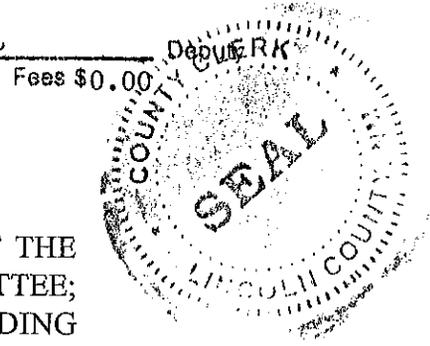


Tammei J. Maddox  
Lincoln County Clerk

By: [Signature]  
Rec. # 200303554



Fees \$0.00

**ORDINANCE NO. 2003-5**

AN ORDINANCE RE-AFFIRMING THE CREATION OF THE LINCOLN COUNTY ROAD REVIEW ADVISORY COMMITTEE; ESTABLISHING PURPOSES THEREFORE; PROVIDING QUALIFICATIONS, APPOINTMENT, TERMS, CONDITIONS FOR REMOVAL OF COMMITTEE MEMBERS, AND REIMBURSEMENT COMPENSATION; ESTABLISHING LEGAL COUNSEL, AND PROCEDURES FOR MEETINGS AND VOTING; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners adopted Resolution No. 1995-11, which created the Lincoln County Road Review Advisory Committee; and

**WHEREAS**, pursuant to Section 4-37-1, NMSA 1978, the Board of County Commissioners of the County of Lincoln is empowered to enact an ordinance establishing the Road Review Advisory Committee, which Committee will serve a valid public purpose and will otherwise serve to promote the prosperity, public health, safety, and welfare of the residents of the County of Lincoln.

**NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF LINCOLN, NEW MEXICO:**

**Section 1. Short Title.**

This Ordinance may be cited as the "County of Lincoln Road Review Advisory Committee Ordinance."

**Section 2. Purpose.**

The purpose of this Ordinance is to re-affirm establishment of and further define the Road Review Advisory Committee. The objectives of this Committee shall include:

- A. Fact-finding in nature relevant to performing road reviews with regard to deleting roads from the County maintenance system by closure, abandonment, and/or vacating of plats, and to review requests to construct new roads and/or open previously closed County roads within Lincoln County and all matters relating thereto;

- B. Making regular reports, at least on a biennial basis, and recommendations to the Board of County Commissioners.
- C. Coordinating with the County Manager on relevant issues.

**Section 3. Members' Qualifications.**

The Road Review Advisory Committee shall consist of five (5) members. In order to be eligible for appointment to the Committee, the prospective member must be domiciled and registered to vote within the County of Lincoln.

**Section 4. Appointment.**

- A. All five (5) members of the Committee shall be appointed by the Board of County Commissioners. Each Commissioner shall appoint one (1) member to the Road Review Advisory Committee, with approval by majority vote of the County Commission. There shall be no requirement for an appointee to be domiciled in any particular voting district of the County.
- B. Nominations shall be made in writing to the Lincoln County Board of Commissioners. When a vacancy occurs, the Commission will advertise for written nominations in a newspaper circulated in the County of Lincoln.

**Section 5. Term.**

The regular term of each member of the Road Review Advisory Committee shall be for two (2) years. For the initial implementation of the Ordinance, three (3) members shall be appointed for a term of two (2) years and two (2) members shall be appointed for a term of one (1) year. If a vacancy on the Committee occurs, the vacancy will be filled in the same manner as the original appointment.

**Section 6. Removal.**

Removal of a member shall be by a majority vote of the County Commissioners unless the member has failed the attendance requirement of Section 8 hereof, in which case removal is automatic, to be followed by formal notification of the County Commissioners and former Road Review Advisory Committee member.

**Section 7. Compensation.**

Members shall receive mileage and per-diem in accordance with Lincoln County Policy when approved in advance by the County Manager under special circumstances.

**Section 8. Attendance Requirements for Board Members.**

Any member of the Committee who misses three (3) consecutive regular meetings, or four (4) regular or special meetings during any calendar year, shall automatically vacate his/her seat. Former members absent for cause under extenuating circumstances may apply for formal reappointment by the County Commissioners.

**Section 9. Procedures.**

The Road Review Advisory Committee shall elect a Chairman and Secretary. The Road Review Advisory Committee shall have such authority as may be from time to time delegated by resolution of the Board of County Commissioners.

