



**SANDOVAL COUNTY, NEW MEXICO
RESOLUTION NO. 1-17-19.12
RULES OF PROCEDURE RESOLUTION**

WHEREAS, the Sandoval County Board of County Commissioners (“the Commission”) seeks to set Rules of Procedure to govern its meetings;

WHEREAS, the Commission rescinds and supersedes any prior rules of procedure set, including but not limited to Resolution No. 1-18-18.9a;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners, Sandoval County adopts the following Rules of Procedures effective until and unless superseded or amended by future Commission Resolution:

ARTICLE I-MEETINGS

All meetings of the Sandoval County Board of Commissioners shall be open to the public unless closed pursuant to the New Mexico Open Meetings Act, Section 10-15-1 *et seq* NMSA 1978, as amended.

1. Location of Meetings Meetings of the Sandoval County Board of Commissioners will normally be held at the Sandoval County Administrative Building, 1500 Idalia Road, Building D, 3rd Floor, Bernalillo, New Mexico, 87004.

2. Regular Meetings A. Regular meetings will be held each month on the dates as specified by Commission Resolution prior to the beginning of each calendar year. Generally, regular meetings of the Board will be held each month on the first and third Thursday of the month. The final agenda will be available at least seventy-two (72) hours prior to the meeting from the Office of the County Manager, located at 1500 Idalia Road, Building D, 3rd Floor, Bernalillo, New Mexico and also on the County’s website www.sandovalcountynm.gov/commission/sccmeetings/ .

B. A member of the Board may participate in a meeting by means of a telephone conference when it is otherwise difficult or impossible for the member to attend the meeting in person. Any member participating by telephone conference shall be identified when speaking. The Board shall ensure that all members of the Board and of the public are able to hear any member of the board who speaks during a meeting.

3. Special or Informal Meetings a. Special Meetings may be called as required by law or by the Chair or a majority of the members (in a prior open meeting) upon seventy-two (72) hours’ notice. The notice shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two (72) hours before any special meeting.

b. The Chair or County Manager may schedule informal meetings, attendance at events, inspections, trips, or retreats. When a quorum of the Commission will or may be present, notice of these meetings shall be given in the same manner as special meetings. Minutes of these meetings shall be made by an individual designated by the Chair.

4. Emergency Meetings. Emergency meetings will be called 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. The Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or the County Manager upon twenty-four (24) hours' notice unless a threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the County Manager shall report to the attorney general's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the attorney general is waived upon the declaration of a state or national emergency.

5. Notice for all Meetings. A. For the purpose of all meetings, as described in Paragraphs 2, 3, and 4 of this Resolution, notice requirements are met if notice of the date, time, place and agenda is posted on the first floor official bulletin board located in the Sandoval County Administrative Building, 1500 Idalia Road, Building D, Bernalillo, New Mexico and posted on the Sandoval County website, www.sandovalcountynm.gov. Copies of the written notice shall also be provided to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

B. Notice shall, at a minimum, contain the date, time and place of such meeting and shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting. The Commission, in its sole discretion, additionally may include in such notice a brief description as to an item or items to be considered at meetings.

C. The Chair of the Commission ("Chair") shall set the Agenda for Commission meetings.

D. Except for emergency matters, the Commission shall take action only on items appearing on the agenda. For the purposes of these Rules, "emergency matter" refers to unforeseen, circumstances that if not addressed immediately by the Commission, will likely result in injury or damage to persons or property or substantial financial loss to the County.

6. Agendas.

A. The County Manager shall prepare and disseminate the agenda. The Chair shall approve the draft Agenda prior to the meeting. The Chair, County Manager, or a majority of the Commissioners in a previous meeting (at the initiation of at least one Commissioners) may place an item on the agenda.

B. The Chair and County Manager may meet to discuss the Agenda. Items for Final Action on an Administrative Meeting agenda may be placed on the Consent Agenda by the County Manager, after consultation with the Chair, if s/he believes that no discussion or amendment is needed. Thereafter, the County Manager shall finalize the agenda and post it on the Notice bulletin board in the County Administration building and on the County's website, www.sandovalcountynm.gov.

C. The materials which accompany an agenda may be obtained by requesting these from the County Manager's Office on the 3rd floor of the County Administration Building or from the County's website, 72 hours prior to a regular meeting.

7. Compliance with State Statutes. Substantial compliance with any one of the foregoing methods of giving notice shall constitute compliance with Chapter 10, Article 15, NMSA 1978, as amended.

