

**BY-LAWS**  
**And**  
**ARTICLES OF AGREEMENT**  
**ESTABLISHING THE**  
**EASTERN PLAINS COUNCIL OF GOVERNMENTS**

**INTRODUCTION**

This document is a copy of the By-Laws establishing the Eastern Plains Council of Governments\*. The official copies of the By-Laws and Articles of Agreement are on file in the office of Eastern Plains Council of Governments and the County Clerk's office in Clovis. This document may be kept current by adding amendments or revisions as they may be made by the Council.

\*-Names changed by Full Council on December 11, 1974. Other amendments have been made on December 13, 1972; September 19, 1973; July 14, 1976; December 14, 1977; June 14, 1978; June 11, 1980; August 14, 1985; October 12, 2005, February 13, 2013, June 11, 2014, **and February 10, 2021**. Copies of the original by-laws and also copies of the amended by-laws are on file at the EPCOG office.

BY-LAWS  
and  
ARTICLES OF AGREEMENT  
ESTABLISHMENT OF  
THE EASTERN PLAINS COUNCIL OF GOVERNMENTS\*  
STATEMENT OF PURPOSE AND ESTABLISHMENT

1. The parties of this agreement are governmental units in the State of New Mexico, located within the New Mexico State Planning and Development District No. 4 as defined herein, and are authorized to enter into this Agreement by virtue of the provisions of local legislative action, the Regional Planning act, and the Joint Powers Act of the State of New Mexico.
2. It is the purpose of this agreement to establish a Regional Planning Commission composed of local government units within Curry, De Baca, Harding, Guadalupe, Quay, Roosevelt, and Union Counties which shall have the powers to perform the duties set out in the aforementioned Acts.
3. The parties hereto do declare and resolve that it is the intent and desire of each member of the Council<sup>1</sup> herein established, in order to fulfill purposes and goals of this agreement, to seek and encourage participation in this program by all governmental units within the New Mexico State Planning and Development District IV. Therefore, the parties do hereby declare their intent to seek the participation of said governmental units by extending all eligible non-members a written invitation from time to time until 100% participation of eligible governmental units has been attained.
4. There is hereby established a Regional Planning Commission to be known as the Eastern Plains Council of Governments. The EPCOG shall be organized as herein provided and shall conduct its activities towards the coordinated development of the EPCOG area in order to promote the general welfare, health, convenience, and prosperity of its people

\*-Name changed by Full Council on December 11, 1974.

<sup>1</sup>The composition of the Council and eligible members, therefore, are more specifically described in Articles I and III herein, geographically located on the map marked Attachment A hereto, and, as stated in Article I herein, shall include at large citizens, organizations members not to exceed twenty-five percent (25%) of the total membership of the Council at large from the entire geographical area of the New Mexico State Planning and Development District No. 4.

## ARTICLE I - DEFINITIONS

As used in this agreement, the following words and terms shall have the following meanings:

1. “EPCOG Area” shall mean all the territory encompassed within the New Mexico State Planning and Development District No. 4 as shown on the map which is affixed to this agreement and marked Attachment A.
2. “Council” shall mean the Eastern Plains Council of Governments established by this agreement.
3. “Member” shall mean a governmental unit which is a party to this agreement, and each of the Special Districts not to exceed twenty-five percent (25%) of the total membership of the Council. Special Districts shall be selected by the Council.
4. “Representative” (or Alternate) shall mean a person designated by a member governmental unit or special district as a representative of that member on the Council. Each governmental unit or special district will select an alternate, in addition to the representative, and designate both by resolution or official letter at the beginning of each fiscal year.
5. “Population” shall mean the number of persons living within the given area and shall refer to an official and published census of the United States or an official and published Census of the State of New Mexico.
6. “Governmental Unit” shall mean units of government, including, but not necessarily limited to, political subdivisions of the state, municipalities, cities, towns, villages, counties, school districts, Indian tribes, Indian pueblos, and Indian reservations.
7. “Special Districts” shall mean any political subdivision established by the State of New Mexico to provide a single public service. Special districts shall include but not be limited to school districts, soil and water conservation districts, water associations, and co-ops, and transportation districts.

