

VILLAGE OF TIJERAS
RESOLUTION NO 2020-01
ADOPTING GOVERNING BODY RULES OF PROCEDURE

WHEREAS, The Village Council of the Village of Tijeras, along with the Mayor of the Village of Tijeras (Governing Body) must have rules to promote the orderly and businesslike consideration of the questions which come before it for determination; and

WHEREAS, Rules determine the priority and manner of consideration of questions and provide an orderly and methodical plan so that the business of the public may receive proper consideration; and

WHEREAS, NMSA, 1978 §3-12-3A. (5), provides that the Governing Body shall determine the rules of its own proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF the Village of Tijeras that:

ARTICLE I
GENERAL PROVISIONS

1.1 Meetings

- A. Meetings of the Governing Body shall be held in accordance with the Open Meetings Act, NMSA, 1978, §10-15-1 et. seq.
- B. All binding actions of the Governing Body shall be taken at regular meetings, special meetings, 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 front door of the Village hall, 12 Camino Municipal Tijeras, N.M. Only matters appearing on the agenda of the original meeting will be discussed at the reconvened meeting.
- D. Notice of all meetings shall be in accordance with the Governing Bodies annual Open Meetings Resolution.
- E. Work sessions may be held for the purpose of discussing public business, they must be open to the public and notice must be given as any other meeting, but no official action may be taken.
- F. Closed meetings are permitted only for the following:
 - 1. meetings pertaining to issuance, suspension, renewal or revocation of a license, except that a hearing at which evidence is offered or rebutted shall be open. All final actions must be taken at an open meeting;
 - 2. limited personnel matters; provided that for purposes of this Act, "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this subsection shall not be construed as

- to exempt final actions on personnel from being taken at open public meetings; nor does it preclude an aggrieved public employee from demanding a public hearing;
3. deliberations by a public body in connection with an administrative adjudicatory proceeding. An "administrative adjudicatory proceeding" means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. The actual proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting;
 4. the discussion of personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise;
 5. meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the policy-making body and a bargaining unit representing the employees of that policy-making body and collective bargaining sessions at which the policy-making body and the representatives of the collective bargaining unit are present;
 6. that portion of meetings at which a decision concerning purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source and that portion of meetings at which the contents of competitive sealed proposals solicited pursuant to the Procurement Code are discussed during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;
 7. meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant;
 8. meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body; and
 9. those portions of meetings of committees or boards of public hospitals that receive less than fifty percent of their operating budget from direct public funds and appropriations where strategic and long-range business plans are discussed.
 10. that portion of a meeting of the gaming control board dealing with information made confidential pursuant to the Gaming Control Act. NMSA 1978 §10-15-1H.
 11. a meeting that is closed to the public may be convened if notice of it is given in the same manner as for other meetings stating the authority for the closure and the subject to be discussed.
 12. an open meeting may be closed during the meeting by a majority vote of the quorum present, if the authority for closure and subject to be discussed is announced prior to the vote to close it which shall be done in an open meeting and each individual member's vote must be recorded in the minutes.
 13. only those subjects announced prior to closure may be discussed in a closed meeting and the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting

were limited only to those specified in the motion for closure or in the notice of the separate closed meeting.

1.2 Attendance

- A. Members of the Governing Body are expected to be physically present at all scheduled meetings.
- B. Members of the Governing Body, if for bona fide or personal reasons are unable to physically attend may on approval of the Governing Body attend a meeting by phone as long as they get the permission of the remainder of the Governing Body.
- C. Any member of the Governing Body who is absent for three council meetings in one calendar year may be removed for malfeasance in office by the district court upon complaint of the mayor or the governing body pursuant to NM Statute 3-10-17.

1.3 Duties of the Mayor

- A. The mayor shall possess the powers and perform the following duties:
 - 1. Give direction and final approval of Village Clerks preparation of all Agendas and assure the Village Clerk does the proper posting or advertising.
 - 2. Preserve order and decorum and have general direction of the meetings.
 - 3. Announce the business before the Body in the order in which it is to be acted upon.
 - 4. Recognize the speakers entitled to the floor and guide and direct the proceedings of the body.
 - 5. Decide subject to appeal to the Council all points of order however any such question may be submitted directly by the Mayor to the Governing Body.
 - 6. Put to vote all questions that are regularly moved or otherwise arise in the course of the proceedings.

