



# **GOVERNING BODY RULES OF PROCEDURE**

*Effective December 26, 2023*

*Resolution No. 151 / Enactment No. 23-151*

## TABLE OF CONTENTS

### ARTICLE I - GENERAL PROVISIONS

1.1	Governing Body.....	3
1.2	Meetings.....	3
1.3	Attendance.....	4
1.4	Duties of the Presiding Officer.....	4
1.5	Adopted Rules.....	5

### ARTICLE II - PROCEDURES

2.1	Preparation of Legislation and Distribution of Agenda.....	5
2.2	Minutes.....	6
2.3	Order of Business.....	6
2.4	Ordinances and Resolutions .....	9
2.5	Approval of Communication Documents.....	10
2.6	Appeals.....	11
2.7	Motions.....	11
2.8	Postponement of Action .....	11
2.9	Reconsideration of Action.....	12
2.10	Appel a Decision of the Presiding Officer.....	12
2.11	Amendments.....	13

### ARTICLE III – GOVERNING BODY MEMBER RULES OF ORDER

3.1	Rules of Debate .....	13
3.2	Rules of Voting .....	14
3.3	Decorum.....	14
3.4	Public Hearing Procedures.....	15

### ARTICLE IV - GENERAL PROCEDURES

4.1	City Councilor Responsibilities.....	16
4.2	Supplemental Legal Opinions.....	17
4.3	Committees.....	17

Appendix A – Legislation Drafting Request Form

Appendix B – Work Session Material Request Form

## **Article I General Provisions**

### **1.1 Governing Body**

A. The City of Rio Rancho Governing Body consists of the Mayor (at-large) and six (6) City Councilors, each representing a distinct geographical City district.

B. The Mayor shall preside at meetings of the Governing Body and shall be entitled to cast a vote only in the event of a tie among the City Councilors or when fewer than six (6) City Councilors are present, pursuant to City Charter Section 3.01.

C. No less often than at the organization meeting following each municipal election, a Deputy Mayor shall be elected from among the City Councilors. In the absence of the Mayor, the Deputy Mayor shall preside and possess all the powers and authority of the Mayor. The Deputy Mayor shall be entitled to vote only once on matters coming before the Governing Body and shall be entitled to cast a vote as a City Councilor and not to break a tie, pursuant to City Charter Section 3.03.

Pursuant to Municipal Code Section 31.16, in the absence of the Deputy Mayor, the senior Governing Body member present shall preside as Deputy Mayor until the Governing Body may appoint an Acting Deputy Mayor. In those instances where the Governing Body members have equal seniority, the member representing the district with the lowest district number shall preside.

D. Four (4) members of the Governing Body shall constitute a quorum.

1. If there are two (2) or more vacancies on the Governing Body a quorum shall be a majority of the members of the Governing Body excluding those offices which are vacant, pursuant to City Charter Section 2.09.
2. The Mayor shall be counted as a member for purposes of determining a quorum, pursuant to Municipal Code Section 30.05.
3. No action shall be taken by the Governing Body unless a quorum is present, provided that a number less than a quorum may adjourn from time to time, and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Governing Body, pursuant to City Charter Section 2.09.

### **1.2 Meetings**

A. Meetings of the Governing Body shall be held in accordance with City Charter Section 2.09, and the Open Meetings Act, 10-15-1 et. seq. NM, 1978. Meetings of the Governing Body include:

1. Regular meetings, as established in the Governing Body's annually adopted Open Meetings Act Resolution;
2. Special meetings, as called by the Mayor or three or more City Councilors, pursuant to City Charter Section 2.09;
3. Emergency meetings, as called by the Mayor or three or more City Councilors only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss, pursuant to 10-15-1 et. seq. NMSA,1978;
4. Work Session meetings, as set in the Governing Body's annually adopted Open Meetings Act Resolution; and

5. Closed Session meetings, whether closure is made during an open meeting or called outside of an open meeting, pursuant to 10-15-1 et. seq. NMSA, 1978.

B. All binding actions of the Governing Body shall be taken at regular, special, or emergency meetings.

C. The Governing Body may recess and reconvene a meeting to a subsequent date provided that prior to recessing, the presiding officer specifies the date, time and place for continuation, and immediately posts notice of the date time and place for the reconvened meeting on or near the door of the Governing Body Chambers, in the lobby of City Hall, and on the City's website. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting, pursuant to 10-15-1 et. seq. NMSA, 1978.

D. Notice of all meetings shall be in accordance with the Governing Body's annually adopted Open Meetings Act Resolution, pursuant to Municipal Code Chapter 30 and 10-15-1 et. seq. NMSA, 1978. The City Clerk shall give notice of Governing Body meetings to its members and the public and cause appropriate public notices to be given, pursuant to City Charter Section 5.06.

