the approval of the City Council may remove a member of the Planning and Zoning Board for cause.

(C)(1) *Powers and duties.* The Planning and Zoning Board shall have such powers and duties as may be

delegated to it by the Governing Body of the city and other such power, authority, jurisdiction and duty incidental and necessary to carry out its purposes.

(2) *Responsibilities.* The Planning and Zoning Board shall have the following responsibilities:

(a) The Planning and Zoning Board shall promote a comprehensive planning process with the general purpose of guiding and accomplishing a coordinated, adjusted, aesthetically appealing and harmonious development of the city;

(b) The Planning and Zoning Board shall make careful and comprehensive surveys and studies of existing conditions and probable future growth of the city and shall make recommendations on means of protecting and improving the environment;

(c) The Planning and Zoning Board shall prepare for adoption by the Governing Body a master plan for the physical development of the city and the area within the planning, platting, and zoning jurisdiction of the city;

(d) The Planning and Zoning Board shall prepare for adoption by the Governing Body regulations governing the subdivision of land within the planning, platting, and zoning jurisdiction of the city;

(e) The Planning and Zoning Board shall review and approve or disapprove any proposed subdivision platting, re-platting, or vacation of plats, conditional use permits, variance requests, sign exceptions, and appeals taken from decisions or actions of the City Development Department. The Board's decisions on these matters shall be final, unless appealed. Other decisions of the Board are non-final recommendations to the Governing Body, as provided in Chapter 154;

(f) The Planning and Zoning Board shall prepare for adoption by the Governing Body zoning ordinances applicable to the territory within the boundaries of the city;

(g) The Planning and Zoning Board may recommend to the Governing Body of the city programs for public improvements and their financing;

(h) The Planning and Zoning Board is authorized to confer with other municipal, county, regional, state, or federal agencies as it deems necessary; and

(i) All appeals of final Board decisions or review of recommended decisions will be decided by the Governing Body only after a de novo hearing in which any aggrieved party may appear. An aggrieved party does not have to appear before the Board to participate in the Governing Body's de novo hearing.

(D)(1) The Planning and Zoning Board shall elect from its members a chairman and a vice-chairman for one-year terms. Officers may be reelected for an indefinite number of years.

(2) The Planning and Zoning Board shall adopt and publish the rules, regulations and procedures for the conduct of business in compliance with § 33.04. A quorum shall be a majority of the membership of the Planning and Zoning Board.

(3) The Planning and Zoning Board shall hold regularly scheduled meetings at least once a month. All meetings of the Planning and Zoning Board must conform to the open meeting resolution adopted annually by the Governing Body of the city.

(4) A public record shall be kept of all actions and considerations undertaken by the Planning and Zoning Board. The records shall be filed with the City Clerk and kept available for public inspection in the City Clerk's office during normal office hours.

('87 Code, §§ 4-2-1 – 4-2-4)

(Ord. 81-1; Am. Ord. 88-028; Am. Ord. 95-016; Am. Ord. 96-015; Am. Ord. 18-28)

Cross-reference:

Flood Hazard Prevention, see Chapter 152

Planning and Zoning, see Chapter 154

Planning and Zoning Boards, see Charter § 5.08

Subdivisions, see Chapter 155

33.16 PARKS AND RECREATION COMMISSION.

(A)(1) Members of the Parks and Recreation Commission, except ex officio members, shall be municipal residents, appointed by the Mayor with the approval of a majority of the City Council.

(2) The Parks and Recreation Commission shall act in an advisory capacity to the governing body and shall advise and recommend to the governing body to insure the efficient, economical and comprehensive planning of parks and recreation.

(3)(a) The Commission shall consist of seven members. One member of the Commission shall be appointed from each of the six districts and each member shall reside in their respective district during their term. One member shall be a resident of the city, appointed at-large.

(b) The terms of appointment for commissioners shall be three years. The terms shall be staggered for overlapping terms.

(c) Vacancies shall be filled only for the remainder of any unexpired term by the Mayor with the

approval of the City Council.

(d) The Commission shall elect from its members a chairman and vice-chairman for one year terms. Officers may be reelected as long as their term exists.

(4) All meetings of the Parks and Recreation Commission shall be held on a regular basis, at least once a month. All meetings shall be open to the public, unless otherwise permitted by the Open

Meetings Act, and shall be announced in the same manner and with the same advance notice as required for meetings of the governing body or as required by state statute. The procedure and order of business shall be conducted pursuant to the requirements of § [33.04](#). A quorum shall be a majority of the membership of the Parks and Recreation Commission.

(5) No vacancy on the Commission shall be caused by redistricting of governing body election districts. All members of the Commission shall be entitled to serve out their terms, unless otherwise removed pursuant to this code, even if redistricting causes a Commissioner to reside outside the district which that Commissioner was appointed to represent.

('87 Code, § 4-3-1)

(B) A public record shall be kept of all actions and considerations undertaken by the Parks and Recreation Commission. The records shall be filed with the City Clerk and kept available for public inspection in the City Clerk's office during normal office hours.

('87 Code, § 4-3-3)

(C) The Commission shall:

- (1) Act in an advisory capacity to the governing body;
- (2) Assist in the annual budget, provide the research needed to assist the Director in developing the budget;
- (3) Advise in the development of parks and recreation programs;
- (4) Recommend the needs and policies for the acquisition, development and improvement of parks and playgrounds through comprehensive long- and short-term planning and research;
- (5) Analyze and recommend programs for all citizens;
- (6) Perform duties, as assigned by the governing body;
- (7) Encourage development of intra-community council which will provide a format of information and

cooperation between clubs, service organizations, schools and the Parks and Recreation Commission; and

(8) The Parks and Recreation Commission may serve as an advisory board against which the Department Administrator may test plans and ideas.

('87 Code, § 4-3-4)

(Ord. 83-91; Am. Ord. 88-028; Am. Ord. 15-09; Am. Ord. 18-28)

Cross-reference:

Department of Parks and Recreation, see § 32.20

Parks and Recreation Commission, see Charter § 5.10

33.17 LIBRARY BOARD.

(A) *Purpose.*

(1) Under NMSA § 3-18-14, the city is empowered to establish and maintain a free public library.

(2) The Rio Rancho Community Library Association, Inc., has requested the city take over the ownership, operation and maintenance of its library facilities.