## ARTICLE II - ORGANIZATION

1. Any governmental unit which is wholly or partially in the EPCOG Area may elect to become a member of the Council by the adoption of an appropriate resolution. A copy of the resolution agreement appointing a representative and alternate, duly executed, shall be filed with the Secretary of the Council at Eastern Plains Council of Governments office.
2. This agreement shall become effective when it has been approved by the present Council and executed by the appropriate officials of general local governments, which in aggregate, have within their jurisdiction not less than seventy-five percent (75%) of the population of the metropolitan and nonmetropolitan area.

### ARTICLE III - REPRESENTATION AND VOTING

1. Each member government unit shall be entitled to one vote.
2. It being the expressed intention of the parties hereto to seek and encourage the participation in this Council of all governmental units in the EPCOG area.
3. The Council may request advisory member representation from State agencies or local Federal agencies and said advisory members shall not be entitled to a vote.
4. The representative or alternate appointed by a member governmental unit shall be an elected official of the appointing body or a resident of the governmental unit. Provided, however, that at least two-thirds of the voting members be composed of, or responsible to, the elected officials of a unit of general local government within the planning jurisdiction. It is further agreed that:
  - (a) No person shall serve on the Council unless he or she represents an active, current, and eligible government unit, or Special District representative or alternate.
  - (b) Any representative or alternate who, for any reason, shall no longer be either an elected official or resident of the appointing governmental unit or in the case of a Special District representative or alternate, a resident of the EPCOG area, shall have his position on the Council vacated automatically.
  - (c) Any member may revoke the appointment of its representative or alternate and appoint a new representative or alternate by serving the appropriate written notice to the Secretary of the Council.
  - (d) In the event a representative will be unable to attend a meeting of the Council, an alternate representative must be designated by the member governmental unit or Special District and shall have full standing as a representative at the meeting or meetings. If neither the representative nor alternate can attend, the respective governmental unit or a special district shall not be entitled to a vote at that particular meeting.
  - (e) The representative and alternate appointed by members of the Council shall have a term of not more than one year; provided, however, that a representative and alternate may be appointed an unlimited number of times. Each fiscal year, the voting delegate (representative or alternate) shall be appointed by resolution on an annual basis.
  - (f) Any unexpired term, whether vacated automatically as above provided, by revocation, resignation, or any other reason, may be filled by appointment by the member unit, and upon completion thereof, appointment thereafter shall be on the same basis as that of regular representatives.

#### ARTICLE IV - MEETINGS

1. The Full Council shall meet six times annually, on the second Wednesday of February, April, June, August, October, and December. All meetings will be at Eastern Plains Council of Governments, except the Annual Meeting, which time and place will be determined by the Full Council and Executive Committee.
2. Special meetings of the Full Council may be called by the Chairman at his sole discretion, by the Executive Committee, or upon request of at least one-third of the representatives of the council.
3. The Executive Committee shall meet on an as-needed basis. All meetings will be at Eastern Plains Council of Governments, except the Annual Meeting, which time and place will be determined by the Full Council and Executive Committee.
4. All meetings will be conducted by acceptable procedures of order.
5. Members present shall constitute a quorum at any meeting held by the Council.

#### ARTICLE V - OFFICERS

1. Officers of the Council shall consist of a Chairman, Vice-Chairman, Treasurer, and Secretary.
2. The Chairman, Vice-Chairman, and Treasurer shall be chosen from among the representatives on the Council by a majority vote of the representatives.
3. The Director will be the Secretary of the Council.
4. Officers shall be elected by a majority vote of the Council at the Council's June meeting or at the last meeting of the fiscal year. The term for each office shall be one year beginning July 1<sup>st</sup> and ending June 30<sup>th</sup>.

#### ARTICLE VI - COMMITTEE

1. The Council may establish such committees it deems necessary in order to carry on its duties and discharge its responsibilities. The membership of such committees must be persons who reside within the EPCOG area or persons who have elective or appointive positions of local, state, or federal government.
2. An Executive Committee of the Council is hereby established. Membership shall be composed of the Council Chairman, Vice-Chairman, and Treasurer, plus one member from each of the counties not represented by the above-elected officers.

3. The county Executive Committee members shall be chosen by and from the representatives of the governmental units within the county geographical area.
4. Each Committee member shall have one vote and a majority of members shall constitute a quorum.
5. The Executive Committee shall have all the power of the Council between meetings of the council provided, however, that the Executive Committee shall not modify any action taken by the Council. Any actions taken by the Executive Committee shall be presented to the Full Council at the next Full Council meeting.

