

BOARD ACTION FORM

ITEM:

A RESOLUTION ESTABLISHING THE BOARD OF TRUSTEES RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS PURSUANT TO MTC 2.15.090.

BACKGROUND:

These proposed rules of procedure replace the procedures set forth in *Section 2.15.090 MTC* as follows:

Regular Meetings and Special Meetings: §10-15-1(D) of the Open Meetings Act requires that municipalities determine annually what constitutes reasonable notice of its public meetings. Under MTC 2.15.090 (A) (B), the town specified when regular and special meetings will be held. Since the board of trustees is already required to adopt an Open Meetings Act resolution annually, the proposed language would allow the Board of Trustees to determine the notice requirements without restrictions already set in the MTC.

Order of Business: The proposed language would allow the Mayor or Board of Trustees, with the advice from staff, to set the order of business. The Board of Trustees may also adopt a 'Rules of Procedure Resolution' where a recommended format may be incorporated.

Agenda. The Board of Trustees meets this requirement annually with the adoption of the Open Meetings Act Resolution.

Rules of Debate. Decorum. Addressing the Board of Trustees. The Board of Trustees may adopt a 'Rules of Procedure Resolution' that incorporates the language already provided by ordinance. The benefit of adopting said procedures by resolution is that it may be amended at anytime by the Board of Trustees and would save the town money.

The proposed resolution includes the recommended changes discussed at the last BOT meeting held on May 24, 2004. Since said meeting, there have been additional recommended changes. However, as per Mayor Cadena, the suggested changes were not included until the next meeting for Board consideration.

SUPPORT INFORMATION:

1. Proposed Resolution
2. Trustee Pirtle e-mail dated 5/26/04.

BOARD OPTIONS:

1. Approve the proposed resolution.
2. Modify the proposed resolution.
3. Reject the proposed resolution.

Submitted by: Juan A. Fuentes	Department: Administration	Postponed: 5/10/04 Postponed: 5/24/04 BOT Mtg: 6/14/04
-------------------------------	----------------------------	--

RESOLUTION NO. 2004-17

A RESOLUTION ESTABLISHING THE BOARD OF TRUSTEES RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS PURSUANT TO MTC 2.15.090.

WHEREAS, the meetings of the Board of Trustees are held in accordance with Section 2.15.090 MTC, and in compliance with the Open Meetings Act; and

WHEREAS, all binding actions of the Board of Trustees are taken at regular, special or emergency meetings; and

WHEREAS, the Board of Trustees desires to establish rules of procedure for the conduct of meetings; and

WHEREAS, the attached 'Board of Trustees Rules of Procedure' provides the necessary guidelines for the conduct of orderly meetings of the Board of Trustees;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mesilla, New Mexico that the attached 'Board of Trustees Rules of Procedure' are hereby adopted.

PASSED, ADOPTED AND APPROVED this 14th day of June 2004.

Michael M. Cadena
Mayor

ATTEST:

Juan A. Fuentes, CMC
Town Clerk-Treasurer

(seal)

TABLE OF CONTENTS

ARTICLE I GENERAL PROVISIONS

1.1	<u>Meetings</u>	2
1.2	<u>Attendance</u>	2
1.3	<u>Duties of the Presiding Officer</u>	2
1.4	<u>Adopted Rules</u>	2

ARTICLE II PROCEDURES

2.1	<u>Preparation and Distribution of Agenda</u>	
	3	
2.2	<u>Minutes</u>	3
2.3	<u>Order of Business</u>	3
2.4	<u>Ordinances and Resolutions</u>	4
2.5	<u>Approvals</u>	4
2.6	<u>Appeals</u>	4
2.7	<u>Proposals for Action</u>	4
2.8	<u>Motions</u>	5
2.9	<u>Postponement of Action</u>	
	5	
2.10	<u>Reconsideration of Action</u>	5
2.11	<u>Appeal a decision of the presiding officer</u>	5
2.12	<u>Amendments</u>	5

ARTICLE III RULES OF ORDER

3.1	<u>Rules of Debate</u>	7
3.2	<u>Rules of Voting</u>	7
3.3	<u>Decorum</u>	7
3.4	<u>Public Hearing Procedures</u>	8

ARTICLE IV GENERAL PROCEDURES

4.1	<u>Trustees Responsibilities</u>	9
-----	----------------------------------	---

ARTICLE I
GENERAL PROVISIONS

1.1 Meetings

- A. Meetings of the Board of Trustees shall be held in accordance with Section 2.15.090 MTC, and in compliance with the Open Meetings Act, NMSA, 1978, § 10-15-1 et. seq.
- B. All binding actions of the Board of Trustees shall be taken at regular meetings, special meetings, or emergency meetings. Work sessions may be held for the purpose of examining issues, but no official action may be taken.
- C. The Board of Trustees 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 following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in least one other location appropriate to provide public notice of the continuation of the meeting.. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.
- D. Notice of all meetings shall be in accordance with the Town Open Meetings Resolution.