(3) It is deemed necessary by the governing body to create the Library Board of Trustees of the city.

('87 Code, § 4-4-1)

(B) *Creation.* There is hereby created the Library Board of Trustees, hereinafter referred to as the "Library Board." The Library Board shall act in an advisory capacity to the governing body and shall advise and assist the governing body in every possible way to insure the efficient and economical management and operation of the public library. All members of the Library Board shall serve without compensation, but may be reimbursed for all necessary travel expenses incurred away from the city on library business, in accordance with state statutes.

('87 Code, § 4-4-2)

(C) *Appointment of Board.* The Library Board shall consist of seven members who shall be residents of the Sandoval County community served by the library and shall include, as far as possible, representatives of various geographic, ethnic, socioeconomic, professional and business interest of the community. The members shall be appointed by the Mayor with the approval of the majority of the City Council. ('87 Code, § 4-4-3)

(D) *Term of office.*

(1) The terms of appointment of members of the Library Board shall be staggered for overlapping terms of

three years. Through attrition of appointment, the staggering of terms shall be implemented.

(2) Vacancies shall be filled only for the remainder of any unexpired term by the Mayor with the approval of the City Council.

('87 Code, § 4-4-4)

(E) *Duties and functions.* The Library Board shall advise the governing body on the operation of the public library and shall have the responsibility and obligations to:

(1) Recommend to the governing body policies for the administration of the public library for public inspection and information;

(2) Post rules and regulations, according to policy, for public use of the library in appropriate places in the library for public inspection and information;

(3) Recommend to the governing body an annual budget in sufficient time for the library budget to be included in the total budget for the city;

(4) Notify the Mayor of any vacancies on the Board and recommend persons to fill vacancies;

(5) Provide the Personnel Board with qualifications, not in conflict with state statutes, for head librarian and other library personnel;

(6) Make recommendations to the Mayor for employment;

(7) Recommend to the governing body any action to maintain or administer the public library;

(8) Research other revenue sources including, but not limited to grants, endowments and other gifts;

(9) Establish, support and participate in a vital public relations program for the library;

(10) Establish long-range priorities for the public library;

(11) Report to the governing body on a regular basis;

(12) Promote coordination of library activities with those of public officials, civic groups and other community organizations;

(13) Contribute special knowledge of the community to library staff members so they can efficiently serve the community which supports the library;

(14) Know local, state and federal library laws, and actively support legislation that improves and extends library services;

(15) Know and understand the sources available through the statewide library development program, and study advantages of participation in the program;

(16) Keep abreast of public library standards and trends;

(17) Arrange, aid, encourage and attend regional and state trustee meetings and workshops for a fuller utilization of trustee talent and experience; and

(18) Uphold the Library Bill of Rights and the Freedom to Read Statement adopted by the American Library Association.

('87 Code, § 4-4-5)

(F) *Removal from office.* No member of the Library Board shall be removed from office except for good and sufficient cause and by a vote of two-thirds of the membership of the governing body. ('87 Code, § 4-4-6)

(G) *Vacancies.* On death, removal, resignation, change of residence to a place outside Sandoval County, or other inability to act as a member of the Library Board, the vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term. ('87 Code, § 4-4-7)

(H) *Organization of the Board.* At the first meeting of the Library Board and annually thereafter at the regular anniversary meeting, the members shall elect from its membership a president, vice-president, a secretary and other officers as may be necessary to carry out the functions of the Library Board. Each officer shall serve for a term of one year. ('87 Code, § 4-4-8)

(I) *Meetings.* The Library Board shall hold regular monthly meetings and other special meetings as may be called by the president. The time and place of the meetings shall be fixed by the Library Board at its first meeting, at which time the Library Board shall also adopt rules to govern its proceedings which shall be in compliance with the requirements of § 33.04. A majority of the members of the Board constitutes a quorum for the transaction of business. The act of a majority of the Board present shall be the act of the Board. All Library Board meetings shall be in accordance with the city open meetings resolution. ('87 Code, § 4-4-9)

(Ord. 82-24; Am. Ord. 88-028)

Cross-reference:

Public Library, see Chapter 95

33.18 SENIOR SERVICES ADVISORY BOARD.

(A) The purpose of this section is to establish a Senior Services Advisory Board. ('87 Code, § 4-6-1)

(B) There is hereby created the Senior Services Advisory Board, hereinafter referred to as the "Board." The Board shall act in an advisory capacity to the Director of the Department of Cultural Enrichment or designee and City Manager and shall advise and assist the director and the Manager to insure the efficient and economical management and operation of the city senior services programs and facilities. All members of the Board shall serve without compensation. ('87 Code, § 4-6-2)

(C)(1) The Board shall consist of seven members who shall be residents of the city and shall include one representative of the general public from each Council district and one representative of the general public to serve as an at-large member of the Board. The members shall be appointed by the Mayor with the approval of the majority of the City Council.

(2) The appointment for the members of the Board shall be staggered for overlapping terms of three years.

(3) Vacancies shall be filled only for the remainder of any unexpired term by the Mayor with the approval of the City Council.

('87 Code, § 4-6-3)

(D) The Board shall have the duties and responsibilities as may be delegated to it by the governing body. The Board shall:

(1) Recommend policies and procedures for development of the Department of Senior Services;

(2) Recommend services to promote and stimulate public interest;

(3) Through the Department Director, notify the Mayor of any vacancies on the Board and recommend persons to fill vacancies;

(4) Through the Department Director, contribute special knowledge of the community to senior services staff members so they may efficiently serve the community which uses the programs;

(5) Be familiar with local, state and federal laws relating to seniors, and actively support legislation that impacts favorably the rights, lifestyle, health and welfare of seniors in the community;

(6) Research other revenue sources including, but not limited to grants, endowments and other gifts;

(7) Through the Department Director, assist in developing short and long-range priorities for the provision of senior services;

(8) Through the Department Director, report to the governing body on a regular basis or as needed;

(9) Promote coordination of senior services activities with those of public officials, civic groups and other organizations.

('87 Code, § 4-6-4)

(E) No member of the Board shall be removed from office except for good and sufficient cause and by a vote of a majority of the membership of the governing body.