#### ARTICLE VII - POWERS AND DUTIES

1. The Council shall prepare and from time to time review, amend, extend or add to a plan or plans for the development of the EPCOG area. The plans may be based on studies of physical, social, economic, and governmental conditions and trends, and shall aim at the coordinated development of the EPCOG area in order to promote the general health, welfare, convenience, and prosperity of its people. The plans shall embody the policy recommendations of the Council and may include, but not be limited to:
  - (a) A statement of the objectives, standards, and principles sought to be expressed in the plan.
  - (b) Recommendations for the most desirable pattern and intensity of general land use within the EPCOG area. Natural environmental factors, the present and prospective economic and demographic bases of the EPCOG area, and the relation of land use in adjoining areas will be considered in making recommendations.
  - (c) Recommendations for the general circulation pattern for the EPCOG area, including land, water, and air transportation and communication facilities whether used for movement within the EPCOG area or to and from adjoining areas.
  - (d) Recommendations concerning the need and proposed general location of public and private works and facilities.
  - (e) Recommendations for the long-range programming and financing of capital projects and facilities.
2. The Council may prepare studies of the EPCOG area's resources, both natural and human, with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public service, local governments, and any other matters relevant to area planning.

3. The Council shall collect, process, and analyze at regular intervals social and economic statistics for the EPCOG area necessary to planning studies and make the results available to the public.
4. The Council shall cooperate with other governmental agencies educational institutions and private organizations in the coordination of research activities.
5. The Council shall cooperate with, and provide planning assistance to county, municipal or other local governments, instrumentalities or planning agencies who are member within the EPCOG area and shall coordinate all planning with the planning activities of the state and of the counties, municipalities, special districts, or other governmental units within the area as well as neighboring areas, and the programs of federal department and agencies.
6. The Council shall provide information to officials of departments, agencies, and instrumentalities of federal, state, and local governments and the public at large, in order to foster public awareness and understanding of the objectives of the area plan and the functions of area and local planning, and to stimulate public interest and participation in the orderly, integrated development of the EPCOG area.
7. The Council may receive and review for compatibility with the EPCOG area plans all proposed comprehensive land use, circulation and public facilities plans and projects, zoning and subdivisions regulations, official maps and building codes of local governments within the area and any amendments or revisions thereof, and make recommendations for their modification where necessary to achieve compatibility.
8. The Council may review local government applications for capital project financial assistance from state and federal governments, and may comment upon their consistency with the EPCOG area development plan, and review and comment upon state plans for highways and public works within the area to promote coordination of all intergovernmental activities in the area on a continuing basis.
9. The Council shall exercise all other powers necessary and proper for the discharge of its duties.
10. The Council may, when deemed desirable, exercise its powers jointly or in cooperation with agencies or political subdivisions of New Mexico or any other state, with agencies of the United States or with Indian reservations, tribes, or pueblos, subject to statutory provisions applicable to the inter-jurisdictional agreements.
11. The Council may furnish planning services and related information to members upon such conditions and under such circumstances as the Council and the member desiring such services may agree.
12. The Council may assume appointment responsibilities within its authority and jurisdictional boundaries when requested. The Council may also make recommendations to the Executive

and Legislative Branches of the state and federal governments for consideration on appointments under their jurisdiction. The Council shall establish policy procedures in regard to the appointment process. All appointees shall serve at the pleasure of the Council and the Council shall have the authority to rescind any appointments.

#### ARTICLE VIII - STAFF

1. The Council shall appoint a Director, who is qualified because of education, training, and experience to assist the Council in implementation of this agreement, the furtherance of the programs outlined herein, and who shall handle and direct the administrative and planning activities of the Council. The Council, if deemed necessary, may spell out in the form of a job description of the general and specific qualifications of the Director, who shall serve at the pleasure of the Council.
2. The Director shall engage such staff as required by the work program of the Council and shall have the responsibility for employment and discharge of such staff. The Director shall establish job descriptions for each member of the staff and shall keep such job descriptions on file in the Council office and available at all times to the Council. The Council shall establish a grievance committee to handle Council employee personnel matters and prescribe, subject to the approval of the Council, the necessary procedures, rules, and regulations for the disposition of employee grievance matters.
3. The Director may be authorized by the Council to make agreements with local planning agencies within the jurisdiction of the Council for temporary transfer or joint use of staff employees and to enter into contracts for professional or technical services from other governmental and private agencies.
4. The Director shall present a proposed annual budget to be presented to the Council. The budget shall be presented sufficiently prior to the beginning of the fiscal year for the Council to have ample time to consider, adopt, amend or reject it.
5. The Executive Director shall submit an annual report to the Council.

