

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2016-64**

3 **INTRODUCED BY:**

4
5 Councilor Carmichael A. Dominguez

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10 **A RESOLUTION**

11 **AMENDING THE *GOVERNING BODY PROCEDURAL RULES* TO ENSURE A MORE**
12 **FAIR, JUDICIOUS AND EFFICIENT PUBLIC PROCESS.**

13
14 **WHEREAS**, the Governing Body of the City of Santa Fe is governed by procedural rules
15 that inform and guide the conducting of business at City Council meetings; and

16 **WHEREAS**, changes to the City of Santa Fe Municipal Charter necessitate making
17 certain amendments to the Governing Body Procedural Rules; and

18 **WHEREAS**, there is a desire to streamline the City Council meeting process to expedite
19 business; and

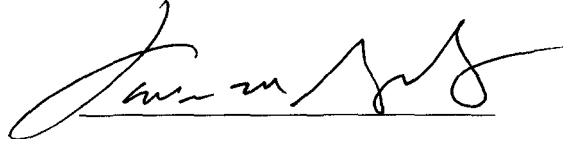
20 **WHEREAS**, ensuring justice and equality for elected officials, city employees and the
21 public who attend meetings to view or testify is a priority for the Governing Body; and

22 **WHEREAS**, the Governing Body is confident the proposed amendments to the
23 procedural rules will aid in the overall transparency of official city business.

24 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
25 **CITY OF SANTA FE** that the Governing Body hereby re-adopts the *Governing Body*

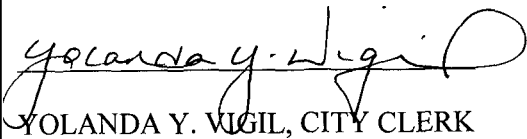
1 *Procedural Rules*, attached herein as Exhibit A, as the guide to expedite business; maintain order;
2 ensure justice and equality for all; guide the actions of the Governing Body in the general conduct
3 of business; and serve as a reference in settling parliamentary disputes to ensure a more fair,
4 judicious and efficient public process at City Council meetings.

5 PASSED, APPROVED AND ADOPTED this 10th day of August, 2016.

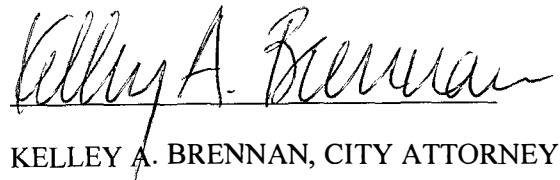
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8 JAVIER M. GONZALES, MAYOR

9 ATTEST:

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12 YOLANDA Y. VIGIL, CITY CLERK

13 APPROVED AS TO FORM:

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16 KELLEY A. BRENNAN, CITY ATTORNEY

GOVERNING BODY PROCEDURAL RULES

OBJECTIVES:

These procedural rules (“Rules”) are intended for use by the Governing Body of the City of Santa Fe (“Governing Body” or “council”) to: expedite business; maintain order; ensure justice and equality for all; guide the actions of the Governing Body in the general conduct of business; and serve as a reference in settling parliamentary disputes.

I. THE GOVERNING BODY

The members of the Governing Body, exclusive of the Mayor, shall be known and designated as Councilors. The Mayor and the Council together are the Governing Body of the city. (§2-1.1 *SFCC 1987*)

A. The Mayor

1. The Mayor of Santa Fe is the presiding officer (Presiding Officer (or Chair).
2. The Mayor, or in the Mayor's absence, the Mayor Pro-tem, shall preside at all meetings of the Governing Body. In the absence of both the Mayor and Mayor Pro-tem, the Mayor shall designate a Presiding Officer.
3. The Chair is responsible for conducting meetings in an orderly, democratic fashion. The Chair must assure that the majority prevails; that minority rights are protected; and that courtesy, fairness, justice and impartiality are guaranteed to all present.
4. The Chair has discretionary powers to alter the order of business in the interest of fairness, courtesy or an emergency and must receive general consensus from the Governing Body.
5. The Mayor has a vote on all matters that come before the Governing Body. (Municipal Charter of the City of Santa Fe, Article V., §5.01.B.)