E. Regular meetings may be canceled, postponed or rescheduled by vote of at least four (4) members of the Governing Body. The Mayor may cancel a regular meeting in the event of an emergency or for lack of a quorum by giving such notice as is practical under the circumstances, pursuant to Municipal Code Section 30.04.

### 1.3 Attendance

A. Members of the Governing Body are expected to attend all scheduled meetings in person.

B. In accordance with 10-15-1 et. seq. NMSA, 1978, members of the Governing Body may participate in meetings remotely by telephone conference or other similar communications equipment when it is otherwise difficult or impossible to attend the meeting in person. A Governing Body member may only participate remotely in a meeting utilizing telephone conference or other similar communications equipment no more than four (4) times per calendar year.

### 1.4 Duties of the Presiding Officer

The Mayor shall possess the powers and perform the following duties:

1. Preserve order and decorum and have general direction of the Governing Body Chambers and Overflow Room, or the room where the meeting is occurring, if elsewhere, pursuant to City Charter Section 3.01.
2. Announce the business before the Governing Body in the order in which it is to be acted upon.
3. Recognize the speakers entitled to the floor and guide and direct the proceedings of the Governing Body.
4. Call for public input on agenda items.
5. Decide all points of order, subject to appeal, unless the Mayor prefers to submit the question to the decision of the Governing Body.
6. Put to vote all questions which are regularly moved or otherwise arise in the course of the proceedings.

## 1.5 Adopted Rules

A. Application of Robert's Rules of Order. Any matter not covered by these rules shall be governed by decision of the presiding officer, applying Robert's Rules of Order, Newly Revised Edition.

B. Amendment of Rules. These rules or any part thereof may be amended, repealed, altered or rescinded by a vote of a majority of the Governing Body, after notice of intended proposal. Such notice shall be presented by resolution at a regular meeting of the Governing Body.

C. Violation of Rules. Violation of these rules does not invalidate action of the Governing Body.

## **Article II Procedures**

### 2.1 Preparation of Legislation and Distribution of Agendas

A. The City Clerk, through the City Manager, shall prepare the agenda for all Governing Body meetings.

1. The City Manager may place matters on the consent calendar which are routine or ministerial in nature.
2. The City Clerk shall assure that scheduled public hearings have been duly advertised.
3. All material to be presented to the Governing Body at a regular meeting shall be submitted to the City Clerk in the prescribed format, not later than noon, nine (9) days prior to the meeting date. Prior to any ordinance submission to the City Clerk for agenda inclusion, City Attorney review shall occur, pursuant to Municipal Code Section 31.18.

B. A Governing Body member may request through the City Manager the drafting of an ordinance or resolution by City staff for placement on a meeting agenda, pursuant to these rules.

1. A Request for Legislation Drafting Form (see Appendix A) shall be submitted to the City Manager a minimum of forty-five (45) calendar days prior to the meeting where the legislation is sought to be introduced.
2. The City Manager will notify the requesting Governing Body member within ten (10) business days whether or not legislation drafting, operational impact assessment, fiscal analysis, applicable research, and legal review related to the requested legislation can be completed in the timeframe necessary to appear on the requested meeting agenda. If the requested meeting date cannot be accommodated, the City Manager will provide the reason(s) why and an alternative meeting agenda date will be selected.
3. The Governing Body member's name will be listed as "sponsor" on the legislation and notated into the official record. The Governing Body member will be responsible for presenting the legislation to the Governing Body at each meeting the legislation is scheduled.

C. When a proposed ordinance or resolution is produced and/or provided by a Governing Body member, and lacks City staff document drafting, operational impact assessment, fiscal analysis, and applicable research, the proposed ordinance or resolution shall be placed on a work session meeting agenda for discussion and review, prior to being placed on a meeting agenda where action is taken. Submission of the proposed ordinance or resolution for work session agenda placement shall occur per the timelines stated in these rules. The Governing Body member's name will be listed as "sponsor" on the legislation and notated into the official record. The Governing Body member will be responsible for presenting the legislation to the Governing Body at each meeting the legislation is scheduled.

D. An ordinance, resolution, or communications document is deemed introduced to the Governing Body when filed with the City Clerk and issued a legislation number.

E. The agenda for a regular meeting, along with related material, shall be electronically available by the City Clerk to each member of the Governing Body at least seven (7) days in advance of the meeting.

F. The agenda shall be posted by the City Clerk in accordance with the procedures stipulated in the Governing Body's annually adopted Open Meetings Act Resolution, pursuant to Municipal Code Chapter 30, and 10-15-1 et. seq. NMSA, 1978.

## 2.2 Minutes

A. Minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted.

B. Verbatim transcription of entire Governing Body proceedings will be prepared only upon the unanimous consent of the Governing Body.

