

City of Hobbs



Rules of Procedure

Adopted by Ordinance No. 978 – January 28, 2008
Revised by Ordinance No. 1119 – November 5, 2018

Section 2.04.060 Rules of Procedure; Other Matters

**Article I
General Provisions**

A. Meetings.

1. The Commission consists of the Mayor elected from the City at large and six (6) Commissioners elected from the Commissioner-Districts created by ordinance and reviewed every ten (10) years.
2. Meetings of the Commissioners shall be held in compliance with the Open Meetings Act, Section 10-15-1 et seq. N.M.S.A. 1978.
3. Notice of all meetings shall be in accordance with the annual City Open Meetings Resolution.

B. Work Sessions—Public Notice Required.

1. Work sessions may be held for the purpose of examining issues, but no official action may be taken. Such sessions must be advertised, open to the public, and minutes taken. Public input will be allowed at the discretion of the presiding officer.

C. Preparation and Distribution of Agendas.

1. The City Clerk, through the City Manager, shall prepare the agenda for all Commission meetings.
 - a. The City Clerk shall assure that scheduled public hearings and meetings have been duly advertised.
2. All material to be presented to the Commission shall be submitted to the City Clerk not later than noon five (5) days prior to the meeting date to allow for compilation and distribution of Commission packets.
3. Requests for initiation of legislation or placement of items on the agenda shall be directed through the City Manager. The Mayor or any three (3) members of the Commission may include items for the agenda. City staff is available to assist the member in the preparation and presentation of the issue.

D. Minutes.

1. Minutes shall include 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 showing how each member voted.

2. Verbatim transcription of Commission proceedings will be prepared only by majority vote on a per-meeting basis.

E. Reconvened Meetings.

1. The Commission 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. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

F. Duties of the Presiding Officer.

1. Mayor Responsibilities.

- a. The Mayor is the presiding officer of all meetings of the City Commission, both regular and special. The Mayor shall preserve order and decorum and have general direction of the Commission Chambers.
- b. Announce the business before the body in the order in which it is to be acted upon.
- c. Recognize the speakers entitled to the floor and guide and direct the proceedings of the body.
- d. Call for public input.
- e. Decide all points of order, subject to appeal, unless he or she prefers to submit the point to the decision of the Commission.
- f. Put to vote all questions which are regularly moved or otherwise arise in the course of the proceedings; the Mayor has the same right to vote and participate as a Commissioner.
- g. In accordance with the Municipal Charter, the Commission shall elect from its membership at its first meeting following the regular municipal election a standing Mayor Pro Tempore who, in the absence of the Mayor, upon the Mayor's inability to act, or upon the request of the Mayor, shall preside and shall have all the powers and authority of the Mayor.
- h. In the absence of the Mayor or the Mayor Pro Tem, a temporary presiding officer may be appointed from the remaining Commissioners, who shall serve and act with full authority and power of the Mayor for and during the tenure of the meeting for which he or she is appointed.

2. **Adopted Rules.**

- a. Any matter not covered by these rules shall be governed by decision of the presiding officer.
- b. Suspension of Rules. Except for charter, statutory, or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a majority vote of Commissioners present. When the suspension of a rule is requested, and no objection is offered, the presiding officer shall announce the rule suspended, and the Commission may proceed accordingly.

3. **Supplemental Legal Opinions.**

- a. The Mayor or any two (2) City Commissioners may request a second legal opinion by having the request placed on the agenda, stating the basis for disagreement with the opinion.
- b. If approved, the lawyer or law firm will be selected by the Commission. The Commission will also approve or reject City payment of the costs of the supplemental legal opinion.

This provision does not prevent the Mayor or any Commissioner from retaining from his/her private funds, an attorney to render additional opinions.

