

Jack L. Fortner
Chairman

Jim Crowley
Chairman Pro-Tem

GloJean Todacheene
Member

Michael Sullivan
Member

John T. Beckstead
Member



Mike Stark
County Manager

Fran Fillerup
County Administrative Officer

Jim Cox
Chief Financial & Strategy Officer

100 South Oliver Drive
Aztec, New Mexico 87410
Phone: (505) 334-4271 Fax: (505) 334-3168
www.SJCounty.net

**SAN JUAN COUNTY, NEW MEXICO
RESOLUTION NO. 18-19-55**

**ADOPTING RULES OF PROCEDURE FOR MEETINGS OF
THE BOARD OF COUNTY COMMISSIONERS**

WHEREAS, the Board of County Commissioners 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 business may receive proper consideration; and

WHEREAS, NMSA 1978, § 4-38-8 (1884, amended 1981) provides that the Board of County Commissioners shall determine rules of its own proceedings.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of San Juan County, New Mexico, that the following rules of procedure are hereby adopted:

**ARTICLE I
GENERAL PROVISIONS**

1.1 Meetings

- A. Meetings of the Board of County Commissioners shall be held in accordance with NMSA 1978, § 4-38-8 (1884, amended 1981).
- B. All binding actions of the Board of County Commissioners shall be taken at regular meetings, special meetings, or emergency meetings.
- C. The Board of County Commissioners may recess and reconvene a meeting to a subsequent date provided that prior to recessing, the Chair 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 San Juan County Administration Building in the same manner as Notice of all meetings. 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 Open Meetings Resolution as adopted in accordance with the Open Meetings Act, NMSA 1978, §§ 10-15-1 to -4 (1974, amended 2013).

E. **Work Sessions**

1. Work sessions may be held for the purpose of examining issues, but no official action may be taken.
2. Work sessions will be held for the purpose of formulating policy issues and fostering discussion among Commissioners.
3. Public input will be allowed only at the discretion of the Chair.
4. Work sessions will be noticed as special meetings.

1.2 Attendance - Members of the Board of County Commissioners are expected to attend all regularly scheduled meetings and shall make every effort to attend all special meetings and work sessions.

1.3 Duties of the Chair

A. The Chair shall possess the powers to and perform the following duties:

1. Preserve order and decorum and have general authority over the meetings and Commission Chambers.
2. Announce the business before the Commission 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 Commission.
4. Call for public input on agenda items as appropriate.
5. Decide all points of order, subject to appeal, unless he/she prefers to submit the question to the decision of the Commission.
6. Put to vote all questions that are regularly moved or otherwise arise in the course of the proceedings.

B. In the absence of the Chair, upon the Chair's inability to act, or upon the request of the Chair, the Chair Pro-Tem shall preside and shall have all the powers and authority of the Chair.

1.4 Adopted Rules

A. Any matter not covered by these rules shall be governed by decision of the Chair, 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 Board of County Commissioners, after notice of intended proposal. Such notice shall be presented at a regular meeting of the Commission.

C. Suspension of Rules. Except for statutory provisions, these rules, or any part thereof, may be temporarily suspended by a two-thirds vote of Commissioners present. When the suspension of a rule is requested, and no objection is offered, the Chair shall announce the rule suspended, and the Commission may proceed accordingly.

- D. Violation of Rules. Violation of these rules does not invalidate action of the Commission.

ARTICLE II PROCEDURES

2.1 Preparation and Distribution of Agendas

- A. The County Manager shall prepare the agenda for all Commission meetings.
1. The County Manager may utilize a consent agenda for the purpose of disposing of routine, non-controversial, or ministerial matters.
 2. Matters may be removed from the consent agenda at the request of any member of the Commission.
 3. The County Manager shall assure that scheduled public hearings have been duly advertised.
 4. Members of the Commission may submit matters to be included on the agenda to the County Manager and inclusion on the agenda shall not be unreasonably denied.
- B. All material to be presented to the Commission shall be submitted to the County Manager no later than 96 hours prior to the meeting date.
- C. The agenda, along with introductions and related material, shall be available to each member of the Commission at least 72 hours in advance of the meeting.
- D. Agenda items for work sessions held in accordance with Section 1.1 E of these rules may be submitted to the County Manager by the Chair, Commissioners, or the County Manager.
1. Agenda items for work sessions will be placed on the agenda in the order in which they are received by the County Manager.
 2. The County Manager, in consultation with the Chair, shall determine the length of a work session agenda.

2.2 Minutes

- A. Minutes shall include, at a minimum, the date, time, and place of the meeting, the names of Commissioners in attendance and those absent, the substance of the proposals considered, and a record of any decisions and votes taken that show how each Commissioner voted.
- B. Approval of the minutes shall be placed on the consent agenda. Unless a reading of the minutes is requested by a Commissioner, the minutes of previous meetings may be corrected and approved without reading.
- C. Previously approved minutes may be corrected whenever an error is noticed, although the time to reconsider the vote has elapsed in accordance with section 2.10 of these rules.