('87 Code, § 4-6-5)

(F) On death, removal, resignation, change of residence of a Board member to another district, (except for the at-large member), relocating to outside of the city or other inability to act as a member of the Board, the Board shall vacate that member's position and the vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term. ('87 Code, § 4-6-6)

(G) At the regular July anniversary meeting, the members shall elect from its membership a chairperson, vice-chair, a secretary and other officers as may be necessary to carry out the functions of the Board. Each officer shall serve for a term of one year. ('87 Code, § 4-6-7)

(H) The Board shall hold regular monthly meetings and other special meetings as may be called by the chairperson. The time and place of the meetings shall be fixed by the Board at its first meeting, at which time the Board shall also adopt rules to govern its proceedings which shall be in compliance with the requirements of § 33.04. A majority of the members of the Board constitutes a quorum for the transaction of business. The act of a majority of the Board present shall be the act of the Board. All Board meetings shall be in accordance with the city open meetings resolution. ('87 Code, § 4-6-8)

(Ord. 85-123; Am. Ord. 88-028; Am. Ord. 04-037)

33.19 CHARTER REVIEW COMMITTEE.

(A)(1) The purpose of this section is to establish a Charter Review Committee in accordance with Section 1.07A of the Rio Rancho Municipal Charter. All Charter amendments initiated pursuant to Section 1.07A-B of the Charter, regardless of timing, must follow the provisions of this section.

(2) Notwithstanding the requirements of Section 1.07A-B of the Charter, the Governing Body may activate the Charter Review Committee at any other time as described below.

(B) Before any Charter amendments are submitted to the voters, a Charter Review Committee shall be activated by resolution of the Governing Body to propose Charter amendments, and shall consist of the following members:

(1) The Mayor serving as Chair of the Committee.

(2) Two Councilors who have notified the Mayor of their interest serving on the Committee at a public meeting of the Governing Body. If more than two Councilors request to be appointed to the Committee, the City Clerk shall determine the two appointments by random lot. In the event that one or no Councilors are interested in serving on the committee, a resident member may be appointed instead, in accordance with subsection (B)(3) of this section.

(3) Four resident members appointed by each of the four Councilors who are not serving on the committee. Resident members must reside in the Councilor's district for which they are appointed and must be registered voters of the City of Rio Rancho. In the event of a council vacancy in any district during activation of the Committee, the Mayor shall appoint, subject to Governing Body confirmation, a resident representative from the vacant district. Resident representatives must reside within their district throughout the term of their appointment.

(C) At the first meeting of the Charter Committee, the members shall select a Deputy Chair from among the Committee members to serve in the absence of the Mayor. At any meeting where the Mayor and Deputy Chair are absent, the remaining members shall appoint an acting chair as their first order of business who shall preside for only that meeting.

(D) The resolution activating the Charter Review Committee shall specify the specific sections of the Charter to be reviewed, or in the case of any required periodic reviews, shall specify that the Committee shall review the Charter as a whole, and the appointed members of the Committee.

(E) All meetings of the Committee shall be public and held in accordance with Section 33.04. The Committee shall meet as soon as practical after appointment. At the first regularly scheduled meeting of the Charter Review Committee, the Committee shall adopt a schedule of regular meetings that allows for adequate time to review appropriate Charter sections and formulate any proposed amendments. The maximum time the Committee shall be active is six months or a lesser length of time as established in the enabling resolution.

(F) Any resident member of the Committee who fails to attend more than two Committee meetings, for any reason, shall be automatically removed as a member and a successor shall be appointed within 10 days in accordance with the terms of subsection (B)(3) of this section. A member so removed under this section shall not be eligible for reappointment and such member's original appointment shall serve as a valid appointment for the purposes of subsection (H) of this section.

(G) Any appointed Council member who fails to attend more than two committee meetings, for any reason, shall be automatically removed as a member and a successor shall be appointed by the Governing Body in accordance with the terms of subsection (B)(2) of this section. Should the Mayor fail to attend more than two Committee meetings, for any reason, the Deputy Chair shall preside at all subsequent meetings and the

Governing Body shall appoint a replacement from among its members.

(H) In the event any resident member of the Committee moves from the City or from the district from which the member was chosen to represent, a vacancy shall occur and a successor shall be appointed within 10 days in accordance with the terms of subsections (B)(1) through (3) of this section.

(I) No resident member may serve on more than one Charter Review Committee during that person's lifetime.

(J) *Approval of amendments.*

(1) No later than 90 days after activation, the committee shall submit recommendations for Charter revisions to the Governing Body.

(2) The City Attorney shall review and render an opinion as to the legality and form of any proposed Charter amendment before it is submitted to the Governing Body for consideration.

(3) If the proposed Charter amendments are approved by a majority of the Governing Body, the Governing Body shall issue an election proclamation and an election shall be held in accordance with NMSA § 3-15-10.

(4) The Governing Body may modify the language of any amendment submitted by the Charter Review Committee to align with the form proposed by the City Attorney, but shall not make any substantive changes to any proposed amendments. Substantive changes may only be made following approval by the Charter Review Committee.

(5) Should the Governing Body by majority vote suggest substantive changes to any proposed amendment(s), the Charter Review Committee shall hold an additional meeting to discuss the changes and obtain public input no later than 30 days following action of the Governing Body. At the meeting, the Charter Review Committee shall vote to approve or not approve the proposed changes to any amendment(s). Should the Charter Review Committee not approve the proposed changes, the amendment(s) shall not be submitted to the voters. Should the Charter Committee approve the proposed changes to any amendment(s), the Governing Body shall then issue an election proclamation including all revised and previously approved amendments within 30 days following action of the Charter Review Committee and an election shall be held in accordance with NMSA § 3-15-10.

(K) *Election.*

(1) The proposed Charter amendments must receive a majority of the votes cast in the election in order to be adopted.

(2) If the proposed Charter amendments are not adopted at the election, those proposed Charter

amendments shall not be resubmitted to the voters of the city for a period of two years thereafter.

(3) All Charter amendments duly adopted by a majority vote of the voters shall take effect immediately.

(Ord. 21-07)

33.20 RESERVED.

33.21 RESERVED.

33.22 KEEP RIO RANCHO BEAUTIFUL COMMITTEE.

(A) The purpose of this section is to establish a committee that will assist the governing body of the city in improving the quality of life for all residents of the community. ('87 Code, § 4-10-1)

(B)(1) There is hereby created the Keep Rio Rancho Beautiful Committee and all members shall serve without compensation.

