



**SANDOVAL COUNTY, NEW MEXICO**  
**RESOLUTION NO. 1-22-19.7**

**OPEN MEETINGS ACT AND RULES OF PROCEDURE**

WHEREAS, the Board of Planning and Zoning Commissioners, Sandoval County, met in regular session on January 22, 2019, at 4:30 p.m., as required by law; and

WHEREAS, upon adoption of this Resolution, Resolution No.1-23-18.6 and any amendments thereto are hereby rescinded in their entirety; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, §10-15-1 to §10-15-4) states that, except as may otherwise be provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policy-making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act, at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Board of Planning and Zoning Commissioners, Sandoval County, to determine annually what constitutes reasonable notice of its public meetings.

WHEREAS, the Board of Planning and Zoning Commissioners, Sandoval County, wishes to establish Rules of Procedure for the conduct of meetings and preparation of commission agendas.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Planning and Zoning Commissioners, Sandoval County (hereinafter referred to as "the Board").

**I. OPEN MEETINGS ACT COMPLIANCE**

**A. Meetings**

1. All meetings shall be held at the Sandoval County Administrative Building, 1500 Idalia Road, Building D, County Commission Chambers, 3<sup>rd</sup> Floor, Bernalillo, New Mexico, 87004 at 4:30 p.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings of the Board shall be held each month on the fourth Tuesday of the month, the agenda will be available at least seventy-two (72) hours prior to the meeting from the Department of the Planning and Zoning

Department, located at 1500 Idalia Road, Building D, 2<sup>nd</sup> Floor, Bernalillo, New Mexico or on the County's website: [www.sandovalcountynm.gov](http://www.sandovalcountynm.gov)

Notice of any other meetings will be given at least ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.

3. 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 the meeting.
4. 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.
5. The Chair may schedule informal meetings, inspections, trips, or retreats. When a quorum of the Commission is 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.
6. 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 upon twenty-four (24) hours' notice, unless 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 Chair 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.

## **B. Notices**

1. For the purpose of regular meetings, as described in Paragraph (A)2 of this Resolution, notice requirements are met if notice of the date, time, place and agenda 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 at [www.sandovalcountynm.gov](http://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.

2. For the purpose of special meetings and emergency meetings, as described in paragraph (A) 4 and (A) 6 of this resolution, notice requirements are met if notice of the date, time, place and agenda 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 at [www.sandovalcountynm.gov](http://www.sandovalcountynm.gov) Telephone notice also shall be given 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.
3. Public documents, including agenda and minutes, can be provided in various accessible formats. Please contact the Planning and Zoning Department at (505) 867-7628 or 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 Planning and Zoning department at (505) 867-7628 as soon as possible before the meeting date, preferably one week prior to the meeting date.” If you are an individual with a disability who is 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 at least one (1) week prior or the meeting or as soon as possible. Public documents, including agenda and minutes, can be provided in various accessible formats.

### **C. Closed Meetings**

1. 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) of the Open Meetings Act.
  - (a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Board taken during the open meeting. The authority of the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
  - (b) If a closed meeting is conducted when the Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.

- (c) Following completion of any closed meeting, 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 whether the matters discussed in closed meeting were limited only to those specified in the motion or notice for closure.
- (d) Except provided in §10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board in an open public meeting.

## II. RULES OF PROCEDURE

### A. Rules of Order and Debate

1. The maker of a motion shall be entitled to the floor first for debate.
2. 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.
3. Any matter not covered by these rules shall be governed by Robert's Rules of Order, latest edition, or, if not covered by Robert's Rules of Order, by a decision of the Chair, subject to the Right of Appeal.
4. 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.

### B. Suspension of Rules

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

### C. Amendment of Rules

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

### D. Motions

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

- (a) To adjourn
  - (b) To recess
  - (c) To reconsider
  - (d) To table
  - (e) To move the previous question
  - (f) To postpone to a time certain (to defer)
  - (g) To amend or substitute
  - (h) To postpone indefinitely
  - (i) Any other motion
2. A motion to adjourn, to recess, to table, or move the previous question shall be decided without debate and cannot be amended.
  3. A motion to move the previous question must be approved by a majority of those present and voting, and may apply to only the immediate pending question.
  4. All other motions are debatable.
  5. A motion to amend or substitute shall be clearly stated.
  6. A motion to adjourn when no fixed time is set shall mean an adjournment to the next Regular Administrative meeting of the Commission.