C. Approval of the minutes shall be placed on the consent calendar. Unless a reading of the minutes is requested by a member, the minutes of previous meetings may be corrected and approved without reading.

D. Previously approved minutes may be corrected whenever an error is noticed, and the parameters of these rules related to the reconsideration of an action are not applicable.

## 2.3 Order of Business

A. Governing Body meetings (regular, special, or emergency) shall be conducted in the following order; however, the presiding officer may, during a meeting, rearrange items on the agenda to conduct the business before the Governing Body more efficiently:

- Call to Order
- Pledge of Allegiance
- Proclamations and Awards of Merit
- Public Forum
- Comments by City Councilors
- Consent Calendar
- Board/Commission/Committee Reports
- Public Hearings
- Second Reading of Ordinances
- First Reading of Ordinances
- Discussion and Deliberation
- City Manager's Report
- Adjournment

B. The consent calendar shall be used for legislation that is recommended for approval, without amendment or substitution, that is routine or ministerial in nature. The consent calendar is approved by

a single motion. Discussion of legislation appearing on the consent calendar shall only occur if a member of the Governing Body requests the item to be withdrawn from the consent calendar without discussion or vote.

#### C. Public Forum

1. Any person wishing to address the Governing Body related to a non-agenda item shall register in person with the City Clerk no later than fifteen (15) minutes prior to the scheduled start time of a meeting.
2. Manner of address:
  - a. Each person shall seek the recognition of the presiding officer.
  - b. Only the person signed up to speak shall stand at the podium, unless assistance or accommodations are needed to provide the public input.
  - c. Each person shall give their name and address.
  - d. Comments shall be addressed to the Governing Body as a whole through the presiding officer and not to any members thereof.
  - e. No person shall enter into any discussion without the permission of the presiding officer.
  - f. Speakers will be recognized by the presiding officer in order of registration with the City Clerk.
  - g. Each person speaking under public forum shall have either one (1) or two (2) minutes in total for comments after being recognized by the presiding officer. The presiding officer shall determine the specific amount of time given to public forum speakers at a meeting.
  - h. No more than two (2) hours in total will be allotted for public forum comments at any meeting. A majority vote of the Governing Body members present may approve to extend the total amount of time allotted for public forum at a meeting.

#### D. Public Input on Agenda Items

1. Public input on items listed under Public Hearings shall be taken pursuant to the Public Hearing procedures stated in these rules.
2. Any person wishing to address the Governing Body related to an item listed under Second Reading of Ordinances, First Reading of Ordinances, or Discussion and Deliberation, shall register in person with the City Clerk no later than fifteen (15) minutes prior to the scheduled start time of a meeting. Manner of address:
  - a. Each person shall seek the recognition of the presiding officer.
  - b. Only the person signed up to speak shall stand at the podium, unless assistance or accommodations are needed to provide the public input.
  - c. Each person shall give their name and either City Council District or address.
  - d. Comments shall be addressed to the Governing Body as a whole through the presiding officer and not to any members thereof.
  - e. No person shall enter into any discussion without the permission of the presiding officer.
  - f. Speakers will be recognized by the presiding officer in order of registration with the City Clerk.
  - g. Each person speaking on a specific agenda item shall have either one (1) or two (2) minutes in total for comments after being recognized by the presiding officer. The

presiding officer shall determine the specific amount of time given to speakers at a meeting.

h. No more than two (2) hours in total will be allotted for comments pertaining to a specific agenda item at any meeting. A majority vote of the Governing Body members present may approve to extend the total amount of time allotted for public input related to a specific agenda item at a meeting.

i. Public input can be submitted in writing to the City Clerk, as clerk of the Governing Body, prior to the date of the meeting in which the item is scheduled to be heard; however, only public input received before 4 p.m. on the day of the meeting will be entered into the record prior to the meeting.

#### E. Work Sessions

1. Work sessions may be held for the purpose of examining issues, policy discussions, and receiving information, but no official action or vote may be taken.
2. Work sessions are limited to two (2) hours unless a majority of the Governing Body members attending the work session consent to a time extension.
3. Agenda items may be submitted to the City Clerk by a Governing Body member or the City Manager. An item must be submitted for agenda item inclusion at least seven (7) days in advance of the meeting. Agenda items will be placed on the agenda in the order in which they are received by the City Clerk.
4. A Governing Body member placing an item on an agenda will be listed as “sponsor” for the item and notated into the official record. The Governing Body member will be responsible for presenting the item to the Governing Body at the work session meeting.
5. Any Governing Body member may request through the City Manager the drafting of materials by City staff for use at a work session meeting related to an item they intend to submit for inclusion on a meeting agenda. A Request for Work Session Material Form (see Appendix B) shall be submitted to the City Manager a minimum of thirty (30) calendar days prior to the desired work session meeting date. The City Manager will notify the Governing Body member within five (5) business days whether or not document drafting can be completed in the timeframe necessary to appear on the requested meeting agenda. If the requested meeting date cannot be accommodated, the City Manager will provide the reason(s) why and an alternative meeting agenda date will be selected.
6. No more than three (3) items will be placed on any work session agenda.
7. Public input will not be taken at a work session meeting.
8. Meetings shall be conducted in accordance with the Governing Body’s annually adopted Open Meetings Act Resolution, pursuant to Municipal Code Chapter 30, and 10-15-1 et. seq. NMSA, 1978.
9. The order of business for a work session meeting shall be:
  - Call to Order
  - Pledge of Allegiance
  - Discussion
  - Adjournment

