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THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
RESOLUTION NO. 2007-7

A RESOLUTION ESTABLISHING RULES OF ORDER FOR MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AND FOR CERTAIN SPECIFIED COMMITTEES; RESCINDING RESOLUTION NOS. 2006-4 and 2001-14.

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 (hereinafter referred to as "the Board") has periodically adopted rules of order to govern the transaction of business during meetings of the Board and meetings of certain committees whose members are appointed by the Board; and

WHEREAS, the Board periodically revisits these rules to ensure that the rules are fair, workable and consistent with applicable law, and desires at this time to amend the current rules 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 certain committees whose members are appointed by the Board of County Commissioners, and hereby repeals Resolution No. 2006-4, and any resolution inconsistent herewith.

I. APPLICABILITY

This Resolution applies to the transaction of business during meetings of the Board and the transaction of business during meetings of certain committees whose members are appointed by the Board of County Commissioners, including the County Development Review Committee ("CDRC"), the Local Development Review Committees ("LDRCs"), the County Open Space, Lands and Trails Committee ("COLTPAC"). This Resolution shall not apply to the Extraterritorial Zoning Committee ("EZC"), the Extraterritorial Zoning Authority ("EZA"), the Buckman Direct Diversion Board ("BDDB"), the Regional Planning Authority ("RPA"), the Regional Emergency Communications Committee ("RECC"), or the Solid Waste Management Authority ("SWMA").

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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.

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, but in no event shall a quorum be construed to consist of fewer than three members of the Board of County Commissioners.

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 except those listed in Article II. D above may be taken until a quorum is reestablished.

III. CHAIR

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

B. Election. Election of the Chair for the Board of County Commissioners shall be as prescribed by Ordinance. For committees governed by this resolution, each calendar year, or sooner if required or requested by a majority of the committee, the committee shall elect a Chair. At such meeting, the committee 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 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 a meeting that is already underway, the Vice Chair may continue to act as chair for the duration of the discussion regarding the specific matter, and thereafter shall relinquish the Chair to the elected Chair.

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E. Duties. The Chair's duties include:

1. Opening meetings;
2. Announcing the business before the Board or committee and consideration of the agenda items;
3. Recognizing Board members and speakers from the audience entitled to speak;
4. Allowing members of the Board to speak on matters for consideration by the Board;
5. Stating and calling for a vote all questions and motions properly made;
6. Announcing the results of all votes;
7. Preventing motions and testimony from becoming unduly delayed, disrespectful, frivolous, or cumulative; and
8. 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 or committee.

G. Motions. The Chair may make motions or second any motions.

H. Decorum. The Chair will assure that these Rules are fully complied with.

IV. AGENDA.

A. Agenda Required. The Board shall establish its order of business for each meeting in the form of an agenda. So long as it is consistent with the applicable Open Meetings Resolution, the Board may provide notice of a meeting by publishing only a copy of the agenda.

B. Items to be Included On the Agenda.

1. Regular Meetings. The Agenda for each Regular Meeting of the Board must include the following items (additional items may be included as necessary):

a. Call to Order;
b. Roll Call;
c. Pledge of Allegiance;
d. State Pledge;
e. Invocation;
f. Approval of the Agenda;
g. Approval of the Minutes;
h. Matters from the Board;
i. Action and information items for Board consideration and possible action;

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j. Matters from the county staff, the County Manager, and the County Attorney; and

k. Adjournment.

2. Administrative Adjudicatory Proceedings. The agenda for each meeting during which an administrative adjudicatory matter will be heard shall include all the items listed above for a regular meeting, and the following additional item(s):

a. Public Hearings.

3. Enactment of an Ordinance. The agenda for each meeting during which a proposed ordinance of the Board of County Commissioners will be heard shall include all the items listed above for a regular meeting, and the following additional item(s):

a. Public Hearing on Proposed Ordinances.

4. Special and Emergency Meetings. The Agenda for each Special Meeting or Emergency Meeting must include the following items:

a. Call to Order;
b. Roll Call;
c. Approval of the Agenda;
d. Any action or informational item that is the subject of the meeting; and
e. Adjournment.

5. Closed Executive Session. The Agenda for each meeting that includes a closed executive session (or the agenda for a meeting following a closed executive session that was not opened to the public), shall include the authority for the closure and the subject to be discussed with reasonable specificity.

