

SANTA FE COUNTY
RESOLUTION NO. 2006-4

**A RESOLUTION ESTABLISHING RULES OF ORDER FOR SANTA FE COUNTY
BOARDS AND COMMISSIONS; REPEALING RESOLUTIONS NOS. 2004-62, 2000-164,
1999-154, AND ANY RESOLUTION INCONSISTENT HERewith**

WHEREAS, NMSA 1978, Section 4-38-12 (1876) permits a Board of County Commissioners to establish rules of order to govern the transaction of business during meetings of the Board of County Commissioners;

WHEREAS, the Board of County Commissioners of Santa Fe County has in place rules of order that govern the conduct of business during meetings of the Board of County Commissioners and meetings of subsidiary committees whose members are appointed by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners periodically revisits these rules to ensure that the rules are fair and workable, and desires to amend the current rules at this time to clarify certain procedural matters that have arisen since the previous resolution on the subject was enacted.

WHEREFORE, the Board of County Commissioners hereby adopts the following Rules of Order to govern its meetings and the meetings of subsidiary committees whose members are appointed by the Board of County Commissioners, and hereby repeals Resolutions Nos. 2004-62, 2000-164, 1999-154, and any resolution inconsistent herewith.

I. APPLICABILITY

This Resolution applies to the conduct of business during meetings of the Board of County Commissioners and the conduct of business during meetings of subsidiary committees whose members are appointed by the Board of County Commissioners. Unless otherwise specifically provided in this Resolution, the word "Board" used herein refers to meetings of the Board of County Commissioners and meetings of subsidiary committees whose members are appointed by the Board of County Commissioners.

II. QUORUM

A. Definition. "Quorum." A quorum of a Board 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 is necessary to constitute a quorum.

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C. Disqualification. Where a Board 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 formal action may be taken except those listed in Section I. D. above can be taken until a quorum is reestablished.

III. CHAIR

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

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

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

D. Vice Chair. Whenever the elected chair is not present or is unable to participate in the discussion of a matter before the Board, the vice chair shall serve as the chair. If the chair should arrive during the course of said meeting that is already underway, the vice chair may continue to act as chair for the duration of the discussion regarding the specific matter before the Board, and thereafter shall relinquish the chair to the elected chair.

E. Duties. The chair's duties include:

1. Opening meetings;
2. Announcing the business before the Board and consideration of the agenda items;
3. Recognizing Board members and speakers from the audience entitled to speak;
4. Allowing legitimate motions to proceed to a vote;
5. Allowing members of the Board to speak on matters for consideration by the Board;
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 chair may take part in any discussion of any matter before the Board.

G. Motions. The chair of any Board may make motions or second any motions.

H. Decorum. The chair will assure that these Rules are fully complied with at all Board.

IV. ORDER OF BUSINESS

A. Agenda. Each Board 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; action items of the Board; and matters from the county staff and County Attorney.

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

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

D. Staff Presentation. The chair shall announce the agenda item and allow staff to present its report and to answer questions from Board members. Only Board members or an applicant pursuant to the Land Development Code, as amended, shall be allowed to address questions to staff.

E. Applicant Presentation. After staff's report, the Board shall allow the applicant to comment or to testify concerning staff's report. The applicant shall be under oath while addressing the Board. The applicant may be cross-examined or questioned by members of the Board or 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 chair may impose reasonable restrictions to limit testimony so as to eliminate extraneous, redundant, irrelevant, or harassing testimony. The chair may set time restrictions on testimony as necessary. Members of

the Board, 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 chair.

V. MOTIONS

A. Definition. A motion is a proposal on which a Board may take formal 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, a motion must be made by a member who has obtained the floor.

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

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

4. Seconding. After a motion is made, the chair 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 chair then states that the motion "dies for lack of a second."

5. Stating a Question and Debate. After a motion has been seconded, the chair 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 chair. During such debate, the chair 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 chair 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 by vote before discussion of the primary motion may continue. All secondary motions shall be non-debatable and a secondary motion that has been properly seconded and that is otherwise in order shall be voted on before consideration of any pending motion. 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 chair shall have the discretion to allow or disallow such a motion to be made.

7. Ending Debate and Voting. When debate has ended, the chair or a member shall restate the exact motion, as amended, calling upon the recording secretary, if necessary. The chair then calls for the affirmative and then the negative votes (and, if applicable, any abstentions). Each member's vote shall be recorded. The chair 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 vote results in the denial of an application, the chair shall inform the applicant of his/her right to appeal.