(2) The committee shall consist of not less than five members all of whom shall be appointed in accordance with § [33.02](#).

(3)(a) The term of service for the members of this Committee shall be staggered for overlapping terms of three years.

(c) Any vacancy occurring other than by expiration of term shall be filled for the remainder of the unexpired term by the Mayor with the consent of the City Council.

(d) The Mayor shall endeavor in the appointments to maintain a committee, in particular its racial, ethnic and cultural spectrum.

('87 Code, § 4-10-2)

(C)(1) The Keep Rio Rancho Beautiful Committee shall elect a chairperson and vice-chairperson from its members. Each officer shall serve for a term of one year.

(2) The Committee shall conduct a regularly scheduled monthly meeting and other special meetings as may be necessary. The time and place for the meetings shall be set by the Keep Rio Rancho Beautiful Committee at its first meeting. A majority of the members present shall act as the board. All meetings shall be in accordance with the open meetings provisions of the city, and shall be conducted in compliance with the requirements of § [33.04](#).

(3) A public record shall be kept of the actions of the Committee. The records shall be filed with the City Clerk and kept available for public review during normal office hours.

('87 Code, § 4-10-3)

(D) The Keep Rio Rancho Beautiful Committee shall:

- (1) Set rules and procedures as are necessary for the operation of the Committee;
- (2) Appoint community committees that will assist the Committee in specific tasks in accordance with the certification guidelines of the Keep America Beautiful program; (Members appointed to community committees shall not be required to be municipal residents.)
- (3) Conduct public forums upon the request of the City Council or Mayor for matters as the City Council or the Mayor may from time to time direct; and
- (4) Promote mutual trust, understanding and respect between residents of the community and their governmental agencies.

('87 Code, § 4-10-4)

(Ord. 88-028; Am. Ord. 90-025; Am. Ord. 91-028)

33.23 PERSONNEL BOARD.

(A) The governing body intends to achieve professional development for city employees, protection of employees rights, avoidance of employee dissatisfaction, access by employees to management and input by employees into decisions affecting wages, hours and other terms and conditions of employment. The governing body also intends that public service is an attractive career and efficient and effective services be provided to the people of the city. ('87 Code, § 4-13-1)

(B)(1) The Personnel Board consisting of five members, is hereby created. Members of the Board shall be appointed by the Mayor with the consent of a majority of all of the members of the City Council. The members of the Board shall reside in the city. The members of the Board shall serve without compensation.

(2)(a) The terms of service for the members of the Personnel Board shall be staggered for overlapping terms, beginning January 1, 1993, as follows:

1. Two members shall be appointed for a three-year term.
2. Two members shall be appointed for a two-year term.
3. One member shall be appointed for a one-year term.

(b) Through attrition of appointment, the staggering of terms shall be implemented.

(c) Any vacancy occurring other than by expiration of term shall be filled for the remainder of the unexpired term by the Mayor with the consent of the City Council.

(d) The Mayor shall make appointments to achieve broad racial, ethnic and cultural representation.

(3) The Mayor, with the consent of the City Council, shall appoint a replacement for a member of the Board whose term is terminated either by resignation, removal from office or death.

('87 Code, § 4-13-2)

(C) The Personnel Board shall:

(1) Advise the Mayor and the City Council concerning matters relating to city employees;

(2) Adopt rules establishing procedures for the hearing of employee grievances; (The Board may delegate the duty to hear employee grievances to a hearing officer who may be a Board member. Provided that the Board shall make the final decision after consideration of the hearing officer findings of fact and conclusions of law.)

(3) Recommend adoption, repeal or amendment of personnel rules; and

(4) Report regularly to the governing body.

('87 Code, § 4-13-3)

(Ord. 88-028; Am. Ord. 93-016)

Cross-reference:

Personnel, see Chapter 38

33.24 CAPITAL IMPROVEMENT PLAN CITIZENS ADVISORY COMMITTEE.

(A) Purpose of the Capital Improvement Plan Citizens Advisory Committee. The purpose of this section is to establish a citizens advisory committee to advise and assist the city in the preparation, implementation and update of the impact fees capital improvement plan (IFCIP). The IFCIP is a plan developed to support the creation of impact fees. The provisions herewith are in accordance with the New Mexico Development Fees Act (NMSA 1978 Sections 5-8-1 et seq.) and City of Rio Rancho Code Sections 150.20 et seq.

(B) Committee. There is hereby created a permanent Capital Improvement Plan Citizens Advisory Committee (CIPCAC). All members shall serve without compensation and comply with the requirements of Section [33.02](#).

(1) The CIPCAC shall consist of seven citizens who shall be appointed by the Mayor and approved subject

to confirmation by the Governing Body.

(2) Not less than 40% of the CIPCAC (three members) shall be representatives of the real estate, development or building industries, in accordance with the New Mexico Development Fees Act.

(3) No more than two members of the CIPCAC shall reside in the same district, in accordance with the City Charter.

(4) The Impact Fee Administrator shall have staff assistance responsibility for the CIPCAC.

(C) Terms of Service.

(1) The term of service for each seat on the CIPCAC shall be staggered for overlapping terms of three years.

(2) Reappointments or filling of vacancies will be made in accordance with Section [33.02](#).

(D) Meetings.

(1) The CIPCAC shall hold quarterly meetings, with such additional meetings as deemed necessary by the Impact Fee Administrator.

(2) The CIPCAC shall elect a chairperson and a vice-chairperson from its members, and any other officers as necessary to carry out the duties of the committee.

(3) The CIPCAC shall submit written copies of all minutes and reports to the Governing Body.

(E) Duties and Responsibilities. The duties and responsibilities of the CIPCAC shall conform to the New Mexico Development Fees Act as adopted on July 1, 1993, which are restated as follows:

(1) Advise and assist the city in adopting land use assumptions (which includes a description of the service area and projections of changes in land uses, densities, intensities and population in the service area over at least a five-year period);

(2) Review the impact fee capital improvements plan and file written comments;

(3) Monitor and evaluate implementation of the impact fees capital improvements plan;

(4) File annual reports with respect to the progress of the capital improvements plan and report to the city any perceived inequities in implementing the plan or imposing the impact fee;

(5) Advise the city of the need to update or revise the land use assumptions, the impact fee capital

improvements plan and impact fees.

