



# **BOARDS & COMMISSIONS RULES OF PROCEDURE**

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## BOARDS & COMMISSIONS RULES OF PROCEDURE

### ARTICLE I GENERAL PROVISIONS

#### 1.1 Meetings

- A. Meetings of the Board & Commission shall be held in accordance with Section 33.04 R.O. 2003, and in compliance with the Open Meetings Act, NMSA, 1978, §10-15-1 et. seq.
- B. All binding actions of the Board & Commission shall be taken at regular meetings or special meetings.
- C. The Board & Commission may recess and reconvene a meeting to a subsequent date provided that prior to recessing, the presiding officer specifies the date, time and place for continuation, and immediately posts notice of the date time and place for the reconvened meeting on or near the door of the designated meeting area and in the lobby of City Hall. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.
- D. Notice of all meetings shall be in accordance with the City Open Meetings Resolution.
- E. Work Sessions.
  - 1. Work sessions may be held for the purpose of examining issues, but no official action may be taken.
  - 2. Non-mandatory work sessions held in accordance with Section 33.04 R.O. 2003 will be held for the purpose of formulating policy issue recommendations.
    - a. Public input will be allowed only at the discretion of the presiding officer.

#### 1.2 Attendance

- A. Members of the Board & Commission are expected to attend all scheduled meetings and shall make every effort to attend all special meetings. Specific ordinances may contain additional requirements and or consequences for attendance issues.

#### 1.3 Duties of the Presiding Officer

- A. The presiding officer shall possess the powers and perform the following duties:
  - 1. Preserve order and decorum and have general direction of the meeting.
  - 2. Announce the business before the body in the order in which it is to be acted upon.
  - 3. Recognize the speakers entitled to the floor and guide and direct the proceedings of the body.
  - 4. Call for public input on agenda items.
  - 5. Decide all points of order, subject to appeal, unless he prefers to submit the question to the decision of the Board & Commission.
  - 6. Put to vote all questions which are regularly moved or otherwise arise in the course of the proceedings.
- B. In the absence of the presiding officer, upon his inability to act, or upon the request of the presiding officer, the vice-chairperson shall preside and shall have all the powers and authority of the mayor.

#### 1.4 Adopted Rules

- A. Any matter not covered by these rules shall be governed by decision of the presiding officer, applying Robert's Rules of Order, Newly Revised Edition.
- B. Amendment of Rules. These rules or any part thereof may be amended, repealed, altered or rescinded by a vote of a majority of the Board & Commission, after notice to the City Clerk of intended proposal. Such notice shall be presented at a regular meeting of the Board & Commission.
- C. Suspension of Rules. Except for charter, statutory, or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a majority vote of members present. When the suspension of a rule is requested, and no objection is offered, the presiding officer shall announce the rule suspended, and the Board & Commission may proceed accordingly.
- D. Violation of Rules. Violation of these rules does not invalidate action of the Board & Commission.

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### ARTICLE II PROCEDURES

#### 2.1 Preparation and Distribution of Agendas

- A. The city staff person designated to the Board & Commission, through the department director shall prepare the agenda for all Board & Commission meetings.
  - 1. The city administrator may place matters on the consent calendar which are routine or ministerial in nature.
  - 2. The City Clerk shall assure that scheduled public hearings have been duly advertised.
- B. All material to be presented to the Board & Commission shall be submitted to the city staff person designated to the Board & Commission not later than noon nine days prior to the meeting date.
- C. An agenda item is deemed introduced to the Board & Commission when filed with the city staff person designated to the Board & Commission.
- D. The agenda, along with introductions and related material, shall be available to each member of the Board & Commission at least seven days in advance of the meeting.
- E. The agenda shall be posted in the lobby of City Hall at least 72 hours in advance of any meeting.
- F. Work Sessions: No more than three items will be placed on any work session agenda.
- G. When adjournment closes the work session with business pending, the pending business at the time of adjournment will be taken up as the first item on the agenda of the next scheduled work session.

#### 2.2 Minutes

- A. Minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted.
- B. Verbatim transcription of entire Board & Commission proceedings will be prepared only upon the unanimous consent of the Board & Commission.
- C. Approval of the minutes shall be placed on the consent calendar. Unless a reading of the minutes is requested by a member, the minutes of previous meetings may be corrected and approved without reading.
- D. Previously approved minutes may be corrected whenever an error is noticed, although the time to reconsider the vote has elapsed in accordance with Article II, Section 10 of these rules.