8. Closed Meetings. The Board may close a meeting to the public only if the subject matter of such discussion or action is excerpted from the open meeting requirements under § 10-15-1(H) and (I) of the Open Meetings Act.

9. Cancellations and Different Meeting Times and Locations. Meetings may be canceled or scheduled at different times and location than set forth herein. The announcement of such changes should be made, when possible, at a prior meeting of the full County Board of Commissioners meeting.

10. Accessibility. Public documents, including agenda and minutes, can be provided in various accessible formats. Please contact the County Clerk's Office at (505) 867-7572, if a summary or other type of accessible format is needed. In addition to the information specified above, all notices shall include the following language:

“NOTICE TO PERSONS WITH DISABILITIES: If you are an individual with a disability who is in need of a reader, amplifier, qualified sign or language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the County Manager's Office at (505) 867-7500 as soon as possible before the meeting date, preferably one week prior to the meeting date.”

11. Quorum. A majority of the members of the Commission shall constitute a quorum thereof.

12. Addressing Meetings.

A. Persons may be invited by Commissioners, subject to approval by the Chair, to address it on a particular agenda item or for the purposes of a general address or to make a presentation to the Commission. If the matter is a presentation, such shall be limited to 15 minutes.

B. Persons desiring to speak before the Commission on a particular agenda item shall be asked to sign in on the designed sign-in sheet for Agenda Items prior to the beginning of the meeting. Comments must be germane to the particular agenda item.

C. Persons desiring to speak before the Commission on topics not related to an agenda item shall be asked to sign in on the designed sign-in sheet for General Public Comment prior to the beginning of the meeting. Comments from the public that address personnel issues or a personnel dispute, active litigation, active grievance/arbitration, active collective bargaining negotiations or an impasse in such negotiations, or quasi-judicial proceedings where the Commission determines the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding (including, but not limited to zoning cases) will not be entertained as part of Public Comment.

D. Comments, either for agenda items or general public comment, shall be limited to three minutes. With notice at the beginning of the meeting, the Chair may decrease comment length from three minutes to two minutes, at his or her discretion. Restrictions for time do not apply to the County Manager, County Attorney, persons invited to speak by the Commission or parties to quasi-judicial hearings.

E. Persons desiring to submit written comments to the Commission may do so at any time.

F. No signs, props, posters, or banners will be allowed in Commission Chambers other than those displayed during presentations on the overhead monitors.

13. Attendance. Commissioners shall attend all meetings of the Commission unless excused by the Chair.

14. Disturbing Meetings. It shall be unlawful to disturb any meeting of the Commission or any of its Committees or to behave in a disorderly manner at any such meeting. There will be no tolerance for disruptive public outbursts or disruptions that impede the orderly progress of a meeting. The Chair or Vice Chair or the presiding Commissioner will provide one warning to anyone who causes a disruption. Upon a second or continued disruption, the Chair or Vice Chair or the presiding Commissioner will ask that person out of the Chambers, and if necessary, will ask that security or deputies escort that person out of the Chambers. Such removal from Chambers or the designated meeting place will be effective for the remainder of that meeting. If continued disruptions occur, the Chair or Vice Chair or the presiding Commissioner may recess the meeting until order is restored, and if necessary, may clear the Chambers or meeting place of persons participating in the disturbance.

15. Room Capacity, Ingress, and Egress. Notwithstanding these rules, the Fire Chief, Fire Marshall or the Fire Chief's designee, shall strictly enforce room capacity, ingress and egress rules to ensure the public's safety. Exits and aisles must remain clear at all time.

ARTICLE II. ORGANIZATION OF THE COMMISSION

1. Election of Chair and Vice Chair

The Procedures for electing officers are as follows:

A. At the first meeting of the Commission, in the month of January of each year, the Commission shall elect one of its members to act as Chair of the Commission (Section 4-38-10, NMSA 1978). The Chair shall serve until the election of a Chair at the first meeting of the Commission in January of each year.

B. The current Chair calls for nominations for Chair. Nominations require a second. A roll-call vote is conducted if there is more than one nomination. If a vacancy occurs in the office of the Chair, the Commission shall, at its next meeting, select a Chair for the remainder of the term.

C. In conjunction with the above election, a Vice Chair is also elected in a like manner. The Vice Chair continues to have all the rights, privileges, and immunities of a member of the Commission.

D. In case of the absence or temporary disability of the Chair, the Vice Chair serves as Chair during the absence. In case of the absence or temporary disability of the Chair and the Vice Chair, an Acting Chair and Vice Chair, selected by members of the Commission, serves during the continuance of the absences or disabilities.