(Ord. 08-95)

33.25 LODGER'S TAX ADVISORY BOARD.

(A) The purpose of this section is to establish a Lodger's Tax Advisory Board in the city. ('87 Code, § 4-16-1)

(B) There is hereby created the Lodger's Tax Advisory Board for the city, which will act in an advisory capacity to the governing body. ('87 Code, § 4-16-2)

(C)(1) The Mayor shall appoint an advisory board of five members with the confirmation of the City Council. The five-member advisory board shall consist of two members who are owners or operators of lodgings subject to the occupancy tax with the city, two members who are owners operators of industries located within the city that primarily provide services or products to tourists and one member who is a resident of the city and represents the general public.

(2) The terms of appointment for the members of the Board shall be staggered for overlapping terms of three years.

(3) Vacancies shall be filled only for the remainder of any unexpired term by the Mayor with the confirmation of the City Council.

('87 Code, § 4-16-3)

(D) The Lodger's Tax Advisory Board shall have the duties and responsibilities as may be delegated to it by the governing body. The Board shall:

(1) Advise the governing body on expenditure of funds authorized under § 37.02, for advertising, publicizing and promoting tourist attractions and facilities in the city or surrounding area;

(2) Set rules and regulations as are necessary for the operation of the Board;

(3) Conduct public forums upon the request or approval of the City Council or Mayor upon matters as the City Council or Mayor may from time to time direct;

(4) Identify areas of concern in the community as they relate to tourism-related industries and promote mutual trust, understanding and respect between residents and their governmental agencies.

('87 Code, § 4-16-4)

(E)(1) At the first meeting of the Lodger's Tax Advisory Board, and annually thereafter at the regular anniversary meeting, the members shall elect from its membership a chairperson, vice-chair and secretary and other officers

as may be necessary to carry out the functions of the Board. Each officer shall serve a term of one year.

(2) The Board shall give adequate notice of all meetings, as set forth by the city's open meetings resolution.

(3) The Board shall adopt rules, regulations and procedures for the conduct of business as may be appropriate. A quorum shall be a majority of the membership of the Board.

(4) A public record shall be kept for all actions and considerations undertaken by the Board. The record shall be filed with the City Clerk and kept available for public inspection in the City Clerk's office during regular office hours.

('87 Code, § 4-16-5)

(Ord. 88-028; Am. Ord. 94-023; Am. Ord. 96-024)

Cross-reference:

Lodger's tax, see § 37.02

33.26 PUBLIC INFRASTRUCTURE ADVISORY BOARD.

(A) *Board established.* The Governing Body has determined that formal citizen input on roads, drainage, and water and wastewater utilities is appropriate and advantageous to the conduct of City government. A Public Infrastructure Advisory Board ("Board") is hereby established, comprised of citizens that will provide input to the Governing Body regarding water and wastewater utilities, roadway and drainage matters in the manner set forth in subsection (G) of this section, prescribing the duties and responsibilities of the Board.

(B) *Membership.*

(1) The Board shall consist of seven members. One member of the Board shall be appointed from each of the six City Council districts. One member shall be a resident of the City, appointed at-large.

(2) The Mayor shall make appointments to the Board based upon qualifications, knowledge, and experience, subject to confirmation by a majority of the Governing Body.

(3) Removal of a Board member shall be in accordance with Section [33.03](#).

(4) Pursuant to Article 5.07(F) of the City Charter, no vacancy in the office of any member of the Board shall be caused by redistricting of City Council election districts.

(5) Board members shall receive no compensation.

(C) *Terms of service.*

(1) The initial Board members shall be appointed in the following manner: One member shall serve a one-year term; three members shall serve a two-year term; and three members shall serve a three-year term. The designated initial term for each district shall be determined by lot and coordinated by the City Clerk.

(2) The term of appointment for all Board members subsequent to initial appointments shall be three years.

(D) *Organization.*

(1) The Board shall elect from its members a Chairperson and Vice-Chairperson. The Board shall elect its officers as the first order of business at the first regularly scheduled meeting of each fiscal year; the balance of such meeting shall be chaired by the newly elected Chairperson, if present, or the newly elected Vice-Chairperson in his or her stead.

(2) Each officer's term shall be one year and a vacancy in any of the offices shall be filled by the Board as the first order of business at the first regularly scheduled meeting after the vacancy occurs for the unexpired term of the office to be filled.

(3) The Chairperson shall preside at all meetings of the Board and, in the Chairperson's absence, the Vice-Chairperson shall preside.

(E) *Meetings.*

(1) The Board shall hold at minimum regular quarterly meetings.

(2) All meetings of the Board shall be conducted pursuant to Section [33.04](#).

(3) The Board and its meetings shall be subject to the Boards and Commissions Rules of Procedure established by the Governing Body.

(F) *Staffing.* The City Manager shall, in his or her discretion, assign appropriate personnel to present and provide information to the Board.

(G) *Duties and responsibilities.* The Board's duties and responsibilities shall consist of only the following:

(1) Provide input to the Governing Body regarding the City Manager's proposed annual operating and capital improvement budget in relation to roads, drainage, and the water and wastewater utilities system.

(2) Provide input to the Governing Body regarding the City Manager's five-year capital improvement program for roads, drainage, and the water and wastewater utilities system.

(3) Provide input to the Governing Body on proposals from the City Manager or Governing Body member(s)

pertaining to rate and charge adjustments for water and wastewater utilities services.

(4) Provide input to the Governing Body regarding proposals from the City Manager related to road, drainage, and the water and wastewater utilities system that would be funded through bonds or loans.

(5) Report annually to the Governing Body in accordance with Section [33.05](#).

(6) Perform such other duties and functions as may be authorized by the Governing Body or provided by city ordinance consistent with the provisions of the City Charter.

(7) By majority vote, provide the Governing Body with a formal proposal for consideration related to improving or otherwise enhancing roads, drainage, and/or water and wastewater utilities. Before any city resources are used researching or developing such a proposal, the Board, by majority vote of its membership, must first formally seek and receive concurrence from the Governing Body.

(8) Meet as appropriate with the Planning and Zoning Board to coordinate land use and public infrastructure.

(H) *Manner of reporting.* The Board's input to the Governing Body shall be limited to those matters approved by a vote of the Board at a duly noticed meeting, and shall be conveyed in a timely manner to the Governing Body by the Chairperson (or Vice-Chairperson in the Chairperson's absence), either in writing or in person at a Governing Body meeting.

