SANTA FE COUNTY
RESOLUTION NO. 2004-62

A RESOLUTION ESTABLISHING RULES OF ORDER FOR SANTA FE COUNTY BOARDS AND COMMISSIONS; REPEALING RESOLUTION NO. 2000-164

WHEREAS, the Santa Fe Board of County Commissioners hereby adopts the following Rules of Order to govern its meetings and the meetings of all other Santa Fe County boards and commissions, and hereby repeals Resolution 1999-154:

I. QUORUM

A. Definition, "Quorum." A quorum of a board or any committee is the number of members who must be present at the meeting to legally conduct business.

B. Number Constituting a Quorum. A majority of the number of members of a board or committee is necessary to constitute a quorum.

C. Disqualification. Where a board or committee member is disqualified, voluntarily or involuntarily, from voting on a particular matter, the calculation of a quorum shall be redone so as to reduce the constituent number of members necessary for the vote on a particular item only.

D. Action Without Quorum. No action may be taken without a quorum except in the following circumstances:

1. Any actions determined necessary to obtain a quorum; and
2. Adjournment and/or recess.

E. Loss of Quorum. If a quorum is not present during any part of a meeting, no action except those listed in Section I. D. above can be taken until a quorum is reestablished.

II. CHAIRPERSON

A. Direction. Every meeting shall be convened under the direction of a chairperson.

B. Election. Each year or sooner, if required or requested by a majority of the board or committee, a board or committee shall elect a chairperson. At such meeting, the board shall also elect a vice chairperson.

C. Vote. The chairperson has all rights as any other member for purposes of voting and making and seconding motions.

D. Vice Chairperson. Whenever the elected chairperson is not present or is unable to participate in the discussion of a matter before the board of committee, the vice chairperson shall

SFC CLERK RECORDED 06/10/2004

serve as the chairperson. If the chairperson should arrive during the course of said meeting that is already underway, the vice chairperson may continue to act as chairperson for the duration of the discussion regarding the specific matter before the board or committee, and thereafter shall relinquish the chair to the elected chairperson.

E. Duties. The chairperson's duties include:

1. Opening meetings;
2. Announcing the business before the board or committee and consideration of the agenda items;
3. Recognizing board or committee members and speakers from the audience entitled to speak;
4. Allowing legitimate motions to proceed to a vote;
5. Allowing members of the board or committee to speak on matters for consideration by the board or committee;
6. Stating and calling for a vote all questions and motions properly made;
7. Announcing the results of all votes;
8. Preventing motions and testimony from becoming unduly delayed, disrespectful, frivolous, or cumulative; and
9. Enforcing order and decorum at all times, and ensuring that members of the board or committee and the public conduct themselves in a respectful and appropriate manner.

F. Discussions. The chairperson may take part in any discussion of any matter before the board or committee.

G. Motions. The chairperson of any board or committee may make motions or second any motions.

H. Decorum. The chairperson will assure that these Rules are fully complied with at all board or committee meetings.

III. ORDER OF BUSINESS

A. Agenda. Each board or committee shall establish its order of business in the form of an agenda. Any order of business must include the approval of the minutes of previous meetings (action on this item may be tabled for good cause); approval of the agenda (with amendments, if voted upon and approved); matters from the board or committee; action items of the board or committee; and matters from the county staff and County Attorney.

B. Stated Purpose. The agenda shall specifically state the business for which the board or committee is convened, so that the board or committee and the general public will have notice of the proposed action and will have an opportunity to consider it. The board or committee may only act on those subjects listed on the agenda.

SFC CLERK RECORDED 06/10/2004

C. Procedure for Action Items. Action items are those items which, by statute or ordinance, require a vote of approval or denial.

D. Staff Presentation. The chairperson shall announce the agenda item and allow staff to present its report and to answer questions from board or committee members. Only board or committee members shall be allowed to address questions to staff.

E. Applicant Presentation. After staff's report, the board or committee shall allow the applicant to comment or to testify concerning staff's report. The applicant shall be under oath while addressing the board or committee. The applicant can only be cross-examined or questioned by members of the board or committee or by any party to the administrative proceedings.

F. Other Witness Presentation. After the applicant's presentation or testimony, members of the public shall be allowed to testify in favor of and in opposition to the agenda item. Members of the public shall be under oath when addressing the board. The chairperson may impose reasonable restrictions to limit testimony so as to eliminate extraneous, redundant, irrelevant, or harassing testimony. The chairperson may set time restrictions on testimony as necessary. Members of the board or committee, the applicant and any party to the administrative proceeding shall be allowed to cross-examine each witness.