1.4 Rules

- A. 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. These rules may be amended, repealed, altered, or rescinded by Resolution of the Governing Body.
- C. Except where law prohibits it, these rules, or any part thereof, may be temporarily suspended by the Governing Body. When the suspension of a rule is requested and there is no objection, the presiding officer shall announce the rule suspended and the Governing Body may proceed accordingly.
- D. Violation of these rules does not affect or invalidate any action of the Governing Body.

ARTICLE II PROCEDURES

2.1 Agendas

- A. Agendas may contain a consent calendar of items which are routine or ministerial in nature.
- B. The consent calendar is approved by a single motion and any member of the Governing Body may request an item to be withdrawn from the consent calendar without discussion or vote.
- C. All material to be presented to the Governing Body shall be submitted to the Village Clerk not later than 72 hours (excluding Saturday, Sunday, or legal holidays) prior to the time they will be available to the members of the public and the Governing Body.
- D. Agendas, along with Agenda material packet, shall be available to the public and each member of the Governing Body at least 96 hours (excluding Saturday, Sunday, and legal holidays) in advance of the meeting.

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, unless verbatim minutes are requested by any member of the Governing Body.
- B. 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.
- C. Previously approved minutes may on majority vote of the Governing Body be corrected whenever an error is noticed, even if the correction is done after presentation to and approval by the Governing Body.

2.3 Order of Business

- A. The order of business of the Governing Body shall be conducted in the following order; provided, however that the presiding officer or a member of the Council may, during a meeting, rearrange items on the agenda to conduct the business before the Governing Body more efficiently:
 - Call to order and Pledge of Allegiance
 - Public Forum
 - Consent Calendar
 - Staff Reports
 - Public Hearings
 - Ordinances
 - Action Items
 - Adjournment

2.4 Appeals

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

2.5 Proposals for Action

- A. Proposals for action shall be presented to the Governing Body for its determination as a definite proposition in the form it is desired that the action

- be taken or question resolved.
- B. Proposals for action shall be in the format adopted by the Administration.

ARTICLE III 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 body.
- A. To permit debate:
 - 1. There must be a debatable question before the body, and one member must have been recognized as entitled to speak.
 - 2. All debate must be addressed to the presiding officer, and not to the members.
 - 3. Debate must be confined to the question before the body.
 - B. Time Limits. The presiding officer may set time limits in debate.
 - 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 chair 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, he must immediately take a vote on whether to order the call for the question. The call for the question requires a two-thirds (2/3) 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 councilor 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 member shall not explain his 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 councilor'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 or voice vote.
- 3.3 Decorum
- A. Members 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, 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.

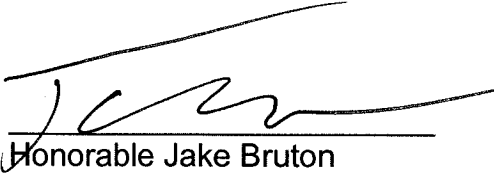
- C. A member who resorts to persistent irrelevance or persistent repetition may be directed to discontinue his speech by the presiding officer.
- D. Point of Order. A councilor may call attention to the violation of the rules or a mistake in procedure by rising to a point of order. The presiding officer 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. 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. At the beginning of the public hearing, the presiding officer shall require that all interested persons, who have an immediate, pecuniary or direct interest that will be substantially and specifically affected by the proceeding, and witnesses sponsored by such interested persons, wishing to address the Governing Body register with the Village Clerk, giving their names and addresses, and whether they wish to speak as a proponent, opponent, or otherwise. Any person who fails to register shall not be permitted to speak until all those who signed in have spoken.
- C. All interested persons offering testimony as parties to the proceeding and their witnesses will be sworn by the Village Clerk and are subject to cross-examination by other parties, Village staff or the Governing Body.
- D. The presiding officer may change the order of speakers so that testimony is heard in the most logical groupings, e.g., proponents, opponents, adjacent owners, vested interests, etc.
- E. The presiding officer will introduce the item, open the public hearing and call upon the staff to submit its report into evidence and request the proponent to describe the matter under consideration.
- F. Interested 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 Clerk, and placed into evidence as part of the administrative record.
- G. The presiding officer may establish reasonable speaker time limits.
- H. 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.

ARTICLE IV
ADOPTION

PASSED, ADOPTED, AND APPROVED this 13th day of January, 2020.



Honorable Jake Bruton
Mayor
Village of Tijeras

ATTEST:

By: Michael Wismer
Print Name

Michael Wismer
VOT Village Clerk