(Ord. 16-31)

33.27 ARTS COMMISSION.

(A) *Purpose.* The purpose of this section is to establish a municipal organization of appointed officials who will act in an advisory capacity to the Governing Body and make recommendations to the Governing Body in order to enhance and promote the arts within the jurisdiction of the city.

(B) *Appointment and qualifications.* The Arts Commission membership shall consist of seven municipal residents appointed by the Mayor with the approval of a majority of the City Council. Each member shall have professional experience or knowledge in an art-related discipline.

No member of the Governing Body or employee of the City of Rio Rancho shall serve on the Arts Commission as a voting member.

(C) *Term of service.* The terms of appointment for Arts Commission members shall be three years. Of the original Arts Commission members, one member shall serve a one-year term; three members shall serve two-year terms; and three members shall serve three-year terms.

Vacancies may be caused by resignation, death, expiration of term, or removal by the appointing authority, and

shall be filled by appointment of a replacement to complete the unexpired term, if any. Vacancies shall be filled by the Mayor with approval of the City Council.

Commission members may be reappointed for an indefinite number of terms.

The Commission shall elect from its members a Chairperson and Vice-Chairperson for one-year terms. Officers may be reelected as long as their term exists.

(D) *Removal from office.* Any Arts Commission member may be removed at any time by the Mayor, with approval of the majority of the Governing Body, or failure to attend three consecutive regular meetings. Failure to attend three consecutive regular meetings, without good cause, shall constitute a presumption of good and sufficient cause for removal. The Arts Commission shall be the sole judge as to whether good cause is shown. If the Arts Commission determines that good cause has not been shown, it shall be recommended – via vote of the Arts Commission with the member in question being excluded from the vote – to the Mayor that the member be removed.

(E) *Meetings, notice and procedures.* All meetings of the Arts Commission shall be held on a regular basis, at least once per month. Meetings shall be held at the municipal building or another public facility as may be decided by the Arts Commission. All meetings shall be open to the public, unless otherwise permitted by the Open Meetings Act, and shall be announced in the same manner and with the same advance notice as required for meetings of the Governing Body or as required by state statute.

A quorum of the Arts Commission shall consist of a majority, four, of the commission members.

The Arts Commission shall keep minutes of its proceedings which shall be open to examination by any citizen. The official minutes shall contain, at a minimum, the date, place and time of beginning and ending of the meetings, the names of those members present and absent, and the name of the presiding officer. Minutes of open meetings shall also contain any official actions and votes taken by the Arts Commission, including votes of the individual members. No official actions or votes may be taken in a closed meeting, except as may be provided by state statute. Minutes will be filed in the City Clerk's office within five days following approval or in no case later than 60 days following the date of the meeting. The records filed with the City Clerk's office shall be kept available for public inspection in the City Clerk's office during normal office hours.

Meetings of the Arts Commission shall preserve order and decorum at each meeting, conduct all proceedings in accordance with the parliamentary rules contained in Robert's Rules of Order, and conduct the order of business in the same manner as required of the Governing Body.

The Arts Commission shall conduct each meeting in accordance with the agenda announced for the meeting.

To avoid the appearance of impropriety, no member of the Arts Commission shall participate in any discussion, debate, deliberation or vote, or otherwise take part in the decision-making process of any agenda item in which

the member has a conflict of interest. Any Arts Commission member determined to have a conflict of interest shall immediately leave the meeting room, except that if the matter is being considered at a public meeting and in this instance the member may remain in the area of the room occupied by the general public.

(F) *Responsibilities.* The Arts Commission shall have the following responsibilities:

- (1) Develop and seek Governing Body approval for a City of Rio Rancho Cultural Arts Plan. This plan will provide guidelines on how the city will promote public art in all its forms and how the city will go about providing a formal art presence in the city. Once this plan is established, the Arts Commission will update and revise the plan as needed.
- (2) As applicable, review and provide recommendations to the Governing Body regarding the purchase and placement of public art throughout the city.
- (3) Work with appropriate city departments and divisions to increase the presence of art and art-related cultural activities in the City of Rio Rancho with an emphasis on community involvement.
- (4) Make recommendations to the Governing Body related to incentives that help further the arts in the City of Rio Rancho.
- (5) Provide support for already established art programs, organizations and institutions.
- (6) Recognize and honor local achievements in art.
- (7) Work with local educational institutions to promote arts education.
- (8) Encourage public-private partnerships that promote the arts.

(G) *Powers and duties.* The Arts Commission shall have such powers and duties as may be delegated to it by Governing Body of the City of Rio Rancho and other such power, authority, jurisdiction and duty incidental and necessary to carry out its purposes.

(H) *Staff liaison.* The manager for the city's Convention and Visitors Bureau shall serve as the Arts Commission's staff liaison.

Duties shall consist of assisting the Arts Commission carry out and implement their duties and responsibilities as well as attend all Arts Commission meetings. If the manager cannot attend an Arts Commission meeting, the manager shall appoint a representative to attend in their place.

(Ord. 09-46; Am. Ord. 15-09)

33.28 INVESTMENT ADVISORY BOARD. Revised 10/22

(A) *Board established.* The Governing Body has determined that formal citizen input regarding the management of a voter-approved City Charter Permanent Fund and associated investment policy, as well as other local government investment portfolios and associated policy, is appropriate and advantageous. An Investment Advisory Board is hereby established, comprised of citizens that will review applicable information and provide input to the Governing Body in the manner set forth in this section.

(B) *Membership.*

(1) The Board shall consist of seven members that are municipal residents. One member of the Board shall be appointed from each of the six City Council Districts. One member shall be appointed at-large. Knowledge or professional experience in public finance or public funds investing is desirable for Board members to possess.

(2) The Mayor shall make appointments to the Board pursuant to Charter Articles 3.02 and 5.07.

(3) Removal of a Board member shall be in accordance with Section [33.03](#).

(4) Pursuant to Charter Article 5.07, no vacancy in the office of any member of the Board shall be caused by redistricting of City Council election districts.

(5) Board members shall receive no compensation.

(C) *Terms of service.*

(1) Initial Board members shall be appointed in the following manner: one member shall serve a one-year term; three members shall serve a two-year term; and three members shall serve a three-year term. The designated initial term for each Board member shall be determined by lot and coordinated by the City Clerk.