G. **Commission Responsibilities.**

1. In all public statements, Commissioners shall clarify the message as their individual position unless otherwise authorized by the Commission.
2. Insure that the Mayor is informed, as soon as practical, of significant communications with outside entities, whether or not directed to or initiated by the Commission.
3. Refrain from negotiating contracts on behalf of the City. Only the City Manager or his or her designee can negotiate a contract on behalf of the City.
4. Resignations submitted by the elected Commissioners, or appointed City board members, may not be rescinded once submitted and need not be formally accepted by the Commission.
5. The duties and powers of all appointed board members shall be advisory only unless expressly stated otherwise by ordinance and shall expire with the end of the appointed term, after which time the position will be considered vacant until filled.
6. All members of the City Commission shall be required to attend all meetings regular or special, unless their absence is caused by good and sufficient reasons, and it shall be within the power of the Commission to determine whether or not reasons for absence of a member of the Commission shall be deemed "good and sufficient."

H. **Code of Conduct.**

The Mayor and Commission shall:

1. Place Commission goals ahead of individual goals;
2. Not use the position for personal gain or advantage to friends;
3. Not disclose confidential information;
4. Not exercise authority as a governing body member, except when acting in a meeting with the full Commission, unless formally delegated by the Commission;
5. Not interfere in personnel matters, union negotiations, nor discuss pending legal issues/litigation with adverse parties and their attorneys in any legal action involving the City, unless formally delegated by the Commission.

Article II
Meeting Procedures

A. **Order of Business.**

1. The order of business shall be conducted as follows, provided that the presiding officer may rearrange items to conduct business more efficiently:
 - a. Call to Order and Roll Call;
 - b. Invocation and Pledge of Allegiance;
 - c. Approval of Minutes;
 - d. Proclamation and Awards of Merit;
 - e. Public Comments;
 - f. Consent Agenda. (To be used only for routine, ministerial items when the agenda is lengthy.) The consent agenda is approved by a single motion. Any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote;
 - g. Discussion;
 - h. Action Items (Ordinances, Resolutions, Public Hearings);
 - i. Comments by City Commissioners, City Manager;
 - j. Adjournment—Motion, Second, Vote.

B. Rules of Order.

1. 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. There must be a debatable question before the body, and one (1) member must have been recognized as entitled to speak.
- b. Time Limits. The presiding officer may set time limits in debate, including a time limit on members and public input.
- c. Call the Question (Previous Question). Debate may be closed by calling the question. If there is no objection, the presiding officer shall immediately call the question; otherwise a second and subsequent vote is needed to close debate. A call for the question is not debatable.

2. Voting.

- a. Each member in attendance must vote for or against all measures before the body unless there is a stated and disclosed conflict of interest, for which abstention is allowed.
- b. Except for "show of hands" procedural matters, so declared by the presiding officer, voting shall be by simultaneous electronic voting equipment. For audio recording purposes, the presiding officer will announce the voting results at the end of each vote. Each member's vote shall be recorded in the minutes. In the event of an equipment malfunction, voting shall be by roll call. Roll call votes shall be at random, but the presiding officer shall vote last.

3. Decorum.

- a. All remarks shall be addressed through the presiding officer.
- b. Members 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 of the governing body or public who resorts to persistent irrelevance or persistent repetition may be directed to discontinue his or her speech by the presiding officer.
- d. Point of Order. A member may call attention to the violation of the rules or a mistake in procedure by claiming 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.

- e. Question of Privilege. Questions of privilege do not relate to pending business but concern special matters of immediate and overriding importance which should be allowed to interrupt the consideration of any other matter. The presiding officer makes all rulings as to whether a request for privilege is granted.