**Section 10. Meetings and Voting.**

- A. The Road Review Advisory Committee shall meet at reasonable times and places fixed by the members, and as frequently as necessity dictates, and no fewer than two times per year. All meetings shall be open to the public.
- B. A majority of the members shall constitute a quorum at any meeting of the Road Review Advisory Committee. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the Road Review Advisory Committee, unless otherwise required by law. There shall be no proxy voting. Road Review Advisory Committee members are required to abstain from voting on any action in which their financial interest or those of their immediate families are directly involved.
- C. The Road Review Advisory Committee shall keep a record of its proceedings; a signed copy of such record shall be on file for public inspection at the Office of the County Commission. The meetings shall be conducted in compliance with the open meetings provisions of NMSA 1978, §10-15-1, *et seq.*, and according to rules of parliamentary procedure as adopted by the Board of County Commissioners. The Secretary of the Road Review Advisory Committee shall take minutes of each meeting, regular or special, which shall contain a record of its resolutions, findings, and determinations. Within ten (10) days of any meeting, the Secretary shall forward a copy of the minutes to the County Manager. Notices shall be posted at the Lincoln County Courthouse on the officially designated bulletin boards, located as follows:
  1. Bulletin Board located in the Administration Building entrance of the Lincoln County Courthouse, Carrizozo, New Mexico.

2. Notice of Regular Meetings will be posted a minimum of (72) hours prior to any meeting. An Agenda will be available twenty-four (24) hours prior to the meeting.
3. Notice of Special Meetings will be posted seventy-two (72) hours prior to the meeting. An Agenda will be available twenty-four (24) hours prior to the meeting.
4. Emergency meetings are meetings called under circumstances which demand immediate action. Although emergency meetings will be avoided whenever possible, such circumstances may occasionally arise. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four (24) hours notice.

**Section 11. Legal Counsel.**

The County Attorney or his designated representative shall be the legal advisor to the Lincoln County Road Review Advisory Committee.

**Section 12. Repeal.**

Lincoln County Resolution No. 1995-11 is hereby repealed, dissolving the previously created Road Review Advisory Committee.

**Section 13. Conflict Clause.**

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 14. Severability Clause.**

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

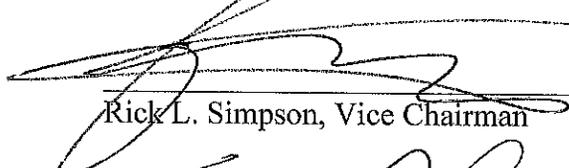
**Section 15. Effective Date.**

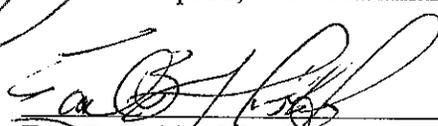
This Ordinance shall take effect thirty days after recording in the Public Records of Lincoln County.

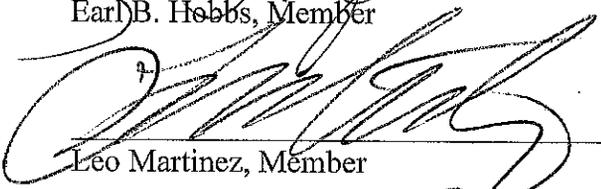
PASSED, APPROVED, and ADOPTED this 18<sup>th</sup> day of March, 2003.

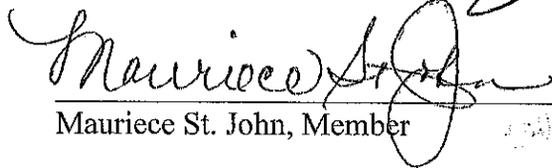
**BOARD OF COUNTY COMMISSIONERS  
OF LINCOLN COUNTY, NEW MEXICO**

  
\_\_\_\_\_  
Rex Wilson, Chairman

  
\_\_\_\_\_  
Rick L. Simpson, Vice Chairman

  
\_\_\_\_\_  
Earl B. Hobbs, Member

  
\_\_\_\_\_  
Leo Martinez, Member

  
\_\_\_\_\_  
Maurice St. John, Member

**Attest:**

  
\_\_\_\_\_  
Tammie J. Maddox  
Lincoln County Clerk

  
CountyAtty/WM/Ordinances/Road Review 2/19/03