#### 2.3 Order of Business

- A. The order of business of the Board & Commission shall be conducted in the following order; provided, however that the presiding officer may, during a meeting, rearrange items on the agenda to conduct business before the Board & Commission more efficiently:
  - Call to order and Pledge of Allegiance
  - Proclamations and Awards of Merit
  - Public Forum
  - Consent Calendar. The consent calendar is approved by a single motion. Any member of the Board & Commission may request an item to be withdrawn from the consent calendar without discussion or vote.
  - Department Director Presentations/Comments
  - Public Hearings
  - Discussion and Deliberation
  - Comments by members
  - Adjournment

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- B. The order of business for work sessions shall be conducted in the following order:  
Call to Order and Pledge of Allegiance  
Discussion  
Adjournment

### 2.4 Appeals

Appeals to the Board & Commission are the class of action mandated by the charter, statutory or ordinances provisions.

### 2.5 Proposals for Action

- A. Proposals for action shall be presented to the Board & Commission for its determination as a definite proposition in the form it is desired that the action be taken or question resolved.  
B. Proposals for action shall be in the format adopted by the department director.

### 2.6 Motions

- A. Presentation of Motions
1. Main Motion. A main motion presents an agenda item for the passage, adoption, approval, or rejection. The question is usually stated in the positive form, "to pass", "to adopt", "to approve" "to confirm", to concur.
  2. A main motion must be seconded before debate can take place and only one main motion may be on the floor at a time. A member may give brief explanatory comments before stating the motion, but must refrain from debate until the motion has been seconded. In the absence of a second, the motion fails. Main motions are debatable, amendable, and can be reconsidered after adoption.
  3. Motions become the official recorded statement of an action taken by the Board & Commission. A motion should therefore be worded in a concise, unambiguous, and complete form appropriate to such a purpose.
  4. A motion should not be offered if its only effect is to propose that the body refrain from doing something since the same result can be accomplished by no motion at all.
- B. Withdrawal and Modification of Motions. Until a motion is seconded and stated, the mover may withdraw or modify the motion without consent. When a motion is seconded, and stated, it is in the possession of the Board & Commission and can, therefore be withdrawn or modified only by consent of the body.

### 2.7 Postponement of Action

- A. Postponement (to a definite time). The motion to postpone defers action on a pending question to some definite, day, or meeting. When a question has been postponed to a certain time, it becomes an order of the day for that time. When the time to which a question has been postponed arrives and the question is taken up, it can be postponed again if the additional delay will not interfere with the proper handling of the postponed question. The motion to postpone is debatable, amendable, and may be reconsidered.
- B. To Table. (Postpone temporarily) Any measure before the Board & Commission may be tabled temporarily at the same meeting. Items must be removed from the table and acted upon prior to adjournment. The motion to table is not debatable, not amendable, and cannot be reconsidered.
- C. To Remove from the Table. (Resume Consideration) The purpose is to bring before the Board & Commission for action a question that has previously been laid on the table. The motion to remove from the table is not debatable, not amendable and cannot be reconsidered.

### 2.8 Reconsideration of Action

The purpose is to permit the Board & Commission to reconsider a vote on previous action. The reconsideration of a negative vote on final action is as proper as reconsideration of a favorable vote.

- A. Right of Reconsideration  
The motion to reconsider may be made at the same meeting or a subsequent meeting. However, certain rules apply as appropriate under the circumstances.
1. The motion must be made by a member who voted on the prevailing side.

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2. The motion to reconsider is inappropriate after the action taken has gone into effect or after it is too late for any reason, to reverse the action taken.
  3. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.
  4. Should the motion for reconsideration pass, the item is immediately before the Board & Commission to be acted upon or scheduled for hearing at a subsequent meeting.
  5. Should the motion for reconsideration fail, the item remains as adopted.
  6. Either the motion to reconsider or notice of intent to reconsider must be made not later than the next regular meeting. A member of the Board & Commission may indicate notice of intent to propose reconsideration either orally or in writing.
- B. Effect of Reconsideration.  
The effect of making the motion to reconsider, or of giving notice of the motion, is to suspend all action on the subject of the motion until the reconsideration is acted upon.
- C. Reconsideration at a subsequent meeting.
1. When notice is required for a question, the Board & Commission shall comply with all rules requiring public notice.
  2. If reconsideration will be taken up at a subsequent meeting, notice of intent will be placed on the agenda. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.
- D. Debate of Motion.  
Debate on the motion to reconsider will be limited to the merits of the reconsideration and not the merits of the question to be reconsidered.
- E. Vote.  
The passage of the motion to reconsider requires a majority vote, even if the measure to be reconsidered requires a two-thirds vote.

