



CITY OF SANTA FE

# ANNUAL PARLIAMENTARY PROCEDURE OVERVIEW

2025

Changes +  
Ideas to Consider

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# Why are we doing this?

## Section 2-1.11 of the City's Code requires the following:

- ✓ The **Governing Body** to adopt a “complete” set of rules of order.
- ✓ The **Mayor** to select a councilor to be the parliamentarian.
- ✓ The **Parliamentarian** to receive parliamentary procedure training upon appointment.
- ✓ The **City Attorney or designee** to receive periodic training in parliamentary procedures.
- ✓ The **City Attorney and Parliamentarian** to annually provide an overview of parliamentary procedure to the Governing Body.
- ✓ **This year:** highlighting some changes and ideas.

# Parliamentary Law is more than just Robert's Rules.

All the following are Parliamentary Law, in hierarchical order:

- U.S. and New Mexico Constitutions and cases interpreting them;
  - State statutes, when applicable, such as the Open Meetings Act;
  - City Charter;
  - State Statutes that apply when there is not a conflicting Charter provision;
  - City ordinances regarding legislative procedures;
    - The Governing Body's Procedural Rules;
      - Roberts Rules; and
      - Custom, consistent with the other applicable rules.

# Constitutional Parliamentary Law

## Examples:

- Due Process Protections – U.S. and New Mexico
- First Amendment Limitations – U.S. and New Mexico

# Examples of Statutory Parliamentary Law

- NMSA 1978, Section 3-17-3, requiring two weeks notice before final action on bills
- The Open Meetings Act

# Examples of Statutory Parliamentary Law that Only Apply *if a City's Charter Does not Conflict.*

This year, the State adopted House Bill 298, which amended Chapter Three (“Municipalities”), Articles 11 (“Mayor-Council Municipality; Mayor”) and 12 (“Governing Body of Municipality”) of the New Mexico Statutes.

One of the amendments provides as follows:

“In the event that a home rule municipality has adopted procedures in the municipality's charter that conflict with the provisions of Chapter 3, Article 11 or 12 NMSA 1978, the municipality's charter shall govern.”

NMSA 1978, § 3-11-1(B) (“Applicability”).

## **New Procedural Statutes that Apply (*Santa Fe's Charter Does not Conflict*).**

### **NMSA 1978, Section 3-11-5. ORGANIZATIONAL MEETING--MAYOR--APPOINTMENT OF OFFICERS AFTER ELECTION.--**

- A. After each regular local election or municipal officer election, the governing body shall hold an organizational meeting no earlier than fifteen days but no later than twenty-one days after the newly elected officials begin their terms. Such a meeting may constitute a special meeting or a regular meeting of the governing body.
- B. At the organizational meeting of the governing body, the mayor shall submit, for confirmation by the governing body, the names of persons who shall fill the appointive offices of the municipality.

**The City's Charter is silent regarding the timing of an organizational meeting.**

# New State Procedural Statutes that do not Apply (Santa Fe's Charter Conflict).

## **NMSA 1978, Section 3-12-1. VACANCY ON GOVERNING BODY--APPOINTMENT-- PROCEDURES.--**

A. A vacancy on the governing body of a mayor-council municipality shall be filled by appointment of a qualified elector by the mayor of the municipality, with the advice, the consent and a majority vote of the members of the governing body that are present; provided that the governing body shall vote at the next meeting immediately following the vacancy to fill the vacancy if the vacancy has not been filled within fifteen days after the vacancy occurred; and provided further that so long as the vacancy remains unfilled, the item shall be included on each subsequent governing body meeting agenda until the vacancy is filled

vs.

## **Article VI. The Governing Body; Section 6.06. - Vacancies in office.**

The office of a councilor shall become vacant upon the member's death, resignation, termination of residency in the district from which elected, or removal from office in any manner authorized by law or this Charter. When such a vacancy occurs, the mayor shall within thirty days appoint a qualified elector from the district in which the vacancy has occurred to serve until the next regular city election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any. The governing body shall approve or disapprove the mayor's appointment not later than its second regularly scheduled meeting after the appointment.

# City Charter Parliamentary Law

## Recent Charter Amendment:

- The Mayor's vote is limited to ties and matters that require the Mayor's vote for the Governing Body to act.