#### F. Public Decorum

1. The presiding officer may bar anyone acting improperly from continuing their address to the Governing Body.

2. While the Governing Body is in session, no person shall disturb or cause a breach of the peace, pursuant to Municipal Code Section 131.05 Disturbing the Peace, or delay or interrupt the proceedings of the Governing Body.
3. Electronic devices shall be kept in silent mode during the meeting.
4. No signage, banners, posters, or props shall be held or displayed in the Governing Body Chambers, Overflow Room or the room where the meeting is occurring, if elsewhere, in a manner that blocks the view of others or creates a distraction from the business of the Governing Body.
5. The Director of the Department of Public Safety (Police), or their designee, shall serve as sergeant-at-arms.
6. The Director of the Department of Fire and Rescue, or their designee, shall enforce the room capacity, ingress and egress of the room where the Governing Body meeting is occurring.

## 2.4 Ordinances and Resolutions

A. Ordinances. An ordinance ranks highest in authority of all actions of the Governing Body. If duly enacted, an ordinance has the force of law within the municipality and may be enforced in municipal court.

1. Pursuant to Municipal Code Section 30.08, an ordinance, other than an ordinance pertaining to a land use and zoning matter as authorized in 3-21-6 NMSA, 1978, shall have two readings prior to adoption.
  - a. An ordinance shall be adopted by no less than four (4) affirmative votes, pursuant to City Charter Section 2.11.
  - b. If approved on first reading, an ordinance shall be published one time, by title and general summary, as a legal advertisement in a newspaper of general circulation within the City, no later than seven (7) days prior to the meeting at which it is to be considered for adoption.
  - c. An ordinance is presented for consideration and adoption at second reading.
  - d. An ordinance is open to amendment on first reading or upon second reading, in accordance with these rules.
  - e. Substantive amendments, which is defined as three (3) or more non-clerical and/or scrivener's error changes, offered at second reading shall require adoption of the ordinance to be postponed to a subsequent meeting to allow sufficient time for public notice.
  - f. Zoning and land use ordinances as authorized in 3-21-6 NMSA 1978 shall be published one time, by title and subject, as a legal advertisement in a newspaper of general circulation within the City, no later than fifteen (15) days prior to the meeting at which it is to be considered for adoption. Only one reading is required for zoning and land use ordinances, at which final action shall be taken, pursuant to Municipal Code Chapter Section 30.08.
2. Adopted ordinances shall become effective at the expiration of ten (10) days after adoption, or at any later date specified therein, pursuant to City Charter Section 2.11. Enacted ordinances shall be published one time, by title and general summary, as a legal advertisement in a newspaper of general circulation within the City, unless otherwise provided by law, pursuant to Municipal Code Section 30.08.

B. Resolutions. A resolution is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character. Governing Body action shall be taken by resolution when required by law and in those instances where a formal expression of policy is desired.

1. A resolution may be adopted at the meeting at which it is introduced, pursuant to Municipal Code Section 30.08.
  - a. Resolutions shall be adopted by no less than four (4) affirmative votes, pursuant to City Charter Section 2.11.
  - b. Resolutions shall remain in effect until rescinded or replaced by a subsequent resolution on the same subject.
  - c. Resolutions are open to amendment provided such amendment does not constitute a substantive change, which is defined as three (3) or more non-clerical and/or scrivener's error changes. Amendments shall be in accordance with these rules.
  - d. Substantive amendments offered to resolutions require the resolution to be postponed to a subsequent meeting to allow sufficient time for public notice.
2. Adopted resolutions shall become effective upon adoption unless a later date is specified in the resolution, pursuant to Municipal Code Section 30.08.

C. Withdrawal of Ordinances and Resolutions. An ordinance or resolution which has been introduced, as defined in these rules, is in the possession of the Governing Body and may be withdrawn only with the consent of the Governing Body.

