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Sample

GOVERNING BODY
OF

RESOLUTION

ADOPTING GOVERNING BODY RULES OF PROCEDURE

WHEREAS, The Governing Body must have rules to promote the orderly and businesslike consideration of the questions which come before it for determination; and

WEREAS, Rules determine the priority and manner of consideration of questions and provide an orderly and methodical plan so that business may receive proper consideration; and

WHEREAS, Section 3-12-3, NMSA, 1978, provides that Governing Body shall determine rules of its own proceedings.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF _____

That the following rules of procedure are hereby adopted:

ARTICLE I GENERAL PROVISIONS

1.1 Meetings

- A. Meetings of the Governing Body shall be held in accordance with the Open Meetings Act, NMSA, 1978, §10-15-1 et. seq.
- B. All binding actions of the Governing Body shall be taken at regular meetings, special meetings, or emergency meetings.
- C. The Governing Body 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 _____ and _____. Only matters appearing on the agenda of the original meeting will be discussed at the reconvened meeting.
- D. Notice of all meetings shall be in accordance with the Open Meetings Resolution as adopted in accordance with the Open Meetings Act.
- E. Work Sessions. may be held for the purpose of examining issues, but no official action may be taken.

1.2 Attendance

A. Members of the Governing Body are expected to attend all scheduled meetings.

1.3 Duties of the Presiding Officer

A. The mayor shall possess the powers and perform the following duties:

1. Preserve order and decorum and have general direction of the meetings.
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. Decide all points of order, subject to appeal, unless he prefers to submit the question to the decision of the Governing Body.
5. Put to vote all questions that are regularly moved or otherwise arise in the course of the proceedings.

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 Governing Body, after notice of intended proposal. Such notice shall be presented by resolution at a regular meeting of the Governing Body.
- C. Suspension of Rules. Except for statutory or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a majority vote of councilors present. When the suspension of a rule is requested, and no objection is offered, the presiding officer shall announce the rule suspended, and the Governing Body may proceed accordingly.
- D. Violation of Rules. Violation of these rules does not invalidate action of the Governing Body.

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5 **ARTICLE II**
6 **PROCEDURES**

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8 **2.1 Preparation and Distribution of Agendas**

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10 A. The _____ shall prepare the agenda for all Governing Body
11 meetings.
12 1. Matters may be placed on the consent calendar which are routine or
13 ministerial in nature.
14 2. The city clerk shall assure that scheduled public hearings have been
15 duly advertised.
16 B. All material to be presented to the Governing Body shall be submitted to the
17 city clerk not later than _____ days prior to the meeting date.
18 C. The agenda, along with introductions and related material, shall be available
19 to each member of the Governing Body at least _____ days in advance
20 of the meeting.

21
22 **2.2 Minutes**

23 A. Minutes shall include at a minimum the date, time and place of the meeting,
24 the names of members in attendance and those absent, the substance of the
25 proposals considered and a record of any decisions and votes taken that
26 show how each member voted.
27 B. Approval of the minutes shall be placed on the consent calendar. Unless a
28 reading of the minutes is requested by a member, the minutes of previous
29 meetings may be corrected and approved without reading.
30 D. Previously approved minutes may be corrected whenever an error is noticed,
31 although the time to reconsider the vote has elapsed in accordance with
32 Article II, Section 10 of these rules.

33
34 **2.3 Order of Business**

35 A. The order of business of the Governing Body shall be conducted in the
36 following order; provided, however that the presiding officer may, during a
37 meeting, rearrange items on the agenda to conduct the business before the
38 Governing Body more efficiently:
39 Call to order and Pledge of Allegiance
40 Public Forum
41 Consent Calendar. **The consent calendar is approved by a single motion. Any
42 member of the Governing Body may request an item to be withdrawn from the
43 consent calendar without discussion or vote.**
44 Staff Reports
45 Public Hearings
46 Ordinances
47 Action Items
48 Adjournment

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2 2.4 Ordinances and Resolutions

3 A. Ordinances. An ordinance ranks highest in authority of all actions of the
4 Governing Body. If duly enacted, an ordinance has the force of law within
5 the municipality and may be enforced in municipal court.
6 1. Ordinances shall be adopted in accordance with section 3-17-1
7 et.seq., NMSA, 1978.
8 2. Ordinances are open to amendment provided such amendment does
9 not constitute a substantive change. Amendments shall be in
10 accordance with Article II, Section 2.12 of these rules.
11
12 B. Resolutions. A resolution is an internal legislative act which is a formal
13 statement of policy concerning matters of special or temporary character.
14 1. Resolutions are open to amendment provided such amendment does
15 not constitute a substantive change. Amendments shall be in
16 accordance with Article II, Section 2.12 of these rules.
17 2. Substantive amendments offered to resolutions may require the
18 resolution to be postponed to a subsequent meeting.
19
20 C. Withdrawal of Ordinances and Resolutions
21 An ordinance or resolution which has been introduced is in the possession of
22 the Governing Body and may be withdrawn only with the consent of the
23 Governing Body.
24
25 D. Substitutes for Ordinances and Resolutions
26 A councilor may recommend that every clause in an ordinance or resolution
27 be changed and that entirely new matter be substituted, so long as the new
28 matter is relevant to the title and subject of the original measure.