2. Powers and Duties of the Chair and Vice Chair.

The Duties of the Chair include as follows. The Chair shall:

A. Call the meeting to order, and upon a quorum being present, shall proceed to business;

B. Preserve order and decorum at meetings;

C. Have the responsibility for the preparation of meeting agendas. The Chair may confer with the County Manager to prepare agendas;

D. Vote upon all questions in the same manner as other Commissioners;

E. Announce the results on the completion of every vote; and

F. Appoint all Commissioners to outside committees or various boards created by statute or through agreements with other governmental agencies as required. The Chair shall appoint Commissioners to serve on all such public boards annually and no later than the first week of February of each year.

In the absence of the Chair, upon his or her inability to act, or upon request upon the Chair, the Vice Chair shall preside and shall have all powers and authority of the Chair.

3. Clerk of the Commission. The County Clerk serves as the official Clerk for the Commission in accordance with NMSA 1978, Sections 4-40-3 and 4-40-4, as amended. The County Clerk shall keep minutes of every Commission meeting, and the minutes shall be maintained by the County Clerk, and shall be available for inspection during regular County business hours. The Clerk shall prepare draft minutes within 10 days after a meeting.

ARTICLE III. PROCEDURES.

1. General Rules. Any matter not covered by these rules shall be governed by Roberts' Rules of Order (latest edition), or, if not covered by Roberts' Rules of Order, by a decision by the Chair, subject to the right of appeal.

2. Amendment of Rules. These rules, or any part thereof, may be amended, repealed, altered or rescinded by a majority vote of all Commissioners after one week's notice of his/her intention to amend. Such notice shall be presented in writing at a Regular meeting of the Commission.

3. Suspension of Rules. Except for rules related to introduction and adoption of Ordinances or matters related to quasi-judicial matters, these rules, or any part thereof, may be temporarily suspended by a majority vote of the Commission's quorum.

4. Order and Debate. The following rules of order and debate shall apply to all actionable agenda items:

A. No motion shall be entertained or debated until announced by the Chair, and every motion shall be seconded to be considered for action;

B. If appropriate, the Chair may recognize a staff member or Commissioner to make a presentation about the agenda item;

C. The Chairman shall open the floor for public comment on the agenda item;

D. After the Chairman closes public comment and opens comment from the Commissioners, the maker of a motion shall be entitled to the floor first for debate;

E. A Commissioner once recognized should not be interrupted when speaking unless to call said Commissioner to order. The Commissioner should then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said Commissioner will be at liberty to proceed;

F. Commissioners shall confine their remarks to the question under discussion or debate, avoiding personalities. 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;

G. When a question is before the Commission, only the following additional motion(s) shall be entertained and such motion(s) shall have precedence in the following order:

- i. To adjourn
- ii. To recess
- iii. To reconsider
- iv. To table
- v. To move the previous question
- vi. To postpone to a time certain (to defer)
- vii. To amend or substitute
- viii. To postpone indefinitely
- ix. Any other motion

H. A motion to adjourn, to recess, to table, or move the previous question shall be decided without debate;

I. A motion to move the previous question must be approved by a majority of those present and voting, and may apply to only the immediately pending question;

- J. All other motions are debatable;
- K. A motion to amend or substitute shall be clearly stated;
- L. A motion to adjourn when no fixed time is set shall mean an adjournment to the next Regular meeting of the Commission;

5. Voting.

A. All Commissioners shall make a vote on each item in which a vote is called unless the Commissioner has a conflict of interest as described in the paragraph below. If a Commissioner has a conflict of interest, then the Commissioner shall announce that he/she is abstaining from the vote because of a conflict of interest. A Commissioner shall not be permitted to abstain for any other reason.

B. Any Commissioner who has a direct financial interest or whose spouse or any dependent has a direct financial interest in any matter pending before the Commission shall disclose such interest and shall disqualify himself/herself from participating in any debate, decision or vote relating thereto. In the event other facts of are known to a Commissioner which may create a conflict of interest or otherwise require disqualification of the involved Commissioner from participating in any action on any matter, the Commissioner shall disclose such potential conflict of interest and shall determine whether disqualification is necessary. Alternatively, the Commissioner may submit the issue to the Commission for its determination of whether disqualification is necessary under the circumstances. The decision of the Commission shall be final.

C. Except for the election of the Chair and Vice Chair, when the Chair calls for a vote on a motion, the County Clerk or her designee will conduct a roll-call of the Commissioners for their individual vote, calling for the Chair's vote last. Every member, in the Commission Chambers, must give his/her vote unless a conflict of interest exists.