# Parliamentary Law in City Ordinance

## Examples:

- Ordinances assigning roles to the City Clerk, Mayor, Councilors, City Attorney, and City Manager during Governing Body meetings.
- The Ordinance requiring Fiscal Impact Reports for legislation.
- The Ordinances creating City Council Standing Committees

# “Local Rules” of Parliamentary Procedure

- Governing Body Procedural Rules – Adopted by Resolution, January 2022.
- The City Council Standing Committee Rules – Adopted by Resolution, August 2022.
- City Committee Rules – Adopted by Resolution and last updated in 2009.

# When Do Robert's Rules Apply for the City?

- **Only when there is not an existing law or local rule on the topic.**
- Example: The number of votes required for “calling the question”, etc.

# How Do Parliamentary “Customs” Work?

- A custom is a way of proceeding that is not included in any formal rule.
- A custom may even be contrary to a local rule, but they custom could be adopted as a rule if desired.
- If a member challenges a custom by raising a point of order, the written rule must be followed, rather than the custom.
- Examples:
  - “Friendly” amendments
  - Withdrawing motions and seconds to motions when it seems the Body wishes to make an alternative motion, rather than taking a vote once there is a motion with a second.

# GB Procedural Rules

## Quick Overview

- Purpose/Definitions/The Governing Body (Sections 1-3)
- Legislative Process (Section 4)
- Governing Body Meetings (Section 4)
  - Decorum
  - Meeting Types
  - Meeting Agenda
  - Consent Agenda
  - Posting of Agenda and Supporting Materials
  - Order of Business
  - Further Rules for Certain Orders of Business
- Rules of Debate (Section 6)
  - Rules for Speaking
  - Recusal
  - Main Motion and Debate
  - Voting
- Suspension and Amendment of the Rules (Section 7)
- Robert's Rules of Order (Section 8)

# Ideas to Consider to Modify Procedural Rules

## IV. Legislative Process

- Could start with “Requests for Drafting” and/or “Requests for Legal Review”
- A. Introduction of Legislation
  - Currently only allows sponsor(s) to speak
  - Committee assignments when a Bill is introduced at Committee
- B. First Public Comment on Bills
  - Could allow Advisory Committee Review to begin before.
  - Staff presentation should be optional (current practice).
- C. City Council Standing Committee Review
  - Standing Committee review required before “final passage” rather than “public hearing”.
  - “One” of six paths currently required.
- E. Amendments
  - Consider specifying that Amendments are Motions to Amend Legislation (rather than legislation with sponsors that are introduced).
  - Consider specifying that page and line numbers should be part of written proposal.

## V. Governing Body Meetings

- B. Meeting Types
  - Regular Meetings, 11:30 pm end time: There are two different standards for waiving rules. This section calls for a “majority of the whole”, but it also references suspending rules pursuant to Section VII., which calls for a 2/3 majority.
- D. Consent Agenda
  - Address items that did not go to more than one committee due to time constraints.
- E. Order of Business
  - 17. Add “First” to “Public Comment on Bills”; fix sponsor as speaker up to one minute contradicts IV.B(2); and clarify that there is no debate/discussion/action about the merits of the bill (i.e., there could be discussion and action on committee assignments, for example).
- G. Further Rules for Certain Orders of Business
  - 3. Public Hearings. Add the step that the Sponsor may make an introductory statement as an option/addition to staff presenting background information.

## VII. Suspension and Amendment of the Rules

- Make the 2/3 vote motion to suspend not debatable and not subject to amendment.

# Council Committee Procedural Rules

## Quick Overview + Distinctions from Governing Body Rules

- Purpose/Definitions (Sections 1-2)
- Administration (Section 3)
  - Staff Liaison
  - Agendas
- Committee Chairs (Section 4)
  - Officers
  - Method of Selection
  - Duties and Powers of the Presiding Officer
- Committee Composition (Section 5)
- Debate and Voting (Sections 6)
  - Debate
  - Voting Privileges
- Manner of Voting (Section 7)
- Robert's Rules of Order (Section 8)