29 2.5 Approvals

30 Approvals are the class of action in which the Governing Body shall make the final
31 determination upon the recommendation of the mayor or the city manager.
32 Those items requiring approval by the Governing Body shall include, but not
33 be limited to:
34 1. Mayor's communications recommending appointments to boards and
35 commissions;
36 2. Approval of contracts, administrative or departmental requests.

37 2.6 Appeals

38 Appeals to the Governing Body are the class of action mandated by statutory or
39 ordinances provisions.

40 2.7 Proposals for Action

41 A. Proposals for action shall be presented to the Governing Body for its
42 determination as a definite proposition in the form it is desired that the action
43 be taken or question resolved.
44 . Proposals for action shall be in the format adopted by the Administration.

1 2.8 Motions

2 Presentation of Motions

3 1. Main Motion. A main motion presents an ordinance, resolution, or
4 other proposition for the passage, adoption, approval, or rejection.
5 The question is usually stated in the positive form, "to pass", "to
6 adopt", "to approve" "to confirm", to concur.
7 2. A main motion must be seconded before debate can take place and
8 only one main motion may be on the floor at a time. A councilor may
9 give brief explanatory comments before stating the motion, but must
10 refrain from debate until the motion has been seconded. In the
11 absence of a second, the motion fails. Main motions are debatable,
12 amendable, and can be reconsidered after adoption.
13 3. Motions become the official recorded statement of an action taken by
14 the Governing Body. A motion should therefore be worded in a
15 concise, unambiguous, and complete form appropriate to such a
16 purpose.
17 4. A motion should not be offered if its only effect is to propose that the
18 body refrain from doing something since the same result can be
19 accomplished by no motion at all.

20 2.9 Postponement of Action

21 A. Postponement (to a definite time). The motion to postpone defers action on
22 a pending question to some definite, day, or meeting. When a question has
23 been postponed to a certain time, it becomes an order of the day for that
24 time. When the time to which a question has been postponed arrives and the
25 question is taken up, it can be postponed again if the additional delay will not
26 interfere with the proper handling of the postponed question. The motion to
27 postpone is debatable, amendable, and may be reconsidered.
28 B. To Table. (postpone temporarily) Any measure before the Governing Body
29 may be tabled temporarily at the same meeting. Items must be removed
30 from the table and acted upon prior to adjournment. The motion to table is
31 not debatable, not amendable, and cannot be reconsidered.
32 C. To Remove from the Table. (Resume Consideration) The purpose is to bring
33 before the Governing Body for action a question that has previously been laid
34 on the table. The motion to remove from the table is not debatable, not
35 amendable and cannot be reconsidered.
36

37 2.10 Reconsideration of Action.

38 The purpose is to permit the Governing Body to reconsider a vote on previous
39 action. The reconsideration of a negative vote on final action is as proper as
40 reconsideration of a favorable vote.

41 A. Right of Reconsideration

42 The motion to reconsider may be made at the same meeting or a subsequent
43 meeting. However, certain rules apply as appropriate under the
44 circumstances.

45 1. The motion must be made by a member who voted on the prevailing
46 side.
47 2. The motion to reconsider is inappropriate after the action taken has
48 gone into effect or after it is too late for any reason, to reverse the
49 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 Governing Body 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 Governing Body 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 Governing Body 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.

2.11 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 Governing Body. A majority vote of those present sustains a decision of the presiding officer.

2.12 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.

1 E. Form of amendments

2 1. Amendments should be offered in a concise, unambiguous and in a

3 complete form of a motion.

4 2. In form, amendments should be divided into the following types:

5 a. To add (that is to place at the end)

6 b. To insert

7 c. To strike out

8 d. To strike out and insert

9 F. Decision on amendments

10 1. An amendment, once adopted, may not thereafter at the same

11 meeting be changed or modified, except upon reconsideration of the

12 vote by which it was adopted.

13 2. When a proposed amendment has been defeated, the same

14 amendment may not be proposed again without first reconsidering the

15 vote by which the amendment lost.

16 G. The presiding officer may require amendments to be submitted in writing.

17 H. Withdrawing Amendments and Accepting Modification

18 1. Amendments may be withdrawn before being seconded and stated by

19 the presiding officer. After it is seconded and stated it is in the

20 possession of the Governing Body and be withdrawn only with the

21 consent of the Governing Body.