B. The Council and the Governing Body

1. Members of the Governing Body shall observe order, civility and decorum at all times and neither delay nor interrupt the proceedings of a meeting or the Presiding Officer.
2. Members of the Council shall address all questions to and through the Chair, only after recognition by the Chair.
3. Members of the Governing Body shall introduce resolutions or bills

at any regular meeting of the Governing Body; however no action shall be taken on any such resolution or bill unless and until it has gone through the committee process and been recommended for approval by one or more city committees or constitutes a matter of necessity or an emergency in accordance with these Rules. For the purpose of these Rules a “city committee” is a standing committee with a membership comprised only of Councilors.

4. No resolution or bill shall be introduced that is not drafted and in sufficient form to be posted on the City’s website by noon of the Friday immediately following its introduction. For resolutions, “sufficient form” shall consist of a title, a “Whereas” section, and a listing of what is being resolved. For bills, “sufficient form” shall consist of the exact wording that is being proposed and the location in the code where it is to be placed.

II. PUBLIC DECORUM

- A. The Governing Body should and shall set an example for the conduct of the public’s business, showing respect for the Governing Body, as an institution, and to its individual members, City staff and to all appearing before it. While the governing body is in session, civility and public decorum shall be observed at all times. The Chair has a duty to maintain civility and decorum. The Chair may call any person to order if they are making personal, intemperate or slanderous remarks by reminding them that such comments are out of order. The Chair may prohibit any person who is acting improperly from continuing to speak.
- B. The Chief of Police, or his or her designee, shall serve as Sergeant-at-Arms.

III. REGULAR AND SPECIAL COUNCIL MEETINGS

Regular meetings of the Governing Body are comprised of two sessions each and are held at City Hall in the Council Chambers on the second and last Wednesday of each month or as otherwise determined by vote of the Governing Body. The afternoon session begins at 5:00 p.m. The evening session begins at 7:00 p.m. or immediately after the end of the afternoon session, whichever is later, and shall be adjourned not later than 11:59 p.m. Agenda items not considered prior to 11:30 p.m. shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement. A majority of the whole number of members elected to the Governing Body may choose to suspend this rule pursuant to Section X. below.

Special meetings of the Governing Body may be called pursuant to Section 2-1.12 of the *Santa Fe City Code*.

IV. MEETING AGENDA

- A. Agenda preparation: The City Manager or his or her designee, through the City Clerk, shall prepare an agenda for all meetings of the Governing Body.
- (1) The agenda shall include items that require Governing Body action, presentations and informational items. On action items, the City Manager shall provide all facts necessary for proper study and decision-making by the Governing Body. When appropriate, the City Manager, working with staff, shall give his or her recommendation for action on issues under consideration. Additionally, the City Manager may place on an agenda any matter so requested by a majority vote of all members of the Board of County Commissioners of Santa Fe County or a majority vote of all members of any city committee.
 - (2) No item shall be placed on the agenda unless it has gone through the committee review process and been recommended for approval by at least one city committee, unless otherwise approved by a majority vote of the entire Governing Body or in accordance with Rule IV(A)(3) of these Rules.
 - (3) An item may bypass the committee review process and be placed directly on the Governing Body meeting agenda:
 - (a) When uncommon circumstances make it necessary for the Governing Body to consider and/or act on the item within a period of time that is insufficient to permit it to go through the committee review process, but sufficient to meet the notice requirements of the Open Meetings Act; or
 - (b) In case of emergency, when unforeseen circumstances that, if not addressed immediately by the Governing Body, notwithstanding the inability to give sufficient notice pursuant to the Open Meetings Act, will likely result in injury or damage to persons or property or substantial financial loss to the city.
(Open Meetings Act, NMSA 1978 §10-15-1.F.)
- B. Items of a routine nature without fiscal impact; and those items recommended for approval by one or more committees, which have been before sufficient committees to ensure that each Councilor has had an opportunity to consider the matter before it comes before the Governing Body for action may be placed on a consent calendar by the City Manager or Presiding Officer on a Governing Body meeting agenda as a consent calendar matter. Such matters shall be called Consent Agenda Matters.
- C. The purpose of a consent calendar section of the agenda is to expedite approval by the Governing Body of Consent Agenda Matters with one motion as the need for lengthy discussion is not required due to both prior action and routine nature. All

other items requiring action by the Governing Body will be placed in the appropriate portion of the agenda.