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2.9 Appeal a decision of the presiding officer. An appeal must be made promptly before any debate or other business has intervened. When an appeal is taken, the presiding officer should clearly state the decision being appealed and may state his reasons for his decision. If there is no debate, or when debate is concluded, the presiding officer may put the question to the Board & Commission. A majority vote of those present sustains a decision of the presiding officer.

### 2.10 Amendments

- A. Every amendment proposed must be relevant to the subject of the proposition.
- B. A proposed amendment takes precedence over the original motion out of which it arises and must be voted upon before the original motion.
- C. After an amendment is adopted, the question as amended must be put to a vote.
- D. Rejection of an amendment leaves the pending question worded as it was before the amendment was offered.
- E. Form of amendments
  1. Amendments should be offered in a concise, unambiguous and in a complete form of a motion.
  2. In form, amendments may be divided into the following types:
    - a. To add (that is to place at the end)
    - b. To insert
    - c. To strike out
    - d. To strike out and insert
- F. Decision on amendments
  1. An amendment, once adopted, may not thereafter at the same meeting be changed or modified, except upon reconsideration of the vote by which it was adopted.
  2. When a proposed amendment has been defeated, the same amendment may not be proposed again without first reconsidering the vote by which the amendment lost.
- G. The presiding officer may require amendments to be submitted in writing.
- H. Withdrawing Amendments and Accepting Modification
  1. Amendments may be withdrawn before being seconded and stated by the presiding officer. After it is seconded and stated it is in the possession of the Board & Commission and be withdrawn only with the consent of the Board & Commission.

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2. A member may modify an amendment before it is seconded and stated by the presiding officer. After it is seconded and stated, it is in the possession of the Board & Commission and can be modified only with the consent of the body. The presiding officer may put the question of modification without waiting for a motion, if there is no objection.

### **ARTICLE III RULES OF ORDER**

- 3.1 Rules of Debate. Debate is the essential feature of an advisory body. It is the means by which the opinions of members are exchanged, questions deliberated and conclusions reached on the business before the body.
  - A. To permit debate:
    1. There must be a debatable question before the body, and one member must have been recognized as entitled to speak.
    2. All debate must be addressed to the presiding officer, and not to the members.
    3. Debate must be confined to the question before the body.
  - B. Time Limits. The presiding officer may set time limits in debate.
  - C. Call the Question (Previous Question). Debate may be closed immediately by calling the question. The motion for the call for the question may motivate unanimous consent to ending debate. Before such a motion has been seconded, the chair may ask if there is any objection to closing debate. If there is no objection, the presiding officer shall immediately call the question. If one member objects, the presiding officer shall ask if there is a second to the motion. If there is a second to the call, he must immediately take a vote on whether to order the call for the question. The call for the question requires a majority vote before the vote on the question to which applied. The call for the questions is neither amendable nor debatable and can be reconsidered.
- 3.2 Rules of Voting
  - A. Each member in attendance must vote for or against all measures before the Board & Commission, unless there is a conflict of interest, for which abstention is recognized. Such conflict of interest disclosure shall be recorded in the minutes.
  - B. A member shall not explain his vote during voting, which would be the same as debate at such a time.
  - C. Except for procedural matters, voting shall be by roll call and each member's vote shall be recorded in the minutes. Roll call votes shall be at random. Actions declared as procedural by the presiding officer may be decided by a show of hands.
  - D. No member of the Board & Commission shall participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item before the Board & Commission in which the member has a conflict of interest. Further, in order to avoid the appearance of impropriety, any member determined to have a conflict of interest on any agenda item before the Board & Commission shall leave the meeting room, except that if the matter is being considered at a public meeting, the Board & Commission member may remain in the area of the room occupied by the general public.
- 3.3 Decorum
  - A. Members must address all remarks through the presiding officer.
  - B. Members of the Board & Commission shall confine their remarks to the question under discussion or debate, avoiding personal references or attacks on fellow members, staff members or members of the public. No member of the Board & Commission shall engage in private discourse or commit any other act tending to distract the attention of the Board & Commission from the business before it.
  - C. A member who resorts to persistent irrelevance or persistent repetition may be directed to discontinue his speech by the presiding officer.
  - D. Point of Order: A member may call attention to the violation of the rules or a mistake in procedure by rising to a point of order. The presiding officer may permit a full explanation

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before ruling on the claim and may submit the question to the Board & Commission for decision by a majority vote. The presiding officer is not required to decide any point of order not directly presented in the proceedings of the body. Such an assertion does not require a second, is neither debatable nor amendable and cannot be reconsidered.