D. Substitutes for Ordinances and Resolutions. A Governing Body member may recommend that every clause in an ordinance or resolution is changed and that entirely new matter is substituted, so long as the new matter is relevant to the title and subject of the originally introduced legislation. At least twenty-four (24) hours prior to the meeting date at which the matter is scheduled to be discussed, substitute language for an ordinance or resolution shall be submitted to the City Clerk, who will assign a substitute number and make available to Governing Body members.

E. Emergency Ordinances. An emergency ordinance is an ordinance adopted by the Governing Body to meet a public emergency affecting life, health, property, or the public peace. Such ordinances may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its services, pursuant to City Charter Section 2.12.

1. An emergency ordinance shall be introduced in the same manner as all other ordinances generally, except that it shall be titled an emergency ordinance and shall contain a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance is subject to amendment and can be adopted at the meeting at which it was introduced.
2. An adopted emergency ordinance shall be published and printed as all other adopted ordinances and shall become effective upon adoption or at a later time as it may specify.

F. Authentication. Enacted ordinances and resolutions shall be authenticated by signature of the Mayor and City Clerk and affixation of the City Seal, pursuant to City Charter Section 2.14 and Municipal Code Section 30.08.

## 2.5 Approval of Communication Documents

A. Communication documents are the class of action in which the Governing Body shall make the final determination upon the recommendation of the Mayor or the City Manager. Those items requiring

approval by the Governing Body shall include those stipulated in ordinance, resolution, or adopted rules and procedures, but not be limited to:

1. Mayor's communications recommending appointments to boards and commissions; and
2. City Manager communications recommending approval of contracts, administrative, or departmental requests.

B. Communications documents which have been introduced may be withdrawn upon an affirmative vote of the Governing Body members present.

C. Communication documents require a majority vote of the Governing Body members present to be approved. Approved communication documents do not require enactment or authentication, nor must they be legally advertised, unless otherwise provided law.

## 2.6 Appeals

Appeals to the Governing Body are the class of action mandated by the City Charter, statutory or ordinances provisions.

## 2.7 Motions

### A. Presentation of Motions

1. Main Motion. A main motion presents an ordinance, resolution, or other proposition for the passage, adoption, approval, or rejection. The question is stated in the positive form, "to pass," "to adopt," "to approve," "to confirm," or "to concur."
2. A main motion must be seconded before debate can take place and only one main motion may be on the floor at a time. A Governing Body member may give brief explanatory comments before stating the motion, but must refrain from debate until the motion has been seconded. In the absence of a second, the motion fails. Main motions are debatable, amendable, and can be reconsidered after adoption.
3. Motions become the official recorded statement of an action taken by the Governing Body. A motion should therefore be worded in a concise, unambiguous, and complete form appropriate to such a purpose.
4. A motion should not be offered if its only effect is to propose that the Governing Body refrain from doing something since the same result can be accomplished by no motion at all.

B. Withdrawal and Modification of Motions. Until a motion is seconded and stated, the mover may withdraw or modify the motion without consent. When a motion is seconded, and stated, it is in the possession of the Governing Body and can, therefore, be withdrawn or modified only by consent of the body.

## 2.8 Postponement of Action

A. Postponement (to a definite time). The motion to postpone defers action on a pending question to some definite, day, or meeting. When a question has been postponed to a certain time, it becomes an order of the day for that time. When the time to which a question has been postponed arrives and the question is taken up, it can be postponed again if the additional delay will not interfere with the proper handling of the postponed question, provided that there shall be no more than two (2) postponements for any item. The motion to postpone is debatable, amendable, and may be reconsidered.

B. To Table (Postpone Temporarily). Any measure before the Governing Body may be tabled temporarily at the same meeting. Items must be removed from the table and acted upon prior to adjournment. The motion to table is not debatable, not amendable, and cannot be reconsidered.

C. To Remove from the Table (Resume Consideration). The purpose is to bring before the Governing Body for action a question that has previously been laid on the table. The motion to remove from the table is not debatable, not amendable and cannot be reconsidered.

## 2.9 Reconsideration of Action

The purpose is to permit the Governing Body to reconsider a vote on previous action. The reconsideration of a negative vote on final action is as proper as reconsideration of a favorable vote.

A. Right of Reconsideration. The motion to reconsider may be made at the same meeting or a subsequent meeting. However, certain rules apply as appropriate under the circumstances.

1. The motion must be made by a member who voted on the prevailing side.
2. The motion to reconsider is inappropriate after the action taken has gone into effect or after it is too late for any reason, to reverse the action taken.
3. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.
4. Should the motion for reconsideration pass, the item is immediately before the Governing Body to be acted upon or scheduled for hearing at a subsequent meeting.
5. Should the motion for reconsideration fail, the item remains as adopted.
6. Either the motion to reconsider or notice of intent to reconsider must be made not later than the next regular meeting. A member of the Governing Body may indicate notice of intent to propose reconsideration either orally or in writing to the City Clerk.