D. The following items requiring action by the Governing Body, having met the substantive or procedural requirements of a Consent Agenda Matter are considered appropriate consent calendar items:

1. Budget transfers and increases.
2. Approval of agreements, bid awards, change orders and amendments to agreements when required by the City Purchasing Manual.
3. Approval of applications and agreements for federal and state grants.
4. Routine grants of licenses or other non-possessory interests in real property.
5. Routine Memorandum of Understandings or other cooperative agreements.
6. Job reclassifications.
7. Collective bargaining agreements.
8. Setting of public hearing dates for proposed ordinances.
9. Setting of public hearing dates for quasi-judicial hearings.

E. Items requiring action by the Governing Body which are not considered appropriate for the consent calendar include:

1. Public hearings and actions on all ordinances.
2. Annual budget approval.
3. User fees for City facilities which have been established by ordinance.
4. Quasi-judicial hearings.
5. Personnel issues not related to specific employees, such as the creation of new employment positions, or personnel rules.
6. Procedural rules of the Governing Body.
7. Board, committee and agency appointments.

9. Any other item that a majority of the Governing Body wishes to have heard at a public hearing.
- F. Items on the consent calendar shall be moved from the consent agenda to the regular agenda for further discussion and action upon the request of any member of the Governing Body. Each Governing Body member shall diligently review the consent calendar items and their packet within 48 hours of receipt thereof. No Consent Agenda Matter should be moved to the regular agenda to make inquiries that do not relate to the particular matter. Members of the Governing Body are encouraged to seek information directly from City staff in lieu of moving matters from the consent calendar to the regular agenda and to be considerate of the best use of, and respect for, the time of the public, and of the Governing Body while it is in session.
 - G. Schedule for inclusion of items on agenda: All matters for a given agenda shall be filed with the City Clerk no later than noon eight (8) calendar days prior to the Council meeting. All agenda items shall include sufficient background materials for the public to review and for the Governing Body to take action. If a majority of the Governing Body does not think they have been given sufficient information to take action, they may postpone an item to a future meeting. Copies of the complete agenda packet shall be delivered to the Governing Body for study and review the Friday immediately prior to Council Meeting. New agenda items not filed by the deadline shall not be considered until a subsequent Council meeting except in the case of emergency.
 - H. Receipt of Agenda Packets: All agenda packets delivered to the Governing Body prior to a Council meeting shall be deemed to have been received and read, unless a member indicates to the contrary prior to the commencement of a council meeting. In such cases, the Chair shall, at his or her discretion, determine an appropriate course of action.
 - I. Exception: A majority of the whole number of the Governing Body may vote to consider emergency matters not on the agenda consistent with Section A.(3)(b) of this Article IV above or otherwise with New Mexico Open Meetings Act requirements.