- E. Question of Privilege Questions of privilege do not relate to pending business, but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. The presiding officer makes a ruling as to whether it is admitted as a question of privilege and whether it requires consideration before the pending business is resumed.

### **3.4 Public Hearing Procedures (Applicable to any Board & Commission having final authority in a quasi-judicial hearing.**

- A. Reasonable efforts shall be made to give notice of public hearings to all interested people. Notice of public hearings shall state the subject, the time and place of the public hearing, the manner in which interested people may express their views and where interested people may obtain copies of the material that is the subject of the hearing.
- B. A meeting of the Board & Commission is called to order and business, if any, is considered until the public hearing comes on the agenda.
- C. At the beginning of the public hearing, the presiding officer shall require that all interested persons, who have an immediate, pecuniary or direct interest that will be substantially and specifically affected by the proceeding, and witnesses sponsored by such interested persons, wishing to address the Board & Commission register with the city staff person designated to the Board & Commission, giving their names and addresses, and whether they wish to speak as a proponent, opponent, or otherwise. Any person who fails to register shall not be permitted to speak until all those who signed in have spoken.
- D. All interested persons offering testimony as parties to the proceeding and their witnesses will be sworn by the presiding officer and are subject to cross-examination by other parties, city staff or the members of the body. Objections to the proffered testimony of any person must be made at the time the testimony is offered. Appeals of final decisions of the Board & Commission allowed by ordinance can only be brought by an "aggrieved person" who appeared as an interested person before the Planning and Zoning Board. An aggrieved person is a person who has a direct personal or pecuniary interest, or a property right, which is affected by the decision being appealed. The aggrieved party's interest must be an immediate and substantial consequence of the decision, and not merely nominal or remote.
- E. The presiding officer may change the order of speakers so that testimony is heard in the most logical groupings, e.g., proponents, opponents, adjacent owners, vested interests, etc.
- F. The presiding officer will introduce the item, open the public hearing and call upon the staff to submit its report into evidence and request the proponent to describe the matter under consideration.
- G. Interested persons shall have the opportunity to submit data, views or arguments orally or in writing. All written material must be marked as exhibits, submitted to the city staff person designated to the Board & Commission, and placed into evidence as part of the administrative record. Cross examination of a witness or interested persons, expressing their views although expressly permitted, may be limited in the discretion of the presiding officer.
- H. The presiding officer may establish reasonable speaker time limits and otherwise control presentations to avoid repetition or the introduction of incompetent evidence. Additional time may be granted if appropriate and necessary to secure a full and fair presentation of any testimony.
- I. After the proponents and opponents have had an opportunity to be heard, the presiding officer will call for rebuttal. A proponent or opponent speaking in rebuttal shall not introduce new material.
- J. After the Board & Commission has heard all the evidence, the presiding officer closes the public hearing and entertains a motion. Following the motion and its second, discussion occurs among the body. Comments from the general public on legal or policy matters raised by the proceeding may be received after the close of the public hearing, but will not be considered as evidence or as part of the record. The presiding officer calls the question and requests identification and adoption of proposed facts and conclusions of law that support the body's decision to be issued in a written order.

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- K. The Board & Commission shall promptly prepare a written decision that includes an order granting or denying relief and a statement of the factual and legal basis for the order; shall file the order with the City Clerk; and shall serve a copy of the written decision and the requirements for filing an appeal on all persons who appeared as interested persons in the proceeding and every person who has filed a written request for notice of the final decision in that particular proceeding.

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**ARTICLE IV  
GENERAL PROCEDURES**

4.1 Member Responsibilities

- A. Initiation of Proposals for Action
1. Requests for initiation of agenda items shall be directed through the department director. As sponsor of legislation, it is the responsibility of the member to present the proposal to the Board & Commission. City staff is available to assist in the preparation of the necessary documents.
- B. In addition to other duties, responsibilities and rights, the member shall:
1. In all public statements, make clear that they speak only for themselves unless authorized by the presiding officer or a majority of the Board & Commission to speak for the body as a whole.
  2. Insure that the presiding officer is informed, as soon as practical, of significant communications with outside entities on pending matters, be they either directed to, or initiated by the member.