1.2 Attendance

- A. The board of trustees may compel the attendance of absent members in such manner and under such penalties it deems desirable.

1.3 Duties of the Presiding Officer

- A. The mayor shall possess the powers and perform the following duties:
 - 1. Preserve order and decorum and have general direction of the Board Room.
 - 2. Conduct the business before the body in the order approved by the Board of Trustees.
 - 3. Recognize the speakers entitled to the floor and guide and direct the proceedings of the body.
 - 4. Call for public input on agenda items.
 - 5. Decide all points of order, subject to appeal, unless he prefers to submit the question to the decision of the Board of Trustees.
 - 6. Put to vote all questions which are regularly moved or otherwise arise in the course of the proceedings.
- B. In the absence of the mayor, upon his inability to act, or upon the request of the mayor, the mayor pro tem shall preside and shall have all the powers and authority of the mayor.

1.4 Adopted Rules

- A. Any matter not covered by these rules shall be governed by decision of the presiding officer, applying Robert's Rules of Procedure, 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 Trustees, after notice of intended proposal. Such notice shall be presented by resolution at a regular meeting of the Board of Trustees.
- C. Suspension of Rules. Except for statutory, or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a majority vote of trustees present. When the suspension of a rule is requested, and no objection is offered, the presiding officer shall announce the rule suspended, and the Board of Trustees may proceed accordingly.
- D. Violation of Rules. Violation of these rules does not invalidate action of the Board of Trustees.

ARTICLE II PROCEDURES

2.1 Preparation and Distribution of Agenda

- A. The town clerk, through the Mayor shall prepare the agenda for all Board of Trustees meetings.
 - 1. The Mayor may place matters on the consent agenda which are routine or ministerial in nature.
 - 2. The town clerk shall assure that scheduled public hearings have been duly advertised.
- B. All material to be presented to the Board of Trustees shall be submitted to the town clerk not later than noon six days prior to the meeting date.
- C. The agenda, along with introductions and related material, shall be available to each member of the Board of Trustees at least five days prior to the meeting date.
- D. The agenda shall be posted pursuant to the Open Meeting Act Resolution adopted by the Board of Trustees.

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. The Board of Trustees, town staff and members of the public can request a specific item to be transcribed verbatim. (*Resolution No. 2002-26*)
- C. Approval of the minutes shall be placed on the consent agenda. Unless a reading of the minutes is requested upon the unanimous consent of the Board of Trustees, the minutes of previous meetings may be corrected and approved without reading.
- D. Previously approved minutes may be corrected whenever an error is noticed, although the time to reconsider the vote has elapsed in accordance with Article II, Section 10 of these rules.

2.3 Order of Business

The order of business of the Board of Trustees may be conducted in the following order; provided, however that the presiding officer may, during a meeting, rearrange items on the agenda to conduct the business before the Board of Trustees more efficiently:

- 1. Pledge of Allegiance
- 2. Roll Call and Determination of a Quorum
- 3. Changes to the Agenda
- 4. Acceptance of the Consent Agenda.
- 5. Minutes
- 6. Reports
- 7. Payment of Bills

8. Cases Recommended for approval by the Planning, Zoning and Historical Appropriateness Commission
9. PZHAC Administrative Approvals
10. Unfinished Business
11. New Business
12. Public Comments
13. Staff and Committee Comments
14. Board of Trustees Comments
15. Adjournment