V. ORDER OF BUSINESS

A. Afternoon Session:

1. Call to order: The Chair shall call the meeting to order promptly at the appointed hour.
2. Pledge of allegiance.

3. Salute to the New Mexico flag.
4. Invocation.
5. Roll Call: The City Clerk shall call the roll of the Governing Body and record the names of those present and absent for inclusion in the minutes of the meeting. A quorum must be present in order to conduct business.
6. Approval of agenda: The City Manager, the Mayor or a Council member may request additions to the agenda in accordance with these Rules, deletions, alterations in the order of items and requests for postponement of items on the agenda. Emergency additions must be approved by a majority of the whole number of the Governing Body before the agenda is approved.
7. Approval of consent calendar: Items on the "consent calendar" may be passed by a single motion without discussion. The motion shall be approved by a majority of the whole number of members of the Governing Body and shall be recorded by roll call vote. Any member of the Governing Body may request that any item be removed from the consent calendar for discussion or debate and any such request shall be granted automatically. In the minutes, each item passed by adoption of the consent calendar shall be entered as a separate action of the Governing Body.
8. Approval of minutes.
9. Presentations and information to the Governing Body.
10. Consent Calendar (items that were removed from consent calendar).
11. Committee reports: Municipal Officers, Department Heads, Boards and Commissions shall present items that require ratification or debate and action by the Governing Body.
12. Items that have not been introduced through a Committee which do not fall under any other agenda items.
13. Matters from the City Manager.
14. Matters from the City Attorney.
 - a. Executive Session. Pursuant to §10-15-1 (H) NMSA 1978, an executive session may be called for any matters permitted under law to be discussed in executive session. The Mayor, after conference with the City Manager and the City Attorney, or any three members of the Governing Body, after conference with the City Manager and the City Attorney, may direct the City Manager and the City Clerk to

place an appropriate item for executive session on the agenda. Any member of the Governing Body may move at any time to discuss the item on the table in immediate executive session if it is their opinion that the matter is appropriate for executive session. Any matter subject to the attorney-client privilege or any other existing privilege shall only be discussed in executive session and shall not be made public unless a majority of the whole number of members of the Governing Body, in an open meeting, votes to waive the privilege.

- b. The motion to go into an executive session shall be voted on by roll call with a majority of the Governing Body present.
- c. The executive session may be held at the discretion of the Governing Body, at any time during the Council meeting before adjournment of the evening session. No votes shall be taken in executive session.
- d. Upon completion of discussions in an executive session, the Governing Body shall move, second and approve the reconvening of the public meeting.
- e. If a member of the Governing Body wishes to waive a privilege, that member shall immediately move that the privilege be waived and the contents of the discussion in executive session be disclosed. No disclosure of Executive Session matters may be made unless and until the Governing Body has approved by vote the disclosure of the information. The privilege of executive session is that of the Governing Body, not its individual members of the Governing Body. Any member of the Governing Body who violates this provision shall be subject to censure and other penalties in accordance with law.
- f. In the alternative a member of the Governing Body shall state for the record that the discussions in executive session were limited to the matters listed upon the agenda. The clerk shall make available to the public, upon request, a list of executive session attendees as approved by the Governing Body.
- g. If any final action is to be taken regarding matters discussed in executive session, direction to take such action shall be made in the form of a motion instructing the City Manager or City Attorney to take action consistent with the discussion held during the executive session. The motion shall be approved by a majority of the whole number of members of the Governing Body and shall be recorded by a roll call vote. For the purposes of this rule in the context of matter subject to the attorney-client privilege, "final action" means only an action that will directly conclude pending litigation, by settlement or

otherwise. Within an executive session, the City Attorney may seek consensus or direction from the Governing Body on any matter subject to the attorney-client privilege, and such consensus or direction shall not constitute final action.

- h. Any vote taken on an item discussed in executive session shall be reasonably specific as to the particulars of what is being voted upon.
- i. Any action constituting final action shall be executed by the appropriate signatories after the Governing Body votes upon the motion and the document or documents reflecting the final action taken shall become public records immediately thereafter, unless a court of competent jurisdiction has issued a contrary order or unless revelation of the final action would constitute a violation of law.

15. Matters from the City Clerk.

16. Communications from the Governing Body.

17. Recess.

B. Evening Session:

- 1. Call to order.
- 2. Pledge of allegiance.
- 3. Salute to the New Mexico flag.
- 4. Invocation.
- 5. Roll call.
- 6. Petitions from the floor (7:00 p.m. to 7:30 p.m.).
- 7. Appointments.
- 8. Public hearings.
- 9. Adjournment.

VI. RULES FOR SPEAKERS

- A. Recognition by the Chair: A Council member who wishes to speak shall address the Chair and, after being recognized by name, present his or her issue and confine comments to that issue.