(2) The term of appointment for all Board members subsequent to initial appointments shall be three years.

(D) *Organization.*

(1) The Board shall elect from its members a Chairperson and Vice-Chairperson. The Board shall elect its officers as the first order of business at the first regularly scheduled meeting of each fiscal year; the balance of such meeting shall be chaired by the newly elected Chairperson, if present, or the newly elected Vice-Chairperson in his or her stead.

(2) Each officer's term shall be one year and a vacancy in any of the offices shall be filled by the Board as the first order of business at the first regularly scheduled meeting after the vacancy occurs for the unexpired term of the office to be filled.

(3) The Chairperson shall preside at all meetings of the Board and, in the Chairperson's absence, the Vice-Chairperson shall preside.

(E) *Meetings.*

(1) The Board shall hold at minimum regular quarterly meetings.

(2) All meetings of the Board shall be conducted pursuant to Section [33.04](#).

(3) The Board and its meetings shall be subject to the Boards and Commissions Rules of Procedure established by the Governing Body.

(4) A quorum of the Board shall be pursuant to Section [33.06](#).

(F) *Reports to governing body.*

(1) The Board shall provide the Governing Body an annual report pursuant to Section [33.05](#).

(2) The Board's required input to the Governing Body shall be limited to those matters approved by a vote of the Board at a duly noticed meeting, and shall be conveyed in a timely manner to the Governing Body by the Chairperson (or Vice-Chairperson in the Chairperson's absence), either in writing or in person at a Governing Body meeting.

(G) *Staffing.* The City Manager shall assign appropriate personnel to present and provide information to the Board including, but not limited to, the City Treasurer, which is defined in Article 6.01 of the Charter as the Director of Finance.

(H) *Duties and responsibilities.* The Board's duties and responsibilities regarding the City Charter Permanent Fund and other investment portfolios shall consist of only the following:

(1) Review applicable investment policies annually and provide input to the Governing Body regarding proposed amendments, if any.

(2) Beginning January 2024, and each January thereafter, provide input to the Governing Body regarding the general government purpose use of interest and dividend earnings that are 50% above the prior year's Permanent Fund principal amount.

(3) Beginning April 2024, and each April thereafter, provide input to the Governing Body regarding additional revenue contributions, if any, to the Permanent Fund principal amount.

(4) Review investment holdings reports.

- (5) Review quarterly performance reports.
- (6) Review investments for compliance with applicable policies.
- (7) Review investment portfolio strategy, diversification, maturity, structure, and potential portfolio risks.
- (8) Review the efficacy of internal controls and procedures over investments.
- (9) Review any applicable compliance audits.
- (10) Review the selection of any investment advisor, broker/dealer or other investment consultant.
- (11) Adhere to any requirements outlined in applicable investment policies.

(Ord. 22-24)



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

ORDINANCE REPEALING AND REPLACING CHAPTER 93 FIRE CODE; BURNING REGULATIONS

WHEREAS: the Governing Body is empowered to adopt ordinances for the purpose of protecting the environment of the City of Rio Rancho and has the authority to adopt burning regulations pursuant to New Mexico State Statute 3-18-11; and

WHEREAS: the City's current ordinance pertaining to burning regulations has not been updated for many years; and

WHEREAS: the Fire and Rescue Department recommends a complete rewrite of the regulations in order to reference current fire codes, regulations, and practices.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. Chapter 93 Fire Code; Burning Regulations is hereby repealed and replaced with the following:

93.01 TITLE.

This chapter shall be known and cited as the "Fire Code and Burning Regulations Chapter".

93.02 INTENTION AND ADMINISTRATION.

It is the intention of the governing body to regulate activities which pose a threat to the health, safety and welfare of city residents. Further, the Governing Body intends to provide for fire prevention and public safety by regulating the burning of materials within the municipal limits. The Rio Rancho City Manager, or their designee, shall be responsible for the administration of the provisions of this Chapter.

93.03 ADOPTION OF THE FIRE CODE.

For the purpose of regulation of fire hazards and control of fires and fire prevention, the minimum Fire Codes for the State of New Mexico, as identified in 10.25.1 NMAC through 10.25.12 NMAC, including any and all future amendments, replacement sections and additional provisions thereof, are adopted. The minimum Fire Codes for the State of New Mexico shall be controlling within the City to the same extent as if such provisions were set out in full in this Chapter.

93.04 AUTHORIZED BURNING WITHOUT A PERMIT.

1
2 (A) Permanently installed outdoor fireplaces, portable fireplaces, portable
3 chimeneas, fully contained small outdoor wood fires used for warming purposes at
4 construction sites, barbeque pits, and barbeque grills may operate without a permit at
5 any time.

6
7 (B) The burning of dead and dry weeds and hot torch weed control on private
8 residential, commercial or industrial property may occur without a permit when
9 preformed in strict compliance with all of the following requirements:

10
11 1) Rio Rancho Fire and Rescue has declared a “burn day” and authorized burning
12 prior to the start of a burn; and

13
14 2) Rio Rancho Fire and Rescue has declared a “burn day” and authorized burning
15 at all times during the burn; and

16
17 3) The burn is conducted between the hours of 8:00 am and 4:00 pm; and

18
19 4) The pile of dead and dry weeds to be burnt is less than three (3) feet wide, three
20 (3) feet long, and three (3) feet in height; and

21
22 5) All burning is conducted at least twenty-five (25) feet away from all structures and
23 combustible material; and

24
25 6) Appropriate fire extinguishment equipment is located on site and near the burn
26 area; and

27
28 7) All embers that may cause a fire to spread are contained within the burn area;
29 and

30
31 8) No hazardous conditions are created on a public road or landing strip due to
32 smoke emitting from the burn; and

33
34 9) All smoke from the burn is completely dissipated by 4:30 pm on the day of the
35 burn.

36
37 **93.05 BURNING PERMIT REQUIRED.**

38
39 All burn activity not specifically authorized by, or preformed in compliance with, Section
40 93.04 requires a Special Event Permit issued by the City of Rio Rancho’s Development
41 Services Department. The permit must be obtained prior to any burning activity.

42
43 **93.06 PROHIBITED BURNING.**

44
45 (A) It is unlawful to conduct any burn activity requiring a Special Event Permit without
46 a valid permit.

47
48 (B) It is unlawful to burn leaves, green weeds, nuisance vegetation, or garbage
49 within the City limits.