22 2. A member may modify an amendment before it is seconded and

23 stated by the presiding officer. After it is seconded and stated, it is in

24 the possession of the Governing Body and can be modified only with

25 the consent of the body. The presiding officer may put the question of

26 modification without waiting for a motion, if there is no objection.

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29 ARTICLE III

30 RULES OF ORDER

31

32 3.1 Rules of Debate. Debate is the essential feature of a legislative body. It is the

33 means by which the opinions of members are exchanged, questions deliberated and

34 conclusions reached on the business before the body.

35 A. To permit debate:

36 1. There must be a debatable question before the body, and one

37 member must have been recognized as entitled to speak.

38 2. All debate must be addressed to the presiding officer, and not to the

39 members.

40 3. Debate must be confined to the question before the body.

41 B. Time Limits. The presiding officer may set time limits in debate.

42 C. Call the Question (Previous Question). Debate may be closed immediately

43 by calling the question. The motion for the call for the question may motivate

44 unanimous consent to ending debate. Before such a motion has been

45 seconded, the chair may ask if there is any objection to closing debate. If

46 there is no objection, the presiding officer shall immediately call the question.

47 If one member objects, the presiding officer shall ask if there is a second to

48 the motion. If there is a second to the call, he must immediately take a vote

49 on whether to order the call for the question. The call for the question

50 requires a two-thirds (2/3) vote before the vote on the question to which

1 applied. The call for the questions is neither amendable nor debatable and
2 can be reconsidered.

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4 **3.2 Rules of Voting**

5 A. Each councilor in attendance must vote for or against all measures before
6 the Governing Body, unless there is a conflict of interest, for which abstention
7 is recognized. Such conflict of interest disclosure shall be recorded in the
8 minutes.

9 B. A member shall not explain his vote during voting, which would be the same
10 as debate at such a time.

11 C. Except for procedural matters, voting shall be by roll call and each councilor's
12 vote shall be recorded in the minutes. Roll call votes shall be at random.
13 Actions declared as procedural by the presiding officer may be decided by a
14 show of hands or voice vote.

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16 **3.3 Decorum**

17 A. Members must address all remarks through the presiding officer.

18 B. Members of the Governing Body shall confine their remarks to the question
19 under discussion or debate, avoiding personal references or attacks on fellow
20 members, staff members or members of the public. No member of the
21 Governing Body shall engage in private discourse or commit any other act
22 tending to distract the attention of the Governing body from the business
23 before it.

24 C. A member who resorts to persistent irrelevance or persistent repetition may
25 be directed to discontinue his speech by the presiding officer.

26 D. Point of Order A councilor may call attention to the violation of the rules or a
27 mistake in procedure by rising to a point of order. The presiding officer may
28 permit a full explanation before ruling on the claim and may submit the
29 question to the Governing Body for decision by a majority vote. The
30 presiding officer is not required to decide any point of order not directly
31 presented in the proceedings of the body. Such an assertion does not
32 require a second, is not debatable nor amendable and cannot be
33 reconsidered.

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

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2 3.4 Public Hearing Procedures

3 A. Reasonable efforts shall be made to give notice of public hearings to all
4 interested people. Notice of public hearings shall state the subject, the time
5 and place of the public hearing, the manner in which interested people may
6 express their views and where interested people may obtain copies of the
7 material that is the subject of the hearing.

8 B. At the beginning of the public hearing, the presiding officer shall require that
9 all interested persons, who have an immediate, pecuniary or direct interest
10 that will be substantially and specifically affected by the proceeding, and
11 witnesses sponsored by such interested persons, wishing to address the
12 Governing Body register with the City Clerk, giving their names and
13 addresses, and whether they wish to speak as a proponent, opponent, or
14 otherwise. Any person who fails to register shall not be permitted to speak
15 until all those who signed in have spoken.

16 C. All interested persons offering testimony as parties to the proceeding and
17 their witnesses will be sworn by the City Clerk and are subject to cross-
18 examination by other parties, city staff or the Governing Body.

19 D. The presiding officer may change the order of speakers so that testimony is
20 heard in the most logical groupings, e.g., proponents, opponents, adjacent
21 owners, vested interests, etc.

22 E. The presiding officer will introduce the item, open the public hearing and call
23 upon the staff to submit its report into evidence and request the proponent to
24 describe the matter under consideration.

25 F. Interested persons shall have the opportunity to submit data, views or
26 arguments orally or in writing. All written material must be marked as
27 exhibits, submitted to the Clerk, and placed into evidence as part of the
28 administrative record

29 G. The presiding officer may establish reasonable speaker time limits.

30 H. After the Governing Body has heard all the evidence, the presiding officer
31 closes the public hearing and entertains a motion. Following the motion and
32 its second, discussion occurs among the body.