- B. Order of speakers: Only one person at a time may have permission to speak.
- C. All requests to speak and debate shall be addressed to and through the Chair.
- D. Interruption of a speaker: While a person is speaking, no one shall interrupt the speaker except:
 - 1. For a *Point of Order* whereby another Council_member thinks these Rules are being violated.
 - 2. For a *request or inquiry* to obtain information that requires an immediate response.
 - 3. To *Raise a Question of Privilege* that permits a request or main motion relating to the rights and privileges of the Governing Body or any of its members to be brought up for possible immediate consideration because of its urgency.

After a legitimate interruption, the recognized speaker may continue. For a detailed explanation of this section, see *Robert's Rules of Order*, §41.

- E. Permission to speak more than once to the same motion: A member may speak more than once to the same motion_only when all Council members desiring to speak have been heard, except to answer questions.
- F. Petitions from the Floor shall generally be heard between 7:00 p.m. and 7:30 p.m., or as soon thereafter as can be reasonably achieved. A time limitation of three (3) minutes shall be allotted to each speaker; however, the Presiding Officer shall have the right to place such other limitations upon speakers as may be reasonably necessary to conclude Petitions from the Floor within the allocated time and proceed with other remaining business before the Governing Body.
- G. The parties appearing before the Governing Body on any adjudicatory or quasi-adjudicatory matter shall have reasonable opportunity to present their position to the Governing Body.

VII. MAIN MOTION AND RULES OF DEBATE

- A. Main motion: A main motion must be on the floor before debate can take place and only one main motion may be on the floor at a time. The form for a main motion is "I move that . . ." If a motion is long or complicated, a Council member may request that it be in writing. A Council member may give brief explanatory comments before stating the motion, but must argue and debate the motion only after it has been seconded. The movant may speak first on the motion.

- B. Second for a motion: All main motions require a second to indicate that more than one Council member is interested in discussing the issue. The seconder does not, however, have to favor the motion and may both speak and vote against it. If there is no second, the motion dies.
- C. Debate: The Chair shall restate the motion on the floor and call for general discussion. Roberts Rules of Order shall apply for amendments, postponement, tabling, ending debate, reconsideration, recession and related matters on a motion.
- D. Closing debate: When debate appears to have closed, the Chair shall ask the Council members if they are ready for the question. A Council member may move to close debate only when all members of the Governing Body have had an opportunity to speak to the pending motion. ("I move the previous question." or "I call the question.") The motion to close debate is not debatable and requires a two-thirds (2/3) vote of those present and voting.

VIII. PUBLIC HEARING PROCEDURES

A. Rules and procedure

1. The Chair shall read the title and/or description of the item set for public hearing.
2. An appropriate staff member shall be called upon to present background information.
3. The Chair shall ask if there is anyone in the audience who cares to speak for or against the issue.
4. The Chair may set time limits and conditions for speakers before the public hearing begins and may not change those conditions during the public hearing.
5. Members of the Governing Body may address questions to public speakers.
6. During the public hearing, members of the Governing Body may ask questions of the staff for clarification purposes on the matter before the Governing Body.
7. If a motion is made to reschedule an item that has been advertised as a public hearing before all members of the public who are present at that meeting have been allowed to speak, the continuation of that item shall be a public hearing. If a motion is made to reschedule an item that has been advertised as a public hearing after the public hearing is closed, the motion shall indicate whether further public comment will be accepted at the continuation of that item. If no further public comment will be accepted,

that decision shall be noted on any future agenda. If new information is submitted after the public hearing is closed, the Governing Body may accept public comment on that new information. The decision not to hear [nø] further public comment may be overturned by a majority vote of the Governing Body, but if it is overturned, sufficient notice shall be given to the public that public comment will now be accepted.

B. Participation in public hearings:

1. Written communications: Interested parties or their representative may address the Governing Body in writing and read or summarize their ideas at the public hearing.
2. Oral comment: Each person wishing to address the Governing Body shall be recognized by the Chair and state his or her name and address for the record before speaking to the issue. If the speaker is a representative, he or she shall also identify the person or persons being represented. The Clerk shall first swear or affirm all persons wishing to speak in those proceedings requiring sworn or affirmed testimony.
3. All remarks shall be addressed to the Governing Body as a whole and not to any individual members.
4. All comments by Council members_or the public shall be addressed through the Chair.