C. Specificity. The agenda shall specifically state the business for which the meeting 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.

D. Action Items. The agenda shall clearly identify each action item. An action item is one which requires a vote of approval or denial. The Board or a committee to which these rules apply may only act on those subjects listed on the agenda that are designated for action.

V. PROCESSING ITEMS ON THE AGENDA

A. Administrative Items.

1. Tabling, Postponing or Withdrawing Administrative Items. An

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administrative item before the Board of County Commissioners may only be postponed, tabled or withdrawn if two full business days notice or the proposed tabling, postponement or withdrawal is provided. In default of such notice, an administrative item may only be tabled, postponed or withdrawn upon a showing by staff or the applicant that good cause exists for such postponement or tabling. At the meeting, the Board of County Commissioners shall have the discretion to hear the matter or to table, postpone or permit withdrawal of the item. Once an item has been tabled, postponed or withdrawn three times, the relevant application shall be deemed withdrawn and a new application and appropriate notice shall be required before the item may be placed on the agenda.

2. Staff Presentation. Staff shall present a detailed report on the matter before the Board or committee and shall respond to questions from Board or committee members. During the staff presentation, only Board or committee members shall be permitted to question staff on the item.

3. Public Input. At the discretion of the Chair, members of the public or interested persons may be allowed to make statements in favor of and in opposition to the item at hand. Public input on administrative items shall not be sworn.

4. Discussion. At the discretion of the Chair, members of the Board or committee may be permitted to make statements or engage in discussion concerning the item prior to action.

B. Administrative Adjudicatory Proceedings.

1. Tabling, Postponing or Withdrawing Administrative Adjudicatory Matters. An administrative adjudicatory matter before the Board of County Commissioners may only be postponed, tabled or withdrawn if two full business days notice or the proposed tabling, postponement or withdrawal is provided. In default of such notice, an administrative adjudicatory item may only be tabled, postponed or withdrawn upon a showing by staff or the applicant that good cause exists for such postponement or tabling. At the meeting, the Board of County Commissioners shall have the discretion to hear the matter or to table, postpone or permit withdrawal of the item. Once an item has been tabled, postponed or withdrawn three times, the relevant application shall be deemed withdrawn and a new application and appropriate notice shall be required before the item may be placed on the agenda.

2. Staff Presentation. Staff shall present a detailed report on the matter before the Board or committee and shall respond to questions from Board or committee members. During the staff presentation, only Board or committee members shall be permitted to question staff on the item.

3. Cross Examination (if requested). A party to an administrative adjudicatory proceeding shall be afforded the opportunity to cross examine any staff member who participates

in the presentation of the staff report. The party seeking the cross examination must notify the Chair that cross examination is desired before the witness is excused or such cross examination shall be waived.

4. Applicant's Presentation. The applicant shall be permitted to make a presentation in support of the application and may call witnesses in support of the application. The applicant and any witness shall be sworn prior to addressing the Board, and all statements made to the Board shall be under oath and on the record. The applicant or witness may be questioned by members of the Board on the application.

5. Cross Examination (if requested). A party to an administrative adjudicatory proceeding shall be afforded the opportunity to cross examine the applicant or any witness presented by the applicant. The party seeking the cross examination must notify the Chair that cross examination is desired before the witness is excused or such cross examination shall be waived.

6. Presentation of Other Parties. A person who claims an interest in the outcome of an administrative adjudicatory process shall be permitted to make a presentation in support of or in opposition to the application, and may call witnesses in support of the person's position. Any such person must identify themselves as a party to the proceedings, and state with specificity their interest in the outcome. The person and any witness called to support that person's position shall be sworn prior to addressing the Board, and all statements made to the Board shall be under oath and on the record. The party or witness may be questioned by members of the Board on the application.

7. Cross Examination (if requested). The applicant shall be afforded the opportunity to cross examine the interested party so presenting or any witness presented by the party. The party seeking the cross examination must notify the Chair that cross examination is desired before the witness is excused or such cross examination shall be waived.

8. Public Input. Members of the public shall be allowed to testify in favor of and in opposition to an administrative adjudicatory item. Members of the public shall be sworn and all such testimony shall be under oath and on the record. 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.