1 **93.07 PENALTY.**

2

3 Any person violating the provisions of this Chapter or the Fire Code shall be subject to
4 the penalties proscribed in Section 10.99.

5

6 **Section 2. Severability Clause.** If any section, paragraph, clause, or provision of this
7 Ordinance, or any section, paragraph, clause, or provision of any regulation
8 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
9 unenforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
10 clause, or provision shall not affect the validity of the remaining portions of this
11 Ordinance or the regulation so challenged.

12

13 **Section 3. Compiling Clause.** This Ordinance shall be incorporated in and compiled
14 as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

15

16 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
17 adoption.

18

19

20 ADOPTED THIS _____ DAY OF _____, 2023.

21

22

23

24

Greggory D. Hull, Mayor

25

26

27

ATTEST:

28

29

30

Rebecca A. Martinez, City Clerk
(SEAL)

31

CHAPTER 93

Fire Code; Burning Regulations

Section

93.01 Title

93.02 Authority

93.03 Regulations

93.04 Burning leaves; location

93.05 Adoption of fire code

93.99 Penalty

93.01 TITLE.

This chapter shall be known and cited as the "Fire Code; Burning Regulations Chapter."

(87 Code, § 8-5-1) (Ord. 87-016; Am. Ord. 90-011)

93.02 AUTHORITY.

It is the intention of the governing body to regulate activities which pose a threat to the health, safety and welfare of city residents. Further, the governing body shall provide for fire prevention and public safety by regulating the burning of tumbleweeds, weeds and other nuisance vegetation within the municipal limits. The guidelines for this chapter have been taken from the burning regulations of the county and guidelines of the Environmental Protection Agency.

(87 Code, § 8-5-2) (Ord. 87-016; Am. Ord. 90-011)

93.03 REGULATIONS.

Persons desiring to burn shall first obtain a burn permit from the Department of Public Safety and observe and comply with the following regulations:

(A) (1) A burn permit may be requested in person or by telephone from the Department of Public Safety. At a minimum the applicant shall provide the following information:

(a) The starting time of the burn and estimate of ending time;

- (b) The address of the applicant and the burn;
- (c) A description of the material to be burned;
- (d) A description of the burn area; and
- (e) The applicant understands the burn permit regulations.

(2) The Department shall have complete authority to grant or deny a burn permit, if, in the Department's opinion, an unwarranted fire hazard is likely to occur.

(B) Only thoroughly dried tumbleweeds may be burned.

(C) All burning shall be accomplished only between the hours of 10:00 a.m. and 3:00 p.m. and only while the wind is not blowing. Fires shall be thoroughly extinguished and smoke completely dissipated by 3:30 p.m.

(D) (1) Dried tumbleweeds shall be burned only in an area not smaller than 20 feet by 20 feet, which has been totally cleared of all other combustible materials.

(2) Dried tumbleweeds shall not be stacked more than six feet by six feet by four feet high.

(3) Only small amounts of tumbleweeds shall be placed on fire at a time to insure proper control of the fire.

(E) A shovel, water hose and water under pressure shall be readily available in case fire starts to get out of control.

(F) Fire shall be kept under safe control at all times and continuously under the supervision of an adult person. Under no circumstances shall a fire be left unattended at any time.

(G) The area for open burning shall be located not less than 25 feet from any combustible material.

(H) Open burning is permitted for recreational and ceremonial purposes, for barbecuing, for heating purposes in fireplaces, for warming by small wood fires at construction sites.

(I) The emission of smoke shall not be allowed to pass onto or across a public road or landing strip such that a hazard is created by impairment of visibility.

(J) (1) A burn permit may be issued for the scorching/searing of green weeds or other growing nuisance vegetation that do not exceed six inches in height. Scorching/searing burning shall be done only by use of a propane torch. No open fires are allowed for this purpose.

(2) The applicant shall comply with the regulations of this chapter, except division (D) above. Green weeds or nuisance vegetation in excess of six inches must be mowed.

('87 Code, § 8-5-3)

(Ord. 87-016; Am. Ord. 90-011)

93.04 BURNING LEAVES; LOCATION.

(A) Permission is not granted, nor has it been previously granted, to burn leaves, wet or dry garbage or trash or any other smoke producing substances and materials.

(B) Burning by a private citizen is not permitted on any city property or any city thoroughfare, right-of-way, easement or curb unless specifically authorized by a burn permit.

('87 Code, § 8-5-4) (Ord. 87-016; Am. Ord. 90-011)

93.05 ADOPTION OF FIRE CODE.

(A) For the purpose of regulation of fire hazards and control of fires and fire prevention, the minimum Fire Codes for the State of New Mexico are adopted, with all future amendments and replacement sections, and the provisions thereof shall be controlling within the city to the same extent as if such provisions were set out in full in this chapter. Copies of the minimum Fire Codes are available at the office of the City Clerk for inspection and copying. The minimum Fire Codes for the State of New Mexico, as published by the Nation Fire Protection Association (NFPA) and all referenced Codes and Standards, are as follows:

- (1) 1997 Edition of NFPA 1, The Fire Prevention Code;
- (2) 1994 Edition of NFPA 10, Standard for Portable Fire Extinguishers;
- (3) 1996 Edition of NFPA 30, Flammable & Combustible Liquids Code;
- (4) 1996 Edition of NFPA 30A, Flammable & Combustible Liquids Code;
- (5) 1993 Edition of NFPA 395, Storage of Flammable & Combustible Liquids;
- (6) 1997 Edition of NFPA 101, The Life Safety Code.

(B) When more than one code applies, such as the Life Safety Code, the Fire Prevention Code, the Uniform Building Code, or the Uniform Fire Code, the Code with the most stringent requirements will be deemed to govern the situation as determined by the city officials having jurisdiction.

(C) The Department of Public Safety is authorized to set and implement permits and fees as provided in the incorporated Fire Codes.

93.99 PENALTY.

(A) Any person violating the provisions of this chapter or failing or neglecting to comply with any orders issued pursuant to any section hereof:

(1) Shall be given a written warning for a first offense; or

(2) Shall be cited for a second or subsequent offense.

(B) Upon conviction for any such violation, such person shall be subject to a fine of not more than \$500 or to imprisonment for not more than 90 days, or both such fine and imprisonment.

('87 Code, § 8-5-5)