2.3 Order of Business

A. The order of business of the Board of County Commissioners shall be conducted in the following order; provided, however, that the Chair may, during a meeting, rearrange items on the agenda to conduct the business before the Commission more efficiently:

Call to Order, Invocation, and Pledge of Allegiance

Presentations

Canvass Board

Board of Finance

Indigent Hospital Claims Board

Approval of Agenda

Consent Agenda (Approved by a single motion. Any member of the Governing Body may request an item to be withdrawn from the consent agenda without discussion or vote. Any item so removed shall become the last item of New Business.)

Old Business (Specifically enumerated by topic)

New Business (Specifically enumerated by topic)

Report from County Manager

Reports from Elected Officials

Reports from Department Heads

Public Forum (Limited to 3 minutes per person on subjects the Commission has not previously discussed or formal action has not been taken.)

Closed Executive Session

Adjournment

B. The order of business for work sessions shall be determined by the County Manager.

2.4 Ordinances and Resolutions

A. Ordinances. An ordinance ranks highest in authority of all actions of the Board of County Commissioners. If duly enacted, an ordinance has the force of law within the unincorporated portions of the County and may be enforced in Magistrate or District Court.

1. Ordinances shall be adopted in accordance with NMSA 1978, § 4-37-1 (1975).

2. Ordinances are open to amendment provided such amendment does not constitute a substantive change. Amendments shall be in accordance with Section 2.12 of these rules.

3. Substantive amendments offered at the meeting where adoption is scheduled shall require adoption of the ordinance to be postponed to a subsequent meeting and may require re-publication.

B. Resolutions. A resolution is an internal legislative act that is a formal statement of policy concerning matters of special or temporary character.

1. Commission action shall be taken by resolution when required by law and in those instances where a formal expression of policy is desired.
 2. Resolutions are open to amendment provided such amendment does not constitute a substantive change. Amendments shall be in accordance with Section 2.12 of these rules.
 3. Substantive amendments offered to resolutions may require the resolution to be postponed to a subsequent meeting.
- C. **Withdrawal of Ordinances and Resolutions.** An ordinance or resolution which has been introduced and stated by the Chair is in the possession of the Commission and may be withdrawn only with the consent of the Commission.
- D. **Substitutes for Ordinances and Resolutions.** A Commissioner may recommend that every clause in an ordinance or resolution be changed and that entirely new matter be substituted, so long as the new matter is relevant to the title and subject of the original measure.

2.5 Approvals - Approvals are the class of action in which the Commission shall make the final determination upon the recommendation of the County Manager. Examples include, but may not be limited to:

- A. Chairman's communications recommending appointments to boards and commissions;
- B. Approval of contracts and administrative or departmental requests. Approvals require a majority vote of those present and voting on the matter.

2.6 Proposals for Action

- A. Proposals for action shall be presented to the Board of County Commissioners 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 submitted in Staff Summaries.

2.7 Motions

Presentation of Motions:

- A. **Main Motion.** A main motion presents an ordinance, resolution, or other proposition for the passage, adoption, or approval. The question should be stated in the positive form, "to pass", "to adopt", "to approve", "to confirm", "to concur". Motions in the negative such as "I move we don't approve x" are simply confusing and lead to mistakes.
- B. 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 Commissioner may give brief explanatory comments before stating the motion but must refrain from debate until the motion has been seconded and stated by the Chair. In the absence of a second, the motion fails. (This method of killing a motion is the least desired because the body has not formally taken any action on the proposition; it has simply failed to act.) Main motions are debatable, amendable, and can be reconsidered after adoption.

- C. Motions become the officially recorded statement of an action taken by the Commission. A motion should therefore be worded in a concise, unambiguous, and complete form appropriate to such a purpose.
- D. A motion should not be offered if its only effect is to propose that the body refrain from doing something since the same result can be accomplished by no motion at all.

2.8 Postponement of Action

- A. Postponement (to a definite time). The motion to postpone defers action on a pending question to some definite, time, 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. The motion to postpone is debatable, amendable, and may be reconsidered. This may also be referred to as a motion to table to a future meeting.
- B. To Table (postpone temporarily). Any measure before the Commission 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. Motions not removed from the table and disposed of fall to the floor at the end of the meeting, although this is not the preferred practice.
- C. To Remove from the Table (resume consideration). The purpose is to bring before the Commission 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 Commission 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 Commissioner 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 Commission to be acted upon or scheduled for hearing at a subsequent meeting.
 5. Should the motion for reconsideration fail, the item remains as previously 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 Commission may indicate notice of intent to propose reconsideration either orally or in writing.
 7. A motion to reconsider shall be an agenda item.

