

VILLAGE OF CORRALES

ORDINANCE NO. 09-001

AN ORDINANCE ESTABLISHING THE FARMLAND PRESERVATION AND AGRICULTURE COMMISSION (“COMMISSION”) OF THE VILLAGE OF CORRALES; PROVIDING FOR THE APPOINTMENT OF MEMBERS TO THE COMMISSION; PROVIDING FOR THEIR TERMS OF OFFICE; PROVIDING DETAILS RELATING TO MEETINGS OF THE COMMISSION AND COMMISSION PROCEDURES; PROVIDING THAT THE COMMISSION SHALL HAVE POWER, AUTHORITY AND A DUTY TO ASSIST THE VILLAGE AND TO MAKE RECOMMENDATIONS AND PROPOSALS TO THE GOVERNING BODY IN CONNECTION WITH THE ESTABLISHMENT OF CONSERVATION EASEMENTS, PRESERVATION OF FARMLAND AND OPEN SPACE, SUPPORT AND ENCOURAGEMENT OF AGRICULTURE IN THE VILLAGE, AND THE MANAGEMENT OF FARMLANDS OWNED BY THE VILLAGE.

WHEREAS, the Village of Corrales (the “Village”) seeks to preserve and maintain the agricultural heritage of the Village and to encourage the local production of agricultural products, the consumption of local agricultural products and to support continued sustainable, secure food sources in the Village; and

WHEREAS, the Village Council, the governing body of the Village (the “Governing Body”) has previously created a seven-member Farmland Preservation Advisory Committee (the “Committee”) in accordance with Section 2-134 of the Code of Ordinance of the Village, pursuant to Resolution No. 2000-10, adopted in 2000, as amended and supplemented by Resolution No. 2003-39, adopted September 23, 2003; and

WHEREAS, through the efforts of the Committee the Village has obtained grants and funding from various sources, including appropriations by the Village through its Governing Body and proceeds from the sale of general obligation bonds approved by the qualified electors of the Village, which moneys have been employed to acquire conservation easements and fee interests in agricultural properties protected by conservation easements within the Village; and

WHEREAS, the Governing Body finds and determines that it is in the best interest of the Village and its residents that the Committee should be recognized as a regularly established commission of the Village as provided by this Ordinance, and that the duties of the said commission should be expanded and modified as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL, THE GOVERNING BODY OF THE VILLAGE OF CORRALES, THAT:

1. Section 2-126 of the Code of Ordinances of the Village (the "Code"), being Section 1-1 of Ordinance No. 2, adopted September 17, 1971, as amended by Ordinance No. 167, adopted March 23, 1987, shall be amended to read:

Section 2-126. Creation of boards and commissions.

The following boards and commissions are hereby created and shall be appointed in the manner as provided by law, and carry out such duties as are provided in this Code:

- (1) Parks and recreation commission.
- (2) Library board.
- (3) Planning and zoning commission.
- (4) Bosque Commission.
- (5) Farmland preservation and agriculture commission.

2. The following Chapter 15 of the Code, "**FARMLAND PRESERVATION AND AGRICULTURE**" is hereby adopted and shall be inserted at the appropriate location in the Code:

FARMLAND PRESERVATION AND AGRICULTURE

**ARTICLE I. FARMLAND PRESERVATION AND
AGRICULTURE COMMISSION**

Section 15-1. Creation of commission.

There is hereby created the farmland preservation and agriculture commission of the Village of Corrales, which shall have the duties and powers hereinafter set forth and shall be responsible to the Mayor and the Governing Body.

Section 15-2. Definitions.

For the purposes of this Chapter 15, the following terms shall have the meaning herein stated, unless the context clearly requires otherwise.

Agriculture means the tilling of the soil and the planting, growing and harvesting of crops for consumption or use by humans or livestock, and includes also the breeding, raising and butchering of domesticated animals for human use or consumption, the production of eggs, milk and dairy products, and the keeping of bees and the production of honey and honey bee products.