# Motions to Know

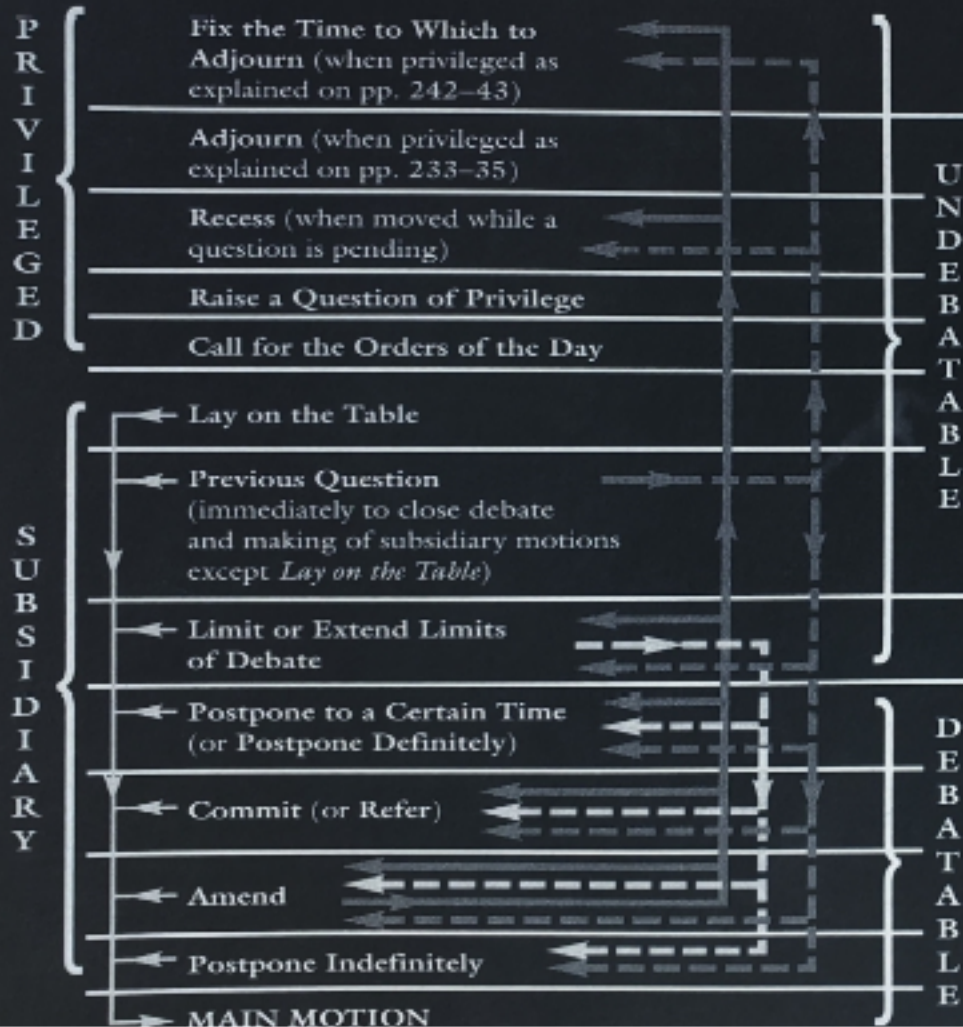
- Move to Adopt/Approve
- Move to Amend
- Point of Order
- Lay on the Table
- Call the Previous Question
- Move to Reconsider
- Limit or Extend Limits on Debate
- Commit or Refer
- Postpone to a Date Certain
- Postpone Indefinitely

## Motion Categories:

- Main Motion vs. Subsidiary
- Subject to Debate
- Type of Vote Required
- In Order

I. CHART FOR DETERMINING WHEN EACH SUBSIDIARY OR PRIVILEGED MOTION IS IN ORDER (cont.)

Order of Precedence of Motions



Other Conditions Affecting Admissibility

MOTION DIRECTLY TO LEFT ON FACING PAGE IS OUT OF ORDER WHEN:

- a motion to *Suspend the Rules* relating to priority of business is pending
- a *Point of Order*, undebatable *Appeal*, or one of the five *Requests and Inquiries*—not adhering to main question—is pending
- a motion which cannot be debated or amended is immediately pending
- any undebatable question is immediately pending; also when motion(s) under an order for the *Previous Question* remain to be voted on
- any undebatable question except *Division of the Question* or *Consider by Paragraph* or *Seriatim* is immediately pending; also when motion(s) under an order for the *Previous Question* remain to be voted on
- a motion to *Reconsider* is pending, or any undebatable question except *Division of the Question* or *Consider by Paragraph* or *Seriatim* is immediately pending; also when motion(s) under an order for the *Previous Question* remain to be voted on
- the application would be to the main question, and any motion except *Postpone Indefinitely* is pending; also, in any application, when motion(s) under an order for the *Previous Question* remain to be voted on
- any motion except the main question is pending; also when the *Previous Question* has been ordered
- any motion is pending