C. Council debate:

1. When all public speakers have been heard, the Chair shall request an appropriate motion from the Council. After the motion is seconded and restated, discussion and debate among Council members_may follow. Questions may be addressed to appropriate staff.
2. Amendments to the main motion may be proposed and voted on.
3. When debate is closed by common consent or by a vote, the Chair shall restate the question and request a roll call or voice vote.
4. After confirmation of the vote by the City Clerk, the Chair shall declare the result of the vote.

D. Special Rules for Quasi-Judicial Proceedings: Any member of the Governing Body who has received communications outside a quasi-judicial proceeding concerning the merits or substance of the matter being heard in that proceeding, shall disclose the substance of the communications on the record at the commencement of

the proceeding, and the member shall recuse himself or herself if he or she cannot be fair and impartial in hearing the matter.

IX. VOTING

A. Types of Vote

1. A member of the Governing Body must vote "yes," "no" or "abstain," except in the case of a conflict of interest as defined in the Santa Fe City Code, in which case the member may recuse himself or herself or be disqualified from voting on the issue. Any conflict must be disclosed prior to consideration of the item and any member who has recused himself or herself has been otherwise disqualified from voting on the issue shall leave the room where the meeting is being held until the vote is taken and recorded by the City Clerk.
2. The roll is called in alphabetical order with the following special provision. On the first roll call vote of the session, the City Clerk shall begin with the first name on the list; on the second vote, the Clerk shall begin with the second name and end with the first; and so on, continuing to rotate in that order, provided that the Mayor shall in all instances vote last.

B. Explanation of Vote: Any member of the Governing Body may make a brief statement to explain his or her vote, not to exceed one minute.

C. Delayed Vote: A Council Member may pass his or her turn to vote, in which case the Council Member's name will be called again in rotation and then he or she must vote "yes", "no" or "abstain."

D. Voting Procedures: Unless otherwise specified by state law or city ordinance, given a quorum, an action of the governing body requires a vote of the majority of the members present.

E. Tie Vote: In cases of a tie vote, the motion fails.

F. Proxy Vote: There shall be no proxy or absentee voting. Further, it shall be improper for any Governing Body member to state, or attempt to state, the sentiments of any absent Governing Body member.

G. Policy on Abstention:

1. If one or more Governing Body members abstain, then the abstentions (except for recusals or disqualifications due to conflicts of interest) shall be counted as "no" votes if the action being voted on is passage of an ordinance or resolution. If counting the abstention as a "no" vote results in a tie, then the motion fails.

2. If one or more Governing Body members abstain, and the action being voted on is other than the passage of an ordinance or resolution, then abstentions (except for recusals or disqualifications due to conflict of interest) shall be counted as acquiescence with the majority. If there is no majority because the vote is tied before the abstentions are taken into account, then the abstentions shall not be counted at all and the motion fails.
3. A recusal or disqualification for conflict of interest purposes shall not be counted as a "yes" or "no" vote.

X. SUSPENSION AND AMENDMENT OF THESE RULES

These rules may be temporarily suspended for a single meeting or matter at any time by a majority vote of the whole number of members of the Governing Body. Amendment of these rules shall be made by resolution.

XI. ROBERT'S RULES OF ORDER

Except as otherwise provided herein, all matters of procedures are governed by the most current edition of *Robert's Rules of Order*.

History: Adopted by Resolution No. 2004-55 on July 28, 2004; and
 Amended by Resolution No. 2006-43 on April 12, 2006; and
 Amended by Resolution No. 2006-95 on August 9, 2006.
 Re-adopted by Resolution No. 2008-103
 Amended by Resolution No. 2009-21 (Salute to New Mexico Flag)
 Amended by Resolution No. 2012-27 (Agenda Items)
 Re-adopted by Resolution No. 2016-64 on August 10, 2016