Commission means the farmland preservation and agriculture commission created by Section 15-1.

Member means a member of the commission.

NMSA 1978 means the New Mexico Statutes Annotated, 1978 edition, as amended and supplemented.

Section 15-3. Membership of commission.

(a) The commission shall consist of seven (7) members, who shall be appointed for staggered terms of two (2) years each by the Mayor, with the advice and consent of the Governing Body. Members will be selected on the basis of information provided in letters of interest and statements of qualifications submitted to the Village by prospective members. The Mayor and the Governing Body, in the respective discretion may interview prospective members to learn more about their interest and qualifications to serve as members of the commission.

(b) Commission members should possess a diversity of skills, knowledge and experience related to farming, the use of land for agriculture, the marketing of agricultural products, and land preservation and acquisition for agricultural purposes. Members should have an interest in supporting land preservation strategies and in creating fair and achievable implementation methods. No member of the commission shall participate in deliberations concerning properties being considered for preservation acquisition if, at the time of such deliberations, the commission member or an immediate family member of the commission member has a financial interest in any property under consideration, nor shall a member having such financial interest participate in any closed sessions concerning the purchase, acquisition or disposal of real property or water rights by the Village.

(c) The members of the commission shall serve without compensation.

Section 15-4. Terms of office.

(a) Upon the creation of the commission, its members shall consist of the seven members of the Farmland Preservation Committee then in office, whose terms shall continue through the second Monday following the regular municipal election held on the first Tuesday of March of 2010.

(b) Following the regular municipal election held in March 2010, the Mayor shall appoint four (4) members for terms of two (2) years each, ending on the second Monday following the regular municipal election in 2012, and shall also appoint three (3) members for terms of one (1) year each, ending on the third Monday of March 2011.

(c) Following the regular municipal election in March of 2012 and each even-numbered year thereafter, the Mayor shall appoint members to fill each of the four positions of commission members whose terms end during that month.

(d) In March of 2011 and each odd-numbered year thereafter, the Mayor shall appoint members to fill each of the three positions of commission members whose terms end during that month.

(e) In the event that a vacancy on the commission should occur by resignation, death, incapacity, or otherwise during the term of any member, the Mayor shall appoint a member to fill the remainder of the term until the next regular appointment date.

(f) All appointments of members by the Mayor shall be subject to ratification thereof by the Governing Body.

Section 15-5. Officers.

The commission shall select from among its members a chairperson and a vice chairperson, and shall designate a secretary, who may but need not be member of the commission, to keep records of the commission's proceedings.

Section 15-6. Meetings.

(a) The commission shall meet monthly, or as required for the transaction of business coming before it. The commission shall adopt and from time to time may amend such rules of procedure, as the commission deems appropriate for the conduct of its business. The commission shall at least annually in a public meeting adopt a resolution establishing what notice for a public meeting is reasonable when applied to the commission, in accordance with Section 10-15-1(D), NMSA 1978. All meetings of the commission shall be conducted in accordance with such resolution then in effect.

(b) The commission, in accordance with the procedures set forth in the Open Meetings Act (Section 10-15-1 *et seq.*, NMSA 1978), may close to the public a meeting or any portion thereof for discussion of matters enumerated in Section 10-15-1(H), NMSA 1978, including but not limited to meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the Village.

Section 15-7. Duties.

(a) *Mission statement.* The commission shall assist the Village in providing for the preservation of farmland, open space and viewsheds; supporting the economic viability of agricultural businesses in the Village; preserving the agricultural character of the Village; and providing for the local production and marketing of agricultural products to provide a sustainable supply of local food and other agricultural products for the residents of the Village.