## II. TABLE OF RULES RELATING TO MOTIONS

MOTION	CLASS <sup>1</sup>	IN ORDER WHEN ANOTHER HAS THE FLOOR	MUST BE SECONDED <sup>2</sup>
1. Main motion or question (10)	M	No	Yes
2. Adjourn, ordinary case in societies (21)	P	No	Yes
3. Adjourn at or to a future time, or in advance of a time already set, or when the assembly will thereby be dissolved (8, 10, 21)	M	No	Yes
4. Adopt, accept, or agree to a report (10, 51)	M	No	Yes
5. Adopt bylaws or constitution, initially in forming a society (10, 54, 56)	M	No	Yes <sup>3</sup>
6. Adopt revised bylaws or constitution (35, 56, 57)	M/B	No	Yes <sup>3</sup>
7. Adopt special rules of order (2, 10)	M	No	Yes
8. Adopt ordinary standing rules (p. 18) (2, 10)	M	No	Yes

<sup>1</sup>Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions that bring a question again before the assembly (see pp. 74ff.).

(For forms used in making motions, see Table III.)

DEBATABLE	AMENDABLE	VOTE REQUIRED FOR ADOPTION	CAN BE RECONSIDERED
Yes	Yes	Majority, except as explained on pages 103-4	Yes
No	No	Majority	No
Yes	Yes	Majority	No
Yes	Yes	Majority	Yes
Yes	Yes	Majority	Negative vote only
Yes	Yes	As provided in existing bylaws. (In absence of such provision, same as in next line)	Negative vote only
Yes	Yes	(a) Previous notice <i>and</i> two-thirds; or (b) majority of entire membership	Negative vote only
Yes	Yes	Majority	Yes

<sup>2</sup>Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

<sup>3</sup>In practice, motion is usually made by the reporting member of a committee, in which case it does not require a second.

## II. TABLE OF RULES RELATING TO MOTIONS (cont.)

MOTION	CLASS <sup>1</sup>	IN ORDER WHEN ANOTHER HAS THE FLOOR	MUST BE SECONDED <sup>2</sup>
9. Adopt parliamentary standing rules in a convention (10, 59)	M	No	Yes <sup>3</sup>
10. Adopt agenda or program (10, 41, 59)	M	No	Yes <sup>3</sup>
11. Amend a pending motion (12)	S	No	Yes
12. Amend an amendment of a pending motion (12)	S	No	Yes
13. Amend Something Previously Adopted, general case, including ordinary standing rules (35)	M/B	No	Yes
14. Amend parliamentary standing rules in a convention, when they are not pending (35, 59)	M/B	No	Yes
15. Amend adopted agenda or program with reference to items not yet reached (35, 41, 59)	M/B	No	Yes <sup>3</sup>

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(For forms used in making motions, see Table III.)

DEBATABLE	AMENDABLE	VOTE REQUIRED FOR ADOPTION	CAN BE RECONSIDERED
Yes	Yes	Two-thirds	Negative vote only
Yes	Yes	Majority; but in session with existing order of business, two-thirds if in conflict with it or sets special order	Negative vote only
If motion to be amended is debatable <sup>4</sup>	Yes	Majority	Yes
If motion to be amended is debatable <sup>4</sup>	No	Majority	Yes
Yes	Yes	(a) Majority with notice; or (b) two-thirds; or (c) majority of entire membership	Negative vote only
Yes	Yes	Two-thirds; or majority of all having convention voting rights who have been registered	Negative vote only
Yes	Yes	As immediately above, though often by unanimous consent after Program Committee's recommendation	Negative vote only

<sup>3</sup>In practice, motion is usually made by the reporting member of a committee, in which case it does not require a second.

<sup>4</sup>Debate on motion must be confined to *its* merits only, and cannot go into the main question except as necessary for debate of the immediately pending question.

# Voting

- Motions are generally adopted with a simple majority.
- Proxy votes are not allowed.
- Tie votes fail.
- **Some motions require a supermajority or a specific number of votes, such as waiving or amending the GB Procedural Rules (2/3); Calling the Question (2/3); and ordinances (majority of whole needed).**
- Types of Votes
  - In favor/Yes
  - Opposed/No
  - Abstain
    - Counts as a no
      - In Committee *for everything*.
      - In Governing Body *for legislation*.
    - Counts with majority in Governing Body *for matters other than legislation*.
    - Does not count if there is a tie and motion fails.
- Recusal is not a vote and may reduce the number of votes required for a majority.



CITY OF SANTA FE

# QUESTIONS/DISCUSSION