2.4 Ordinances and Resolutions

- A. Ordinances. An ordinance ranks highest in authority of all actions of the Board of Trustees. If duly enacted, an ordinance has the force of law within the municipality and may be enforced in municipal court.
 1. Ordinances shall be adopted in accordance with Section 1.10 MTC.
 2. An ordinance is open to amendment on first reading. Amendments shall be in accordance with Article II, Section 12 of these rules.
 3. Substantive amendments offered at second reading shall require adoption of the ordinance to be postponed to a subsequent meeting.
- B. Resolutions. A resolution is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character.
 1. Board of Trustees action shall be taken by resolution when required by law and in those instances where a formal expression of policy is desired.
 2. Resolutions shall be adopted in accordance with Section 1.10.070 MTC and shall remain in effect until rescinded or replaced by a subsequent resolution on the same subject.
 3. Resolutions are open to amendment provided such amendment does not constitute a substantive change. Amendments shall be in accordance with Article II, Section 12 of these rules.
 4. 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 is in the possession of the Board of Trustees and may be withdrawn only with the consent of the Board of Trustees.
- D. Substitutes for Ordinances and Resolutions
A trustee 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. Introduction of substitute ordinances or resolutions shall be in accordance with Article IV Section 1.2. of these rules.

2.5 Appeals

Appeals to the Board of Trustees are the class of action mandated by the statutory or ordinances provisions.

2.6 Proposals for Action

- A. Proposals for action are those item(s) listed on the agenda.
- B. Proposals for action shall be in the format adopted by the Mayor.

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 usually stated in the positive form, “to pass”, “to adopt”, “to approve”, “to confirm”, 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 trustee 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 Board of Trustees. 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 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, it is in the possession of the Board of Trustees 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. The motion to postpone is debatable, amendable, and may be reconsidered.
- B. To Table. (postpone temporarily) Any measure before the Board of Trustees 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 Board of Trustees 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 Board of Trustees to reconsider a vote on previous action. A request to reconsider previous action must be made not later than the next regular meeting, and must be made by a trustee who voted on the prevailing side of the vote. Intent to propose reconsideration must be indicated as an agenda item. Upon passage of a motion to reconsider, the matter is returned to the table and must be acted upon prior to adjournment. The motion to reconsider is not amendable, cannot be reconsidered, and is debatable only if the original motion is debatable.
- 2.11 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 his reasons for his decision. If there is no debate, or when debate is concluded, the presiding officer may put the question to the Board of Trustees. A majority vote of those present sustains a decision of the presiding officer.
- 2.12 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 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.

G. The presiding officer 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 presiding officer. After it is seconded and stated it is in the possession of the Board of Trustees and be withdrawn only with the consent of the Board of Trustees.
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 Board of Trustees 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
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 majority vote before the vote on the question to which applied. The call for the questions is not amendable nor debatable and can be reconsidered.
- 3.2 Rules of Voting
- A. Each trustee in attendance must vote for or against all measures before the Board of Trustees, 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. For ordinances, resolutions or otherwise requested by a member of the Board of Trustees, voting shall be by roll call and each vote shall be recorded in the minutes.
- 3.3 Decorum
- A. Members must address all remarks through the presiding officer.
 - B. Members of the Board of Trustees 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 Board of Trustees shall engage in private discourse or commit any other act tending to distract the attention of the Board of Trustees 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 trustee 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 Board of Trustees 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.
- B. 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.
- C. The presiding officer will introduce the item, open the public hearing and call upon the proponent to describe the matter under consideration.
- D. Interested people shall have the opportunity to submit data, views or arguments orally or in writing.
- E. The presiding officer may establish speaker time limits and otherwise control presentations to avoid repetition.
- F. After the proponents and opponents have had an opportunity to be heard, the presiding officer may call for rebuttal.
- G. After the Board of Trustees has heard all the evidence, the presiding officer closes the public hearing and entertains a motion.
- H. Following the motion and its second, discussion occurs among the body.
- I. The presiding officer calls the question.

ARTICLE IV
GENERAL PROCEDURES

4.1 Trustees Responsibilities

A. Initiation of Proposals for Action

1. Requests for initiation of legislation shall be directed through the Mayor. Town staff is available to assist in the preparation of the necessary documents.
2. Substitute Legislation. A proposal for a substitute ordinance or resolution in accordance with Article II, Section 4.D. of these rules, shall be submitted through the mayor and made available to the members of the Board of Trustees at least twenty-four hours prior to the meeting at which the matter is to be discussed.

B. In addition to other duties, responsibilities and rights, the Board of Trustees shall:

1. In all public statements, make clear that they speak only for themselves unless authorized by the mayor or a majority of the Board to speak for the Board of Trustees as a whole.
2. Insure that the Mayor is informed, as soon as practical, of significant communications with outside entities, be they either directed to, or initiated by the Trustee.
3. Refrain from negotiating contracts on behalf of the Town, without authority from the Mayor. Only the Mayor or his designee, can negotiate a contract on behalf of the Town.