- 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 Commission 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. 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 simply a majority vote.

2.10 Appealing a Decision of the Chair - An appeal must be made promptly before any debate or other business has intervened. When an appeal is taken, the Chair should clearly state the decision being appealed and may state his/her reasons for the decision. If there is no debate, or when debate is concluded, the Chair may put the question to the Commission. A majority vote of those present sustains a decision of the Chair.

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 adopted, 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.
 - 2. In form, amendments should 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.
- G. The Chair may require amendments to be submitted in writing.
- H. Withdrawing Amendments and Accepting Modification
 - 1. Amendments may be withdrawn before being seconded and stated by the Chair. After it is seconded and stated it is in the possession of the Commission and may be withdrawn only with the consent of the Commission.

2. A Commissioner may modify an amendment before it is seconded and stated by the Chair. After it is seconded and stated, it is in the possession of the Commission and can be modified only with the consent of the Commission. The Chair may put the question of modification without waiting for a motion, if there is no objection.

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 Commission.

A. To permit debate:

1. There must be a debatable question before the Commission, and one Commissioner must have been recognized as entitled to speak.
2. All debate must be addressed to the Chair, and not to the members of the Commission or the public.
3. Debate must be confined to the question before the Commission.

B. Time Limits. The Chair may set reasonable time limits in debate.

C. Call the Question (Previous Question). Debate may be closed immediately by calling the question or more properly by moving the previous question. The motion for the call for the question may motivate unanimous consent to end 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 Chair shall immediately call the question and put the question to a vote. If any Commissioner objects, the Chair shall ask if there is a second to the motion. If there is a second to the call, the Chair must immediately take a vote on whether to order the call for the question.

3.2 Rules of Voting

- A. Each Commissioner in attendance must vote for or against all measures before the Commission, 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 Commissioner shall not explain his or her vote during voting, which would be the same as debate at such a time. After the vote is concluded and results announced, a Commissioner may explain his or her vote.
- C. Votes may be made by "yeas and nays" and the vote of each Commissioner shall be recorded in the minutes. A notation of "unanimous" is acceptable. Any Commissioner may request a roll call vote.

3.3 Decorum

- A. Members must address all remarks through the Chair.
- B. Members of the Commission shall confine their remarks to the question under discussion or debate, avoiding personal references or attacks on fellow Commissioners, Staff, or members of the public. No Commissioner shall engage in

private discourse or commit any other act tending to distract the attention of the Commission from the business before it.

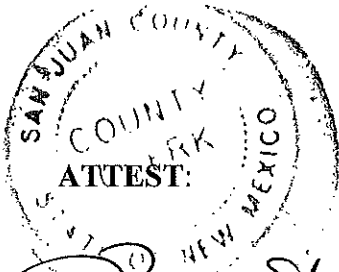
- C. A Commissioner who resorts to persistent irrelevance or persistent repetition may be directed to discontinue his speech by the Chair.
- D. Point of Order. A Commissioner may call attention to the violation of the rules or a mistake in procedure by rising to a point of order. If the breach of the rules or decorum is serious, the Commissioner may interrupt another speaker. The Chair may permit a brief explanation before ruling on the claim or may submit the question to the Commission for decision by a majority vote. The Chair is not required to decide any point of order not directly presented in the proceedings of the Commission. Such an assertion (point of order) does not require a second, is not debatable nor amendable, and cannot be reconsidered, although the decision of the Chair may be appealed.
- 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 Chair 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, 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 Chair 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 Commission register with the County Manager's office, giving their names and addresses, and whether they wish to speak as a proponent, opponent, or otherwise. Any person who fails to register may 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 County Clerk and are subject to cross-examination by other parties, Staff, or the Commission.
- D. The Chair 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 Chair will introduce the item, open the public hearing, and call upon 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 Chair may establish reasonable speaker time limits.

- H. After the Commission has heard all the evidence, the Chair closes the public hearing and entertains a motion. Following the motion and its second, discussion occurs among the Commission.
- I. The Commission may appoint a Hearing Officer to conduct any hearing on its behalf and submit the evidence to the Commission for future action. Liquor License hearings and Subdivision review hearings shall be conducted by the County Attorney or his Deputy at a time prior to the Commission meeting where action is to be taken. At the Commission meeting, the Chair may ask the Hearing Officer to introduce the matter. Any Commissioner may ask questions of the Hearing Officer or applicant, but no additional evidence may be received.

PASSED, APPROVED, AND ADOPTED this 7th day of March, 2019.



Tanya Shelby
Tanya Shelby, County Clerk

**BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO**

By: *Jack L. Fortner*

Jack L. Fortner, Chairman