(b) *Conservation easements and acquisitions of real property.* The commission shall provide advice and assistance to the Village in connection with

the protection of farmland by means of conservation easements and the acquisition of land and water rights by the Village or by other purchasers for the purpose of preserving it as farmland or open space. The commission shall have the power, authority and duty:

- (1) To seek funding sources, including but not limited to donations and grants, to promote the preservation of farmland and open space, and in connection therewith to prepare grant applications for review by the Village administration and submittal on behalf of the Village;
- (2) To recommend criteria for qualifying properties and property owners and the ranking of properties for potential creation of conservation easements;
- (3) To develop and implement a procedure for responding to and negotiating with interested property owners and applicants for conservation easements;
- (4) To develop, rank, and present to the Governing Body for its consideration completed applications for the purchase of conservation easements;
- (5) To make recommendations to the Village administration and the Governing Body regarding potential acquisition of real property, including water rights, by the Village and cooperating entities for the purpose of preserving it as farmland or open space; and
- (6) To seek and identify qualified professionals to provide services necessary to complete the acquisition of conservation easements and other property interests for the preservation of farmland or open space for conservation purposes.

(c) *Support and encouragement of agricultural production.* The commission shall provide recommendations and assistance to the Village for the support of the continued economic viability of agricultural production in the Village, with the intent that the economic security of farmers and the food security of Village residents generally will be enhanced by the local production and consumption of agricultural products. For these purposes, the commission shall have the power, authority and duty:

- (1) To conduct research and provide advice and recommendations to the Governing Body regarding Village ordinances, resolutions, policies and procedures to enhance the economic viability of agricultural businesses as a way of life in the Village;

- (2) To seek funding sources including donations and grants to promote the conservation of farmland and promote, support and assist sustainable agricultural production practices;
- (3) To create educational strategies, materials and events on land conservation techniques and the promotion and practice of agricultural production; and
- (4) To seek ways to encourage farmland conservation, sustainable agricultural production techniques, and access to secure, sustainable community food resources.

(d) *Management of Village farmlands.* The commission shall provide recommendations and assist the Village in developing agreements and programs related to the use of Village-owned properties for agriculture-related activities, including particularly the use of Village-owned properties that are subject to conservation easements. For these purposes the commission shall have the power, authority and duty:

- (1) To advise the Village and prepare recommendations for consideration by the Governing Body with regard to policies for the productive use of farmland owned by the Village for the purposes of ensuring continued economic and food security benefits to the Village and its residents;
- (2) To develop procurement strategies, policies, procedures and materials, including requests for proposals, for consideration by the Governing Body in connection with the identification and selection of qualified farmers and other professionals to manage Village-owned farmlands pursuant to leases, licenses, or other forms of agreement with the Village;
- (3) When requested by the Mayor or the Village's procurement officer, to serve as members of a selection committee for the evaluation of proposals or bid documents received in connection with procurements relating to farmlands owned by the Village and to make recommendations to the Governing Body in connection with such procurements;
- (4) To advise the Governing Body with regard to appropriate and suitable contract terms, including fees or rents, for the use of farmlands owned by the Village, and when requested negotiate the terms of proposed contracts relating to the use of Village-owned farmlands, for consideration by the Governing Body; and
- (5) To provide the Village administration with a management plan for consideration by the Governing Body to support the conservation

of Village owned farmland consistent with any restrictions on the use thereof, including but not limited to any conservation easements affecting such farmland, and to provide ongoing strategies for the development, production, education, promotion and marketing of agricultural products from the use of Village owned farmland.


SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales, in the manner set forth herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

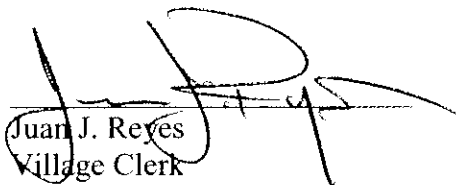
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 10th day of February, 2009.

APPROVED:



The Honorable Philip Gasteyer
Mayor

ATTEST:



Juan J. Reyes
Village Clerk