C. Adoption of Ordinances and Other Matters Requiring Public Hearings.

1. Tabling, Postponing or Withdrawing Ordinances and Other Public Hearing Matters. An ordinance or other public hearing before the Board of County Commissioners may only be postponed, tabled or withdrawn if two full business days notice or the proposed tabling, postponement or withdrawal is provided. In default of such notice, such ordinance or other public hearing may only be tabled, postponed or withdrawn upon a showing

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by staff or the applicant (if any) that good cause exists for such tabling, postponement or withdrawal. At the meeting, the Board of County Commissioners shall have the discretion to hear the matter or to table, postpone or permit withdrawal of the item. Once an item has been tabled, postponed or withdrawn three times, the relevant application, if any, shall be deemed withdrawn and a new application and appropriate notice shall be required before the item may be placed on the agenda.

2. Staff Presentation. Staff shall present a detailed report on the matter before the Board or committee and shall respond to questions from Board or committee members. Staff shall provide sworn testimony as necessary. During the staff presentation, only Board or committee members shall be permitted to question staff on the item.

3. Public Input. During the public hearing, members of the public shall be allowed to testify in favor of and in opposition to a proposed ordinance or other matter requiring a public hearing. Members of the public shall be sworn and all such testimony shall be under oath and on the record. 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.

D. Documents and Exhibits Tendered for Consideration.

1. Deadline for Submission. All documents and exhibits that are relevant to the item under consideration shall be provided in advance, so that the documents and exhibits can be included in the Board's or committee's packet and distributed to members prior to the meeting. All such materials to be tendered to the Board of County Commissioners shall be submitted to the County Manager no later than the date set by the County Manager for receipt of such items (usually no later than 5 p.m. one week prior to the meeting); documents and exhibits submitted after this date may be considered at the discretion of the Chair or a majority of the members of the Board, but in many cases submitting documents for the first time at the meeting will result in an item being tabled or postponed. All such materials to be tendered to a committee shall be submitted to staff of the Land Use Department no later than the date set by the Director of the Land Use Department for receipt of such items, or the date set for receipt of such items by the applicable ordinance.

2. Identifying Documents and Exhibits for the Record. Before the meeting by letter, or during the meeting, a presenter shall indicate to the Board or committee the documents or exhibits that are to be entered into the official record of the proceedings. For each administrative adjudicatory item on the agenda of the Board of County Commissioners, Staff shall provide to the County Clerk or recording secretary an exact copy of any documents or exhibits that were submitted to the Board in its packet so that the items may be included in the record of the proceedings. Any document to be entered into the record shall be presented to the County Clerk or recording secretary.

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3. Size Restrictions. Any and all documents or exhibits presented for the record by Staff, an applicant, or by a presenter may be no larger than eleven inches by seventeen inches (11"x17"). In all cases, the applicant or the presenter has the burden of reducing any documents to conform to these size requirements. For any photographs or other display items that are requested to become a part of the record, it shall be the applicant's or presenter's responsibility to provide duplicate photos or copies that are in conformance with the size restrictions to the County Clerk or recording secretary at the time of presentation. Any videotape or other form of media presentation shown 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.

4. Custody, Marking. 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.

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

VI. 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 a tie as a result of a voluntary or involuntary disqualification, the motion is lost. 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

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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, Statement of Reasons. The Board or, as applicable, a committee, 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 statement of reasons adopted by formal resolution of the Board or, as applicable, a committee.

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

VII. ADJOURNMENT

A meeting of a Board or committee 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.

VIII. 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).

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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 a financial interest, either direct or indirect, in the outcome of the proceeding.

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.

IX. RESCINDING RESOLUTION NO. 2006-04.

Resolution No. 2006-04, and any other resolution of this body that is inconsistent with this Resolution, shall be and hereby is rescinded.

APPROVED, ADOPTED AND PASSED, this 9th day of January, 2007.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By _____
Harry B. Montoya, Chair

ATTEST:

_____
Valerie Espinoza, County Clerk

Approved as to Form:

Stephen C. Ross, County Attorney

COUNTY CLERK
SANTA FE COUNTY NEW MEXICO
VALERIE ESPINOZA

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 12TH Day Of January, A.D., 2007 at 15:41 And Was Duly Recorded as Instrument # **1466912** Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

Deputy

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