

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-285

**A CODE ORDINANCE AMENDING CHAPTER 8 TO ADD AN ARTICLE XV TO
CREATE A COMMUNITY DEVELOPMENT ADVISORY BOARD**

WHEREAS, the Incorporated County of Los Alamos ("County") is a home rule charter municipality, as allowed by N.M. Constitution, Article X, Section 6; and

WHEREAS, New Mexico Statutes, Chapter 3, Article 18, authorizes home rule municipalities to regulate, abate, and impose penalties upon persons who create and maintain a public nuisance; and

WHEREAS, a public nuisance is defined by State law in NMSA 1978, § 3-8-1, as knowingly creating, performing, or maintaining anything that affects any number of citizens without lawful authority that is injurious to public health, safety, morals or welfare, or interferes with the exercise and enjoyment of public rights, including the right to use public property; and

WHEREAS, Chapter 3, Article 21 of New Mexico statutes grants County the authority to zone and regulate land use by code ordinance within its jurisdiction, including the right to regulate or restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each zone or district; and

WHEREAS, County has enacted code ordinances that regulate the use of land within its jurisdiction, including the regulation of erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each zone or district; and

WHEREAS, such code ordinances are found in Chapter 10 (Buildings and Building Regulations), Chapter 16 (Development Code), and Chapter 18 (Environment) of the Los Alamos County Code of Ordinances ("Code"); and

WHEREAS, the County Council ("Council"), as part of its strategic goals in 2016 and 2017, directed the Community Development Department (CDD), through its Code Enforcement Division ("Code Enforcement"), to enhance its property maintenance inspections to remove blight within the County; and

WHEREAS, various citizens of the County have voiced concern that such enhanced enforcement of Chapters 10, 16, and 18, have not adequately taken into account the concerns of some affected citizens; and

WHEREAS, Council, in an effort to provide maximum public input to the process of Code Enforcement activities, hereby believes that it is in the public's health, safety and welfare to create a citizen board that can receive public input, review enforcement efforts by CDD Code Enforcement, and provide citizen concerns and possible informal resolution to the alleged violation(s) to Council, and provide recommendations to Council on the appropriate application of the Ordinance with regard to enforcement efforts; and

WHEREAS, the board will advise the Council for potential applicable changes to the Ordinance in clarity and content so as to address the needs of the community.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, the Los Alamos County Code of Ordinances is hereby amended as follows:

Section 1. Article I, Chapter 8, Section 8-4 of the County Code is hereby amended as follows:

Sec. 8-4. Standing advisory boards or commissions; terms of existence.

- (a) The following standing boards or commissions are hereby continued or established although not all are governed by the provisions of this chapter: arts in public places board; board of public utilities; ~~Fuller Lodge/historic districts advisory board~~ historic preservation advisory board; labor management relations board; library board; lodger's tax advisory board; parks and recreation board; personnel board; planning and zoning commission; environmental sustainability board; transportation board; valuation protests board, variance board, ~~and the youth advisory board~~ and the community development advisory board.
- (b) All standing boards and commissions will continue to function indefinitely, unless specifically discontinued by the county council or as otherwise provided by county ordinance. Boards or commissions shall be terminated only by express action of the county council. A board or commission may be assigned more than one task concurrently, but the absence of one or more assigned tasks at any time shall not affect the board or commission's continuing status.

Section 2. An Article XV is hereby enacted to be added to Chapter 8 creating the "Community Development Advisory Board" as follows:

ARTICLE XV. - COMMUNITY DEVELOPMENT ADVISORY BOARD

Sec. 8-301. - Purpose.

A community development advisory board is established in order to make recommendations to County Council regarding the development, implementation, and enforcement of County property maintenance codes within the corporate boundaries of the County.

Sec. 8-302. - Membership, Terms and Qualifications.

(1) The community development advisory board shall be composed of seven (7) citizens with an attempt to provide equal representation from both the Los Alamos townsite and the White Rock community. No board member shall be appointed that is an employee of the County, either as staff or by contractor. Members shall be appointed by the County Council for staggered terms of three (3) years. Three (3) initial appointments shall expire after one (1) year. The determination of which initial expiring appointments will be decided

by the Council Chairperson at the time of appointment. Vacant board positions will be appointed by the County Council. The remaining four (4) members on the board will expire their term after two (2) years and rotation of appointments shall continue. Board members can be reappointed for no more than three (3) terms.

(2) Each member of the community development advisory board shall file a complete list of real estate interests in the county held by the member and, to the extent possible, a complete list of real estate interests in the county held by any person related to the member within the third degree of consanguinity or affinity (natural or adopted children, parents, brothers, sisters, aunts, uncles, nieces, nephews, grandchildren, grandparents, great-grandchildren, great-grandparents). The list shall include participation in partnerships, limited partnerships, syndications, joint ventures, etc., for the purpose of investment in real estate interests. The list shall be filed during the month of April of each year with the county manager and retained as required by the state Public Records Act, NMSA 1978, 14-3-1 et seq. A member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the value of any real estate interests owned by the member or the real estate interests of any person related to the member within the third degree of consanguinity or affinity. Further, a member of the community development advisory board is disqualified from participating or voting on any matter which would result in a substantial change, either increase or decrease, in the values of real estate interests owned by others with whom the member has a business or professional relationship with respect to the matter under consideration.

Sec. 8-303. - Duties and Responsibilities.

The community development advisory board shall serve in an advisory capacity to the County Council and shall have the following functions, responsibilities and duties:

- (1) Making of recommendations to the County Council regarding:
 - a. Policies for the development, implementation and enforcement of County property maintenance codes;
 - b. Recommend possible changes and definitions to the county code relating to CDD and Code Enforcement efforts; and
 - c. Recommend programs and policies for community development with regard to positive outreach activities, such as assistance programs, citizen volunteer groups, and county sponsored clean-up activities.
- (2) Receive and provide citizen input to staff and County Council on ways and means for improving the County's property maintenance and code enforcement program.

For this purpose, the community development advisory board shall gather public input in ways appropriate to the circumstances, which may include public meetings dedicated to specific topics.

- (3) Recommend ways to involve and educate the community on property maintenance issues.
- (4) Receive all monthly property maintenance code enforcement reports including issued notices of violation and citations and photographic evidence, and review as appropriate.
- (5) Report to County Council as requested by Council on community development advisory board findings, activities, and recommendations.
- (6) Such other activities, duties and responsibilities related to Community Development Department activities as may be assigned by the County Council.

Section 3. Severability. If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

Section 4. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

Section 5. Repealer. All other ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

PASSED AND ADOPTED this 15th day of May, 2018.

INCORPORATED COUNTY OF LOS ALAMOS

**David Izraelevitz,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**