G. Procedure for Non-Action Items. Non-action items are those items which do not require a vote of approval or denial and which do not involve a direct substantial property interest of an applicant. Presentations are not mandatory and shall be accepted only at the discretion of the chairperson.

IV. MOTIONS

A. Definition. A motion is a proposal on which a board or committee takes certain action or that which expresses itself as holding certain views.

B. Procedure for Passing a Motion.

1. Necessity of a Motion. Before any action may be taken by a board or committee, a motion must be made by a member who has obtained the floor.

2. Addressing the Chairperson. A member obtains the floor by addressing the chairperson and then asking to be recognized.

3. Making a Motion. After the chairperson recognizes the member, the member may state his/her request for action in the form of a motion.

SFC CLERK RECORDED 06/10/2004

4. Seconding. After a motion is made, the chairperson shall call for a second. A Motion may be seconded by a member saying, "I second the motion." Every motion must be seconded before any further action can take place. A motion that is not seconded cannot be discussed or voted upon. If a motion is not seconded, the chairperson then states that the motion "dies for lack of a second."

5. Stating a Question and Debate. After a motion has been seconded, the chairperson shall restate the exact motion or refer to the motion as stated by a member and shall ask if there is any debate on the motion. Debate shall be limited to the motion on the floor. If a member wishes to comment on the motion, the member shall ask to be recognized by the chairperson. During such debate, the chairperson or a member may question the staff, the applicant, or a witness for information. Unless specifically requested by a member, no other public input from the floor shall be allowed.

6. Parliamentary Motions. While a motion is on the floor, the chairperson may entertain a secondary motion to amend the pending motion. There are two methods to amend a motion on the floor.

a. Friendly Amendment. Under a friendly amendment, a recognized member asks the maker and the second of a motion to change the motion in some way. If the maker of the motion and the second both agree, the motion for consideration is then changed and restated.

b. Secondary Motion. A recognized member may make a secondary motion to amend the motion on the floor. Such secondary motions must be seconded and resolved in a vote before resolution of the primary motion may continue. All secondary motions shall be non-debatable and shall be voted on before consideration of any pending motion. [moved, not amended] Secondary motions include:

i. a motion to adjourn;
ii. a motion to table;
iii. a motion to limit, extend or end debate; and
iv. a motion to call the question, provided that the chairperson shall have the discretion to allow or disallow such a motion to be made.

7. Ending Debate and Voting. When debate has ended, the chairperson or a member shall restate the exact motion, as amended, calling upon the recording secretary, if necessary. The chairperson then calls for the affirmative and then the negative votes (and, if applicable, any abstentions). Each member's vote shall be recorded. The chairperson then announces the vote. A simple majority of the members present shall be necessary to pass a motion. If a vote results in a tie and one or more members are absent for a reason other than voluntary or involuntary disqualification, the item shall be tabled until the next meeting at which a greater number of members are present, or a special or emergency meeting if necessary. If the

SFC CLERK RECORDED 06/10/2004

vote results in the denial of an application, the chairperson shall inform the applicant of his/her right to appeal.

8. Findings of Fact. The board or committee shall set forth the basis for its action in the form of "findings of fact" if so required by statute or ordinance. In addition, on action items in which opposing testimony has been presented, the board or committee may make findings of fact.

9. Improper Motions. No motion shall be allowed that conflicts with these Rules. No motion can suspend these Rules contained in Section IV.

V. EXECUTIVE SESSION

If there is a request to close any meeting pursuant to any of the exceptions contained in §10-15-1 (H), NMSA 1978 (the "Open Meetings Act"), the authority or reason for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote. The vote on any motion shall be by roll call. The motion for closure of any meeting must be approved by a majority vote of a quorum of the board or committee. Only those subjects announced or voted upon prior to closure by the board or committee may be discussed in executive session. Upon completion of any closed meeting, the board or committee shall, by motion, state that the matters discussed in the closed meeting were limited to those matters specified in the motion for closure.

VI. FILING OF OFFICIAL DOCUMENTS

A. Before or during the presentation at a meeting, the presenter shall indicate to the board or committee what original documents or copies are to be entered into the official record of the proceedings. For land use items, if staff wishes to include into the official record any document or item that is part of the board or committee's agenda or packet, staff should present an exact copy of those documents to the County Clerk. Any document to be entered into the record shall be presented to the County Clerk.