#### **E. Public Comment**

1. So that freedom of speech is unrestricted:
  - (a) Anyone will be allowed an opportunity to speak during the public comment period of the Board's public hearing meeting on general topics with the exception of 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 cases pending before the Planning and Zoning Commission or Planning and Zoning Department.
2. In order to promote orderly efficient meetings respectful of everyone's time, during general public comment:
  - (a) All individuals will be limited to three (3) minute comment period. With notice from the Chair at the beginning a meeting, comments may be shortened to two minutes. Restrictions for time do not apply to County

Staff or persons invited to speak by the Commission or parties or attorneys to a quasi-judicial proceedings.

- (b) No individual will be permitted to speak more than one (1) time; no rebuttals to the comments of others will be permitted.
- (c) The public comment period will be on the Commission's agenda for regular meetings.
- (d) Comments, applause and other interruptions from the audience are not allowed.

3. In order to promote orderly meetings so that attendees feel safe and secure in their attendance:

It shall not be permissible 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.

#### **F. Voting**

The votes during all Commission meetings should be transacted as follows:

1. Except for the election of the Chair and Vice Chair, when the Chair calls for a vote on a motion, every member, in the Commission Chambers, must give his/her vote, unless the member has publicly stated that s/he is abstaining from voting due to a conflict of interest.
2. 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.
3. The New Mexico Zoning Act (3-21-1 et. seq.) requires certain votes of the Commission to be determined by more than simple majority of the Commission's quorum (e.g. 3-21-6; 3-21-14).
4. A Commissioner shall be allowed to change his/her vote, but only before the result has been announced.

5. 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.
6. If a motion is not carried by at least a majority of Commission's quorum, the proposal shall be considered lost.
7. A record of each Commissioners vote shall be entered in the minutes of each meeting.

**G. Election of Chair and Vice Chair**

The Procedures for electing officers are as follows:

1. 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.
2. 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.
3. 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.
4. 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.

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

**I. 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.

**J. 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.

**K. 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.

**J. Action by the Commission.** The Commission is authorized to decide quasi-judicial matters brought before it through the process provided in the County's Comprehensive Planning and Zoning Ordinance, and other duties as assigned by the Sandoval County Board of Commissioners. The Planning and Zoning Commission shall have no other duties, responsibilities, or authority to act.

### **III. AGENDAS**

#### **A. Preparation of Agenda – Regular Administrative Meetings**

1. The Planning and Zoning Department shall prepare and disseminate the agenda. The Chair, the Planning and Zoning Director or a majority of the members in a previous meeting (at the initiation of at least one member) may place an item on the agenda.
2. The Chair and Planning and Zoning Director will meet to discuss each agenda. Items for Final Action on an Administrative Meeting agenda may be placed on the Consent Agenda by the Planning and Zoning Director, after consultation with the Chair, if s/he believes that no discussion or amendment is needed. Thereafter, the Planning and Zoning Director shall finalize the agenda.

#### **B. Agenda Material**

A copy of the agenda and supporting materials shall be prepared for Commissioners and made available to them within a reasonable time before the meeting but no later than 72 hours prior to the Regular Administrative meeting. The agenda, as well as supporting documents that are part of agenda documentation, shall be available for review in the Planning and Zoning Department.

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PASSED by the Board of Planning and Zoning Commissioners, Sandoval County, this 22nd day of January 2019.

**SANDOVAL COUNTY BOARD OF  
PLANNING AND ZONING COMMISSIONERS**

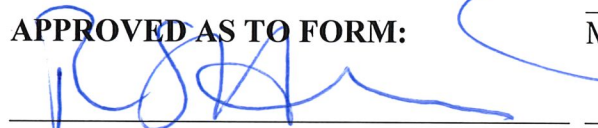
  
Chair

  
Vice Chair

  
Member

  
Member

**APPROVED AS TO FORM:**

  
Robin S. Hammer, County Attorney Member

  
Member

Member

Member