

**JOINT POWERS AGREEMENT
BETWEEN
SANDOVAL COUNTY AND THE TOWN OF BERNALILLO**

**ZONING AUTHORITY OUTSIDE THE BERNALILLO
MUNICIPAL BOUNDARIES**

WHEREAS, the County of Sandoval, a statutorily created county and the Town of Bernalillo, an incorporated municipality, desire to enter into an agreement to govern zoning within one (1) mile of the Town of Bernalillo's municipal boundaries; and

WHEREAS, Sandoval County recognizes that through annexation, the boundaries of the Town of Bernalillo may change from time to time; and

WHEREAS, this agreement is intended to recognize the Town of Bernalillo's extra-territorial zoning authority over all areas within three (3) miles of the Town's limits except when those limits infringe upon the municipal boundaries of another municipality; and

WHEREAS, the laws of the State of New Mexico allow this concurrent zoning authority to be exercised by either an extra-territorial zoning commission, an extra-territorial zoning authority or by a joint powers agreement; and

WHEREAS, the Town of Bernalillo and Sandoval County desire to exercise this authority granted to the Town of Bernalillo by a Joint Powers Agreement, a process which the City and the County find mutually appropriate; and

WHEREAS, it is essential to agree to and put into force this Joint Powers Agreement immediately so as to give an appropriate legal basis for zoning outside but near the Town of Bernalillo; and

WHEREAS, by this agreement, all previous agreements between the Town of Bernalillo and the County are herewith declared null and void, except for such Ordinances and Resolutions of each entity which must be repealed.

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NOW, THEREFORE, the parties agree as follows:

1. The jurisdiction of this Agreement is the area outside the Town of Bernalillo but within one (1) mile of the boundary of the Town, excluding that area which is closer to the City of Rio Rancho than to the boundary of the Town.
2. Except as otherwise provided herein, during the interim period provided for in this Agreement, the Town hereby agrees that the County may exercise the authority provided by the existing County Zoning Ordinance applicable to the territory specified in this section.
3. All applications for any zoning action within the one (1) mile extra-territorial area shall be submitted to Sandoval County, who will then immediately transmit said applications to the Town of Bernalillo. For the purposes of this agreement, immediately shall mean within five (5) business days. The County will make every attempt to transmit applications within the extra-territorial area to the Town of Bernalillo within twenty-four (24) hours. However, the parties understand that such applications may be submitted immediately prior to a holiday, which could delay transmittal of the application for as long as four (4) to five (5) days for holidays such as Christmas or Thanksgiving. Sandoval County makes a commitment to the Town of Bernalillo that all applications will be sent to the Town of Bernalillo within twenty-four (24) hours when possible, but both parties acknowledge that on rare occasions, transmittal of such applications may be delayed by as much as five (5) days.
4. The Town of Bernalillo will review and submit all objections or comments to the proposed zoning action within thirty (30) days after it is delivered to the Town. If the Town makes no comment to a zoning application, the Town's consent will be assumed. The submission to the Town shall include all documents submitted to or created by the County on these cases

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without exception. The Town Administration, through its designated agent, may submit recommendations or a County application in addition to the analysis and recommendations done for the County.

5. All comments or objections to the zoning application submitted to the County by the Town will be given the fullest consideration as permitted by New Mexico law.

6. Sandoval County assumes all duties and responsibilities for review of zoning applications within the one (1) mile extra-territorial area and, by signature hereto, the Town of Bernalillo grants zoning enforcement authority to the County within this area. The County Development staff will assure that all applications from the extra-territorial area are in compliance with all applicable laws and Ordinances and all tasks, studies, inspections, research and other necessary functions will be performed by Sandoval County. By this Agreement, no tasks are delegated or assigned to the Town of Bernalillo except for review and comment upon applications pending in the one (1) mile extra-territorial area.

7. This Agreement is effective immediately upon signature each entity and may be amended by written agreement of both parties, consistent with procedures required for joint powers agreements.

8. Upon acceptance of this Agreement by the Town and the County, each entity agrees to repeal any existing Ordinances or Resolutions in effect for the extra-territorial zoning area.

9. This Agreement is intended to be an Interim Agreement in full force and effect until the County's Zoning Ordinance is amended and any conflicting Ordinances or Resolutions are repealed. However, the parties stipulate that this Agreement may remain in full force and

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effect for an unlimited period of time. The express purpose of this provision is to allow both the County and the Town a period of time to analyze this zoning arrangement and to enable each entity to suggest changes or amendments hereto.

10. All zoning applications received by the County shall be reviewed by the County's Planning & Zoning Commission and the County Commission or Town Council, as may be appropriate.

11. The provisions of this Agreement may be changed upon demand of the Town of Bernalillo, but may not be repealed until each entity has sufficient time to draft and adopt Ordinances governing the extra territorial zoning area.

12. This Agreement is effective when approved by both the Town of Bernalillo and Sandoval County.

**BOARD OF COMMISSIONERS
OF SANDOVAL COUNTY**


William Sapien, Chairman

ATTEST:


Sally Padilla, County Clerk

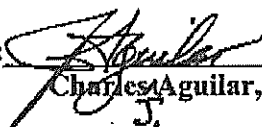
APPROVED AS TO FORM:


David Mathews, County Attorney

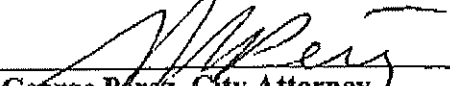
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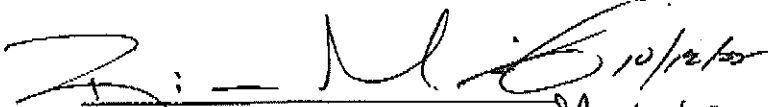
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TOWN OF BERNALILLO, NEW MEXICO

By: 
Charles Aguilar, Mayor

APPROVED AS TO FORM:


George Perez, City Attorney


New Mexico Secretary of Finance and Administration *JA 10/12/05*

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