B. Effect of Reconsideration. The effect of making the motion to reconsider, or of giving notice of the motion, is to suspend all action on the subject of the motion until the reconsideration is acted upon.

C. Reconsideration at a Subsequent Meeting.

1. When notice is required for a question, the Governing Body shall comply with all rules requiring public notice.
2. If reconsideration will be taken up at a subsequent meeting, notice of intent will be placed on the agenda by the City Clerk. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.

D. Debate of Motion. Debate on the motion to reconsider will be limited to the merits of the reconsideration and not the merits of the question to be reconsidered.

E. Vote. The passage of the motion to reconsider requires a majority vote, even if the measure to be reconsidered requires a two-thirds vote.

## 2.10 Appeal a Decision of the Presiding Officer

An appeal must be made promptly before any debate or other business has intervened. When an appeal is taken, the presiding officer should clearly state the decision being appealed and may state the reasons

for their decision. If there is no debate, or when debate is concluded, the presiding officer may put the question to the Governing Body. A majority vote of those present sustains a decision of the presiding officer.

### 2.11 Amendments

- A. Every amendment proposed must be relevant to the subject of the proposition.
- B. A proposed amendment takes precedence over the original motion out of which it arises and must be voted upon before the original motion.
- C. After an amendment is approved, the question as amended must be put to a vote.
- D. Rejection of an amendment leaves the pending question worded as it was before the amendment was offered.
- E. Form of Amendments
  - 1. Amendments should be offered in a concise, unambiguous, and in a complete form of a motion, to include the page and line number of the content to be amended.
  - 2. In form, amendments may be divided into the following types:
    - a. To add (that is to place at the end)
    - b. To insert
    - c. To strike out
    - d. To strike out and insert
- F. Decision on Amendments
  - 1. An amendment, once adopted, may not thereafter at the same meeting be changed or modified, except upon reconsideration of the vote by which it was adopted.
  - 2. When a proposed amendment has been defeated, the same amendment may not be proposed again without first reconsidering the vote by which the amendment lost.
  - 3. The presiding officer may require amendments to be submitted in writing.
- G. Withdrawing Amendments and Accepting Modification
  - 1. Amendments may be withdrawn before being seconded and stated by the presiding officer. After it is seconded and stated it is in the possession of the Governing Body and can be withdrawn only with the consent of the Governing Body.
  - 2. A member may modify an amendment before it is seconded and stated by the presiding officer. After it is seconded and stated, it is in the possession of the Governing Body and can be modified only with the consent of the body. The presiding officer may put the question of modification without waiting for a motion, if there is no objection.

## **Article III Governing Body Member Rules of Order**

### 3.1 Rules of Debate

Debate is the essential feature of a legislative body. It is the means by which the opinions of members are exchanged, questions deliberated, and conclusions reached on the business before the Governing Body.

A. To permit debate:

1. There must be a debatable question before the Governing Body, and one member must have been recognized by the presiding officer as entitled to speak.
2. All debate must be addressed to the presiding officer, and not to the other members or public.
3. Debate must be confined to the question before the Governing Body.

B. Time Limits. The presiding officer may set time limits in debate. No Governing Body member shall be permitted to speak more than once on any motion until every member wishing to speak has been allowed to do so.

C. Call the Question (Previous Question). Debate may be closed immediately by calling the question. The motion for the call for the question may motivate unanimous consent to ending debate. Before such a motion has been seconded, the presiding officer may ask if there is any objection to closing debate. If there is no objection, the presiding officer shall immediately call the question. If one member objects, the presiding officer shall ask if there is a second to the motion. If there is a second to the call, they must immediately take a vote on whether to order the call for the question. The call for the question requires a majority vote before the vote on the question to which applied. The call for the questions is neither amendable nor debatable and can be reconsidered.

### 3.2 Rules of Voting

A. Each City Councilor, and the Mayor when applicable pursuant to City Charter Section 3.01, in attendance must vote for or against all measures before the Governing Body, unless there is a conflict of interest, for which abstention is recognized. Such conflict of interest disclosure shall be recorded in the minutes.

B. A Governing Body member shall not explain their vote during voting, which would be the same as debate at such a time.

C. Except for procedural matters, voting shall be by roll call and each member's vote shall be recorded in the minutes. Roll call votes shall be at random. Actions declared as procedural by the presiding officer may be decided by a show of hands.

D. No member of the Governing Body shall participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item before the Governing Body in which the member has a conflict of interest. Further, in order to avoid the appearance of impropriety, any member determined to have a conflict of interest, as determined by majority vote of the Governing Body members present, on any agenda item before the Governing Body shall leave the meeting room. If the matter is being considered at a public meeting, the Governing Body member may remain in the area of the room occupied by the general public.