8. Motions to Reconsider. A motion to reconsider may be made to reconsider any matter on which the Board of County Commissioners has previously taken formal action. A motion to reconsider formal action taken during an administrative meeting shall be in order only when it is made no later than the next administrative meeting, and a motion to reconsider formal action taken during a regular meeting shall be in order only when it is made no later than the next regular meeting. A motion to reconsider formal action taken during a special meeting shall be in order only when it is made no later than the next regular or administrative meeting. A motion to reconsider shall be in order only when it is made by a member who voted with the prevailing side on the matter to be reconsidered, and a vote on a motion to reconsider shall only be made when the matter is placed on the agenda for reconsideration. A motion to reconsider is not in order on any question that has been reconsidered previously. Votes on the following matters may not be reconsidered: Motions to Adjourn, a Motion to Table, a Motion to Take a Recess, a Motion to Reconsider, a Motion to Approve the Agenda, a Motion to Amend the Rules of Order, and a Motion to Approve membership on any Authority, Board or Committee. A motion to reconsider shall not be made and shall not be in order if made before any Board other than the Board of County Commissioners.

9. Findings of Fact. The Board shall set forth the basis for its action, if appropriate given the subject of the action, in a set of findings of fact and conclusions of law pursuant to NMSA 1978, Section 39-3-1.1 (1998), or in a formal resolution of the Board.

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

VI. 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 (as amended)(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 to close a meeting pursuant to the Open Meetings Act shall be made by roll call. The motion for closure of any meeting must be approved by a majority vote of a quorum. Only those subjects announced or voted upon prior to closure may be discussed in a meeting that is closed pursuant to the Open Meetings Act. Upon completion of any closed meeting, the Board shall, by motion, state that the matters discussed in the closed meeting were limited to those matters specified in the motion for closure.

VII. FILING OF OFFICIAL DOCUMENTS

A. Before or during the presentation at a meeting, the presenter shall indicate to the Board 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's agenda or packet, staff should present an exact copy of those documents to the County Clerk or recording secretary. Any document to be entered into the record shall be presented to the County Clerk or recording secretary.

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 or recording secretary.

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

or recording secretary. 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 chair, 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.

VIII. ADJOURNMENT

A meeting of a Board continues until terminated by motion and order of adjournment. The chair cannot arbitrarily adjourn a meeting. The adjournment may be approved in accordance with the procedures for motions described in Section V herein. If an adjournment is voted and approved, no further business can be transacted.

IX. MISCELLANEOUS PROVISIONS

A. 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. The rules stated in this Resolution may only be suspended or amended by a majority vote of the Board of County Commissioners at a public meeting, except as provided in Section V.B(10).

D. Conflict of Interest. No member 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 member may invoke a question of order. A question of order may be invoked for the purpose of calling to the chair's attention that a rule of procedure is being violated. A question of order takes precedence over any pending matter, even interrupting a speaker. The question of order must be decided by the chair alone, who can ask advice of others before rendering the decision. If the chair is still in doubt after receiving such advice, 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 chair, 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 Board whose members are appointed by 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 or excused.

X. REPEAL.

Resolution Nos. 2004-62, 2000-164, 1999-154, and any other resolution of this body that is inconsistent with this Resolution, shall be and hereby is repealed.

APPROVED, ADOPTED AND PASSED, this 10 day of January, 2006.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

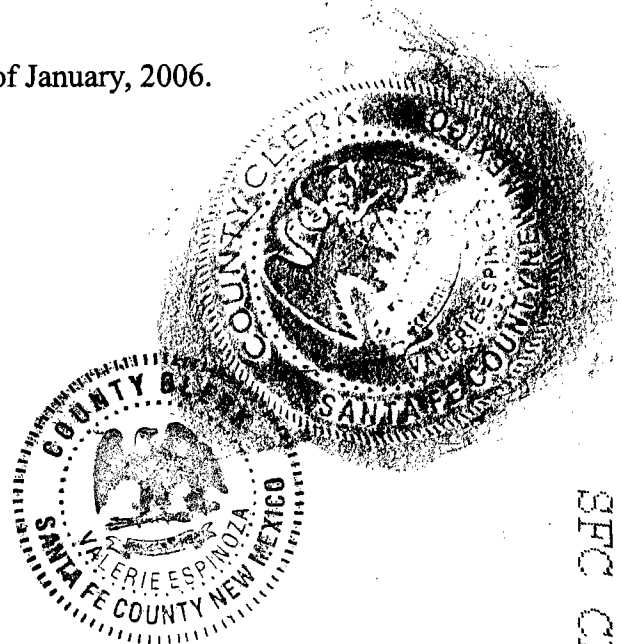
By Michael D. Anaya
Michael D. Anaya, Chair

ATTEST:

Valerie Espinoza
Valerie Espinoza, County Clerk

Approved as to Form:

Stephen C. Ross
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)	BCC RESOLUTIONS
STATE OF NEW MEXICO) ss	PAGES. 10
I Hereby Certify That This Instrument Was Filed for Record On The 12TH Day Of January, A.D., 2006 at 16 19 And Was Duly Recorded as Instrument # 1415737 Of The Records Of Santa Fe County	
Deputy <u>Valerie Espinoza</u>	Witness My Hand And Seal Of Office Valerie Espinoza County Clerk, Santa Fe, NM

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