#### ARTICLE IX - IMPLEMENTATION OF PLANS

1. All comprehensive plans and features of the plans for the EPCOG area prepared at the direction of the Council and in accordance with this agreement may be approved by the Council after a public hearing when a hearing is required.
  - (a) Notice of the aforementioned public hearing shall be posted in accordance with state and federal laws and regulations.
2. Any local government, special district, agency, or instrumentality within the EPCOG area



may file with the Council all current and proposed plans, zoning ordinances, official maps for capital facilities, and amendments and revisions of any of them as well as copies of their regular and special reports dealing with planning matters.

3. It is agreed that each member may give the Council reasonable opportunity, not in excess of sixty (60) days, to comment upon any proposed plans, zoning and subdivision regulations, and capital facilities projects and shall consider any comments made by the Council prior to adopting the plan, ordinance, regulation or project. In the event the Council has not made a comment within sixty (60) days following receipt of the proposal, said proposal will be deemed to be in accordance with the regional and area wide plans of the Council and no comment is necessary.
4. It is understood and agreed that the Council shall serve in an advisory capacity to members. The sole power to adopt proposed plans, ordinances, regulations or projects remain with the member governmental unit.

#### ARTICLE X - TERMINATION

1. This agreement shall remain in force and effect so long as a majority of the municipalities and counties within the EPCOG area remain parties to the agreement.
2. Any member of the Council may terminate its membership after giving not less than ninety (90) days notice in writing of intention to withdraw. The notice shall be served upon the Chairman of the Council personally or by registered mail.

The ninety-day period begins to run from the date the notice is received by the Chairman. It is expressly understood that the withdrawal of a member does not abrogate or impair any contact or commitment previously made by the withdrawing member for the fiscal year.

3. Any member whose annual contribution has not been paid by the beginning of the fiscal year for which the contribution has been recommended shall not be entitled to vote at meetings of the Council until such contribution has been made, or the member has filed with the Council a letter of intent to remain a member and to pay its annual contribution as soon as practicable after approval of its budget for the ensuing fiscal year. If the contribution continues to be delinquent sixty (60) days past the beginning of said fiscal year the membership on the Council is automatically terminated.
4. If the Council is disbanded by agreement of all members, or failure to maintain a majority of eligible governmental units as members, or by failure to meet the state statutory requirements and purpose for which it was created, all property of the Council shall be sold and the proceeds thereof, together with uncommitted monies on hand, shall be distributed to the then members of the Council. Such distribution of assets remaining shall be made at the time of the termination.

## ARTICLE XI - AMENDMENTS

This agreement may be amended at any regular meeting of the Council by an affirmative vote by a majority of the representatives present; provided that at least ten (10) days notice in writing has been given to the members, setting forth the proposed amendment and the date it will be considered.

## ARTICLE XII - FINANCE

1. The Council shall submit to the governing body of each member a budget of its estimated expenditures, revenues, and sources thereof in advance of each fiscal year. The fiscal year shall be from July 1st through June 30<sup>th</sup>.
2. Each of the Council's budgets submitted to members shall contain specific amounts to be contributed by the members. The total amount of such appropriations shall be apportioned among the members based on a formula established by the Council and set forth each year.
3. The Director of the Council staff shall keep an accurate account of all receipts and disbursements, which shall be subject to the audit and accounting procedures established by the Council. Provided, further, that all receipts and disbursements of the funds under the control of the Council shall be audited at least annually by a certified public accountant and such audit report shall be included in the annual report of the Council.
4. The Council will comply with the laws of the State of New Mexico governing the audit and inspection of accounts and the purchase and sale of property.
5. The Council is authorized by the members to apply for, receive and utilize grants or other aid from the federal government or any other source.
6. The Council may authorize the Director to utilize the facilities and administrative abilities of a member unit by contract for the administration of Council funds.

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Chairman

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Executive Director