### 3.3 Decorum

A. Members must seek recognition of the presiding officer before speaking and must address all remarks through the presiding officer.

B. Members of the Governing Body shall confine their remarks to the question under discussion or debate, avoiding personal references or attacks on fellow members, City staff members, or members of the public. No member of the Governing Body shall engage in private discourse or commit any other act tending to distract the attention of the Governing Body from the business before it.

C. A member who resorts to persistent irrelevance or persistent repetition may be directed to discontinue their speech by the presiding officer.

D. Point of Order. A Governing Body member may call attention to the violation of the rules or a mistake in procedure by rising to a point of order. The presiding officer may permit a full explanation before ruling on the claim and may submit the question to the Governing Body for decision by a majority vote of the members present. The presiding officer is not required to decide any point of order not directly presented in the proceedings of the body. Such an assertion does not require a second, is not debatable nor amendable, and cannot be reconsidered.

E. Question of Privilege. Questions of privilege do not relate to pending business, but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. The presiding officer makes a ruling as to whether it is admitted as a question of privilege and whether it requires consideration before the pending business is resumed.

#### 3.4 Public Hearing Procedures

A. Reasonable efforts shall be made to give notice of public hearings to all interested people. Notice of public hearings shall state the subject, the time and place of the public hearing, the manner in which interested people may express their views, and where interested people may obtain copies of the material that is the subject of the hearing.

B. A meeting of the Governing Body is called to order and business, if any, is considered until the public hearing comes on the agenda.

C. All aggrieved persons, and materially relevant witnesses sponsored by such interested persons, wishing to participate in the public hearing and address the Governing Body shall register in person or via specified communications technology/equipment with the City Clerk no later than fifteen (15) minutes prior the scheduled start time of a related hearing. For the purposes of a Public Hearing, an Aggrieved Person is a person who has a direct personal or pecuniary interest, or a property right, which is affected by the decision being considered by the Governing Body. The Aggrieved Person's interest must be an immediate and substantial consequence of the decision, and not merely nominal or remote. Any person who receives specific notice of an official action which is required pursuant to ordinances shall be considered an Aggrieved Person. Those who register must provide name and address, and whether they wish to speak as a proponent or opponent, and how they qualify as an Aggrieved Person as defined above. Any person who fails to register shall not be permitted to speak.

D. All Aggrieved Persons offering testimony as parties to the proceeding and their materially relevant witnesses will be sworn by the City Clerk and may be questioned by the Governing Body. The Governing Body conducts de novo hearings, as such, an Aggrieved Person does not have to appear before the Planning and Zoning Board to participate as a party in a land use proceeding. However, appeals of final

decisions of the Planning and Zoning Board may only be brought by an “Aggrieved Person” who appeared before the Planning and Zoning Board.

E. The order of speakers for a Public Hearing item is:

1. City staff presentation
2. Proponent/Applicants
3. Opponent/ Aggrieved Persons
4. Governing Body question of parties (also allowed throughout the proceeding)

The presiding officer may change the order of speakers so that testimony is heard in the most logical groupings.

F. The presiding officer will introduce the item, open the public hearing and call upon the City staff to submit its report into evidence, and request the proponent to describe the matter under consideration.

G. Aggrieved Persons shall have the opportunity to submit data, views, or arguments orally or in writing. All written material must be marked as exhibits, submitted to the City Clerk a minimum of ten (10) days prior to the hearing date, and placed into evidence as part of the administrative record.

H. The presiding officer may establish reasonable speaker time limits and otherwise control presentations to avoid repetition or the introduction of irrelevant evidence. Additional time may be granted if appropriate and necessary to secure a full and fair presentation of either factual or opinion testimony or of legal argument.

I. After the proponents and opponents have had an opportunity to be heard, the presiding officer will allow Governing Body members to ask questions of the parties and Aggrieved Persons.

J. After the Governing Body has heard all the evidence, the presiding officer closes the public hearing and entertains a motion. Following the motion and its second, discussion occurs among the body. Comments from the general public on legal or policy matters raised by the proceeding may be received after the close of the public hearing, but will not be considered as evidence or as part of the record by the Governing Body. The presiding officer calls the question and requests identification and adoption of proposed facts and conclusions of law that support the Governing Body’s decision to be issued in a written order.

K. The Governing Body shall promptly prepare a written decision that includes an order granting or denying relief and a statement of the factual and legal basis for the order; shall file the order with the City Clerk; and shall mail a copy of the written decision to all persons who appeared as Aggrieved Persons in the proceeding. Mailing will be done by certified mail to the address provided by the Aggrieved Person at the proceeding.