4. Public Comment.

- a. Persons Addressing the Commission in an Open Meeting. Each person who addresses the Commission shall not make disruptive comments which include, but are not limited to, personal attacks, threatening remarks, repetitive remarks, slanderous remarks, derogatory remarks, profane remarks, or other comments or acts that disrupt the proceedings.
- b. Warning and Redress. Pursuant to Article I(F)(1)(a) herein, the presiding officer shall preserve order and decorum in the proceedings. As such, the presiding officer shall request that a person who is disrupting the proceedings cease disruption. If, after receiving a warning from the presiding officer, a person persists in disrupting the proceedings, the presiding officer shall order the person to leave the Commission meeting.
- c. Time limits. Pursuant to Article II(B)(1)(b), the presiding officer may set time limits on public comment. The period of time allotted for public comment shall not exceed a maximum of 30 minutes in the aggregate, unless a majority of Commissioners vote to extend the time. Each speaker shall be afforded the same amount of time, set by the presiding officer, within the aggregate time allotted.
- d. Prior registration required. In order to maximize efficiency and preserve decorum, each member of the public wishing to provide public comment before the Commission shall register to do so by signing the Public Comment Registration Form, located in the Commission Chambers, prior to commencement of the meeting in which they wish to speak. The presiding officer shall have the authority to call for further public input at any time during the meeting. This section shall be exclusive from the process for Article III – Public Hearings.

C. Actions of the Commission.

- 1. **Ordinances.** An ordinance has the effect of law within the municipality and ranks highest in authority of all actions.
 - a. A proposed ordinance is open to diminutive amendment on final reading.
 - b. Substantive amendments offered at adoption shall require adoption to be postponed to a subsequent meeting and re-publication of the proposed ordinance.

2. **Resolutions**. A resolution is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character.
 - a. Action shall be taken by resolution when required by law and in those instances where a formal expression of policy is desired.
 - b. Resolutions shall remain in effect until rescinded or replaced by a subsequent resolution on the same subject.
3. **Approvals**. Approvals are the class of non-policy action in which the Commission shall make the final determination upon the recommendation of the Mayor or the City Manager. Those items allowing for such approval by the Commission shall include, but not be limited to:
 - a. Mayor's communications recommending appointments to boards and commissions;
 - b. City Manager communications recommending approval of contracts, sealed bids and administrative or departmental requests.

D. **Motions**.

1. **Presentation of Motions**.

- a. 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, e.g., "to pass," "to adopt," "to approve," "to confirm," "to concur".

A main motion must be seconded before a vote can take place and only one (1) main motion may be on the floor at a time. In the absence of a second, the motion fails. Main motions are debatable and amendable, and can be tabled and reconsidered after adoption.

2. **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, and stated, it is in the control of the governing body and can therefore be withdrawn or modified only by consent of the body.

E. **Amendments**.

1. Every amendment proposed must be relevant to the subject of the proposition.
2. A proposed amendment is made as a motion and takes precedence over the original motion out of which it arises and must be seconded and voted upon before the original motion.
3. After an amendment is adopted, the question, as amended, must be put to a vote.

F. Reconsideration of Action.

Reconsideration of a negative vote on final action is as proper as reconsideration of a favorable vote. 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 member who voted with the prevailing side.
2. The motion to reconsider is inappropriate after the action taken has gone into effect or after it is too late to reverse the action taken.
3. Should the motion for reconsideration pass, the item is immediately before the governing body to be acted upon or scheduled for hearing at a subsequent meeting, if necessary, for required public notice purposes.
4. Should the motion for reconsideration fail, the item remains as adopted.

**Article III
Public Hearings**

A. Public Hearing Procedures/Liquor Licenses, Land Use Decisions, Appeals Allowed by State Law and Other Quasi-Judicial Proceedings.

1. 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.
2. At the beginning of the public hearing, the presiding officer may 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 City Clerk, giving their names and addresses, and whether they wish to speak as a proponent, opponent, or otherwise. Commissioners shall refrain from any ex-parte communication with such persons described above. Any person who fails to register shall not be permitted to speak until all those who signed in have spoken.
3. The presiding officer may set time limits and 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.
4. 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 City Clerk, and placed into evidence as part of the administrative record.
5. Comments from the general public on legal or policy matters raised by the proceeding may be received before the close of the public hearing.