D. The passage of any motion shall require the affirmative vote of at least a majority of the membership of the Commissioners who are present and eligible to vote. In case of a tie in votes on any proposal, the proposal shall be considered lost.

E. The New Mexico Zoning Act (Section 3-21-1 et. seq., NMSA 1978) requires certain votes of the Commission to be determined by more than a simple majority of the Commission's quorum (e.g. §§ 3-21-6; 3-21-14), and state law shall be followed in those cases.

F. A Commissioner shall be allowed to change his/her vote, but only before the result has been announced.

G. Any Commissioner shall have the right to express dissent from, or protests against, any item being acted on by the Commission, and to have the reason, therefore, entered in the minutes.

H. If a motion is not carried by at least a majority of Commission's quorum, the proposal shall be considered lost.

I. A record of each Commissioner's vote shall be entered in the Minutes of each meeting.

6. Appeal. During a convened meeting of the Commission, an appeal to the Commission may be made from any decision of the Chair. In making an appeal to the Commission, the Commissioner appealing shall state her/his reasons, to which the Chair may respond. Such appeals shall be immediately acted upon by the Commission and no motion, other than a motion to adjourn, shall be entertained until the question has been decided. A vote of the majority of the Commission's quorum shall be required to sustain an appeal.

7. Ordinances.

A. Ordinances may be proposed by any Commissioners. Ordinances shall not be submitted to the Commission for final passage until a majority of the members have directed that the title and a general summary of the subject matter of the proposed ordinances be published one time in a newspaper of general circulation within the county at least two weeks prior to the meeting of the Commission at which the ordinance is proposed for final passage. The date and time of the meeting at which the ordinance is to be considered shall also be published.

B. Copies of proposed ordinances shall be made available to interested persons during normal and regular business hours of the county clerk upon request and payment of a reasonable charge, beginning with the date of publication and continuing to the date of consideration by the Commission.

C. This section shall not apply to ordinances dealing with an emergency declared by the board of county commissioners to be an immediate danger to the public health, safety and welfare of the county or to ordinances the subject matter of which amends a city zoning map if the amendment has been considered by, and recommended to, the Commission by a planning commission with jurisdiction in the matter.

8. Resolutions. Generally, a resolution is an internal legislative act which is the formal statement of policy concerning matters of special or temporary character. Commission action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. All resolutions shall be reduced to writing. Final action may be taken on a resolution included in a properly noticed agenda on the same day on which it is introduced.

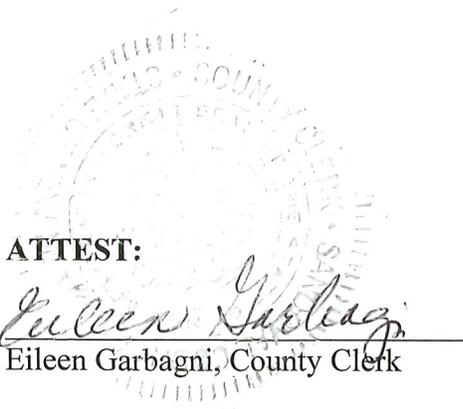
9. Reconsideration of Action Previously Taken. A motion to reconsider enables the Commission to set aside a vote taken at the same meeting and to consider that motion again as though no vote had been taken on it.

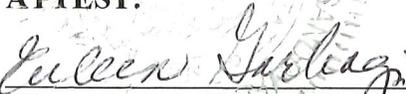
A. A motion to reconsider shall be allowed at any time by a Commissioner who is recorded as having voted with the prevailing side, except when a motion on some other subject is pending.

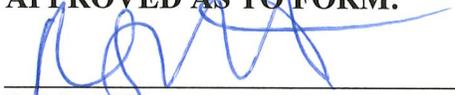
B. A motion to reconsider shall require the affirmative vote of the Commission's quorum of the Commissioners present at the meeting, or the motion shall fail and the vote may not be set aside.

10. Corrected Actions. Any official action taken by the Commission while in session that is later found to be in error, either substantive or clerical in nature, shall be corrected at the earliest possible time and returned to the Commission for official action.

APPROVED and ADOPTED by the Board of County Commissioners, Sandoval County, this 17th day of January 2019.



ATTEST:

Eileen Garbagni, County Clerk

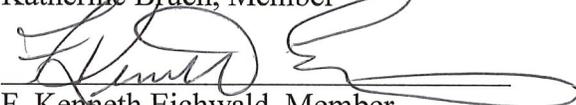
APPROVED AS TO FORM:

Robin S. Hammer,
County Attorney

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OF SANDOVAL COUNTY**


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