B. Any and all documents presented for the record by staff or by any presenter may be no larger than eleven inches by seventeen inches (11"x17"). In all cases, the presenter has the burden of reducing any documents to conform to the size requirements. For any photographs or other display items that are requested to become a part of the record, it shall be the presenter's responsibility to provide duplicate photos or copies that are in conformance with the size restrictions to the County Clerk at the time of presentation. Any videotape or other form of media presentation shown to the board or committee and requested to become a part of the official record of the proceedings shall become the exhibit to be filed with the County Clerk.

C. All exhibits to be entered in the record shall remain in the custody of the County Clerk. Any exhibits, not already identified sequentially and by case number or in any other way

SFC CLERK RECORDED 06/10/2004

specific to the presentation shall be marked for identification by the County Clerk. All documents and exhibits to be entered in the record should also be provided to each board member and to staff, for a total of six copies.

D. In any instance when a discrepancy with any of the above procedures occurs, the chairperson, acting upon his/her discretion and upon consultation with the County Clerk and/or the County Attorney, shall determine how any item or situation will be resolved.

VII. ADJOURNMENT

A meeting of a board or committee continues until terminated by motion and order of adjournment. The chairperson cannot arbitrarily adjourn a meeting. The adjournment may be proved only by the record in accordance with the procedures for motions. If an adjournment is voted and approved, no further business can be transacted.

VIII. MISCELLANEOUS PROVISIONS

A. Majority of Votes. Unless otherwise stated by statute, ordinance or resolution of the Board of County Commissioners, all motions and action items require a majority vote of the members present at the vote and not a majority vote of the constituent members of the board or committee.

B. Voting by Members. A member must either be physically present at a vote or if it is difficult or impossible for a member to attend the meeting in person, the member may vote from a location outside the meeting place if the member is able to participate fully in the meeting by use of audio equipment that allows the member to be identified when speaking, allows the member to hear all persons at the meeting, and allows all persons at the meeting to hear that member. Members may not vote absentee or by proxy. A member need not be present at discussion, debate or testimony on the matter taken for vote.

C. Suspension or Amendment of Rules. These Rules may only be suspended or amended for any board or committee by a majority vote of the Board of County Commissioners at a public meeting, except as provided in Section IV. C.

D. Conflict of Interest. No member of any board or committee may take part in any deliberation, testimony or vote on any matter in which such member or an immediate family member has pecuniary interest, either direct or indirect. This includes the following relationships with the applicant; corporate director, shareholder, officer, contractor, or employee, where such relationship existed within the past three (3) years.

E. Question of Order. Only a board or committee member may invoke a question of order. A question of order may be invoked for the purpose of calling to the chairperson's attention that a rule of procedure is being violated. A question of order takes precedence over

SEC CLERK RECORDED 06/10/2004

any pending matter, even interrupting a speaker. The question of order must be decided by the chairperson alone, who can ask advise of others before rendering the decision. If the chairperson is still in doubt, the question may be presented to the board or committee for a vote.

F. Interpretation of Rules. If there is a question regarding the interpretation of any of these Rules or if a matter arises that is not addressed by these Rules, the chairperson, in consultation with the County Attorney, shall make a determination on the matter.

G. Removal from Board or Committee. The Board of County Commissioners may remove a member of any commission, board, committee, agency or other policy-making body appointed by or acting under the authority of the Board of County Commissioners if a member misses three or more meetings within a one-year period. The Board of County Commissioner shall have the discretion to allow a member with more than three absences to retain his or her position if such absences were unavoidable.

IX. REPEAL.

Resolution No. 2000-164, and any other resolution of this body that is inconsistent with this resolution, shall be and hereby is repealed.

APPROVED, ADOPTED AND PASSED, this 8 day of June, 2004.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By _____
Paul D. Campos, Chairman

ATTEST:

_____
Rebecca Bustamante, County Clerk

Approved as to Form:

_____
Stephen C. Ross, County Attorney

COUNTY CLERK
REBECCA BUSTAMANTE
SANTA FE COUNTY NEW MEXICO

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 7

I Hereby Certify That This Instrument Was Filed for Record On The 10TH Day Of June, A.D., 2004 at 09:15 And Was Duly Recorded as Instrument # 1332257 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Rebecca Bustamante
County Clerk, Santa Fe, NM

Deputy _____

SFC CLERK RECORDED 06/10/2004