L. No member of the Governing Body shall initiate, permit or consider a communication directly or indirectly with a party or the party’s representative outside of the hearing and outside of the presence of all interested parties concerning the pending matter, pursuant to Municipal Code Section 39.23.

#### **Article IV General Procedures**

##### **4.1 City Councilor Responsibilities**

In addition to other duties, responsibilities, and rights pursuant to the City Charter and adopted ordinances and resolutions, a City Councilor shall:

1. In all public statements, make clear that they speak only for themselves unless authorized by the Mayor or a majority of the City Council to speak for the Governing Body as a whole.
2. Ensure that the Mayor is informed, as soon as practical of significant communications with outside entities, be they either directed to, or initiated by the City Councilor.
3. Refrain from negotiating contracts on behalf of the City. Only the City Manager, or their designee(s), can negotiate a contract on behalf of the City pursuant to City Charter Section 3.07.

#### 4.2 Supplemental Legal Opinions

A. Pursuant to City Charter Section 5.05, the City Attorney shall serve as chief legal advisor to the Mayor, Governing Body, City Manager, and all City departments, offices and agencies. The Mayor or any City Councilor may request a supplemental legal opinion by making a written request and having the request, in the form of a communication document, placed on the agenda of the Governing Body per the timelines stated in these rules.

B. The request for supplemental legal opinion shall identify the opinion from which the supplemental opinion is sought and the basis for disagreement with the opinion.

C. The Governing Body may, in its discretion, approve or reject the request for supplemental legal opinion by a majority vote of its members present during a Governing Body meeting.

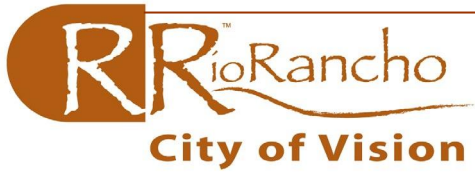
D. If the Governing Body approves the request for supplemental legal opinion, the lawyer or law firm selected will be by mutual consent of the member seeking the supplemental opinion and the remaining members of the Governing Body. The Governing Body will also approve payment of the costs of the supplemental legal opinion from City funds.

E. The Governing Body will approve no more than one supplemental legal opinion on any given subject. This provision does not prevent the Mayor or any City Councilor from retaining from their private funds an attorney to render additional opinions on any matter whatsoever.

F. Any request for supplemental legal opinion which fails to obtain a majority vote of the members present in the affirmative shall not be reintroduced to the Governing Body for a period of six (6) months.

#### 4.3 Committees

From time-to-time, the Governing Body may deem it necessary to establish temporary, advisory committees to formulate recommendations. The creation of such committees shall be in accordance with City Charter Article 5 and Municipal Code Chapter 33 provisions pertaining to boards/commissions/committees.



### Legislation Drafting Request Form

Date: \_\_\_\_\_ Elected Official Name: \_\_\_\_\_

1. Resolution or Ordinance: \_\_\_\_\_

2. Requested Meeting Date for Consideration: \_\_\_\_\_

3. Subject: \_\_\_\_\_

\_\_\_\_\_

4. Intent: \_\_\_\_\_

\_\_\_\_\_

5. Proposed Effective Date: \_\_\_\_\_

6. Background Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Funding Source (if applicable): \_\_\_\_\_

\_\_\_\_\_

8. Other: \_\_\_\_\_

\_\_\_\_\_

9. List of Documentation Provided/Attached: \_\_\_\_\_

\_\_\_\_\_

---

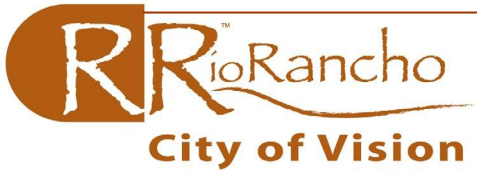
*City Manager (or designee) Response*

Requested Meeting Date Confirmation: \_\_\_\_\_

Alternate Meeting Date: \_\_\_\_\_

Reason(s) for Alternate Meeting Date: \_\_\_\_\_

\_\_\_\_\_



### Work Session Material Request Form

Date: \_\_\_\_\_ Elected Official Name: \_\_\_\_\_

1. Requested Meeting Date: \_\_\_\_\_

2. Material Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Intent: \_\_\_\_\_

\_\_\_\_\_

4. Background Information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Other: \_\_\_\_\_

\_\_\_\_\_

6. List of Documentation Provided/Attached: \_\_\_\_\_

\_\_\_\_\_

---

*City Manager (or designee) Response*

Requested Meeting Date Confirmation: \_\_\_\_\_

Alternate Meeting Date: \_\_\_\_\_

Reason(s) for Alternate Meeting Date: \_\_\_\_\_

\_\_\_\_\_