

1 Governing Body - Rules of Order

2
3 **Sec. 1. - Authority.**

4
5 Pursuant to the laws of the State of New Mexico Roswell's Governing Body may "determine and
6 adopt the rules of its own proceedings at an organizational meeting." NMSA 1978, § 3-12-3-(A)(5)
7 and may adopt ordinances effecting or discharging the powers and duties conferred by law upon
8 the municipality. § 3-17-1(A). ~~and the ordinances of the City of Roswell, New Mexico, the~~
9 ~~governing body may adopt rules of procedure for all meetings of the governing body of the City~~
10 ~~of Roswell, New Mexico, by resolution.~~

11
12 **Sec. 2 - Parliamentary Procedure**

13
14 Roswell Code § 2-31 provides that the latest edition of Robert's Rules of Order is the "official
15 parliamentary rules and regulations of the governing body." However, errors in the strict
16 application of or the failure to the Rules of Order shall not invalidate any action taken by the
17 governing body.

18
19 **Sec. 3 – Governing Body Members**

20
21 The governing body is composed of the members of the city council, §§3-1-2(F), 3-10-1(A)(2),
22 the mayor, as presiding officer who may only vote in the case of ties, § 3-11-3(A), and the city
23 manager, "who shall have a seat, but no vote" § 3-14-14(B).

24
25 **Sec. 4 – Quorum.**

26
27 A majority of the members of the governing body, excluding the Manager, is a quorum for the
28 purpose of transacting business. All members of the governing body present at a meeting are
29 counted toward a quorum. §§ 3-11-3(A), 3-12-2(B), RC 2-33.

30
31 **Sec. 25 - City Council Agenda.**

32
33 The city manager or designee is responsible for creating and processing the agenda and agenda
34 materials for ~~city council~~governing body meetings. The city manager will submit agenda materials
35 as appropriate for review by the city attorney. The city clerk is responsible for preparing and
36 posting the agenda and assembling and distributing the agenda packets.

37
38 The mayor or five council members may direct the city manager in writing to place an item on an
39 agenda for a regular city council meeting, special meeting, or work session. Items must be
40 submitted to the city manager no later than eight (8) days prior to the meeting during which the
41 items are to be heard.^[HY1]

42
43 The governing body, during any scheduled regular or special meeting or work session, may direct
44 the city manager to place an item on a future agenda.
45

Agenda items previously considered and whereby action was taken by the governing body may not be placed on a future agenda for reconsideration within six (6) months of such action unless requested in writing by five (5) members of the governing body, provided that at least one member shall have been of the majority of those present and voting on the item.

Sec. 63 - Types of Meetings

[HY2]

Regular Meetings: The regular meetings of the governing body shall be held at 6:00 p.m. on the second Thursday in each month, or as otherwise indicated on the meeting notice. RC 2-20.~~The City of Roswell regular meetings of the governing body are held on the second Thursday of each month, at such time as may be set by the city council, unless the meeting is rescheduled or cancelled. All regular meetings of the governing body will be held in the Roswell Museum and Art Center, Bassett Auditorium, 100 W. 11th Street, Roswell, New Mexico, 88201, or at such other location as the governing body may, by motion, resolution or ordinance., designate.~~

~~Work Session Meetings: A work session is a meeting to discuss or explore matters of interest to the city, review and discuss agenda items, meet with city boards, commissions or committee members, city staff or officers of civic organizations, governing bodies or individuals specifically invited to the session by the mayor, city manager or the council. These meetings are informational and no formal action shall be taken unless the posted agenda indicates otherwise.~~

~~The presiding officer may end citizen participation in a work session in order to allow the governing body to proceed with discussion.~~

~~A work session may occur on a non-regular meeting date or be scheduled before a regular meeting of the governing body at which time may also be referred to as the Work shop.~~[HY3]

Special Meetings: Special meetings may be called by the mayor or by any six (6) members of the city council. § 3-12-3(C). The call for a special meeting shall be filed with the city clerk in written form, and the city clerk shall cause the posting of notice of the meeting as governed by applicable law. ~~The mayor or six council members may designate a location for the special meeting other than the Roswell Museum and Art Center as long as the location is open to the public and in compliance with applicable law.~~ **Emergency Meeting:** In case of emergency, an unforeseen circumstance that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body, as defined by State law and confirmed by the city attorney when practical, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the mayor, city manager or his/her designee, or six members of the city council. In such an emergency circumstance 24 hours' notice is preferable. § 10-15-1, and it shall be sufficient if the notice is posted at least two hours before the meeting is convened.

~~Emergency Meeting: In case of emergency as defined by State law and confirmed by the city attorney when practical, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the mayor, city manager or his/her designee, or six members of the city council, and it shall be sufficient if the notice is posted at least two hours before the meeting is convened.~~

~~Closed Meeting: The governing body may meet in a closed meeting but only to the extent authorized under NMSA 1978 §10-15-1 H. Details discussed in closed meetings shall be considered confidential and shall not be discussed or disclosed outside the meeting.~~^[HY4]

Recessed Meetings. Any meeting of the governing body may be recessed to a later time provided that no recess shall be for a period longer than forty-eight hours from the time the meeting is recessed with a vote of the majority of the governing body.^[HY5]

Sec. 74- Seating Assignments.

The assignment for seating of the governing body will be at the pleasure of the presiding officer.

~~Sec. 5- Quorum:~~

~~A quorum at any council meeting will be established by the presence of six members of the City Council.~~

Sec. 6-8 - Order of Business.

The regular meeting of the governing body will be generally conducted in the following order, unless otherwise specified. The presiding officer of the meeting may deviate from this order if they deem it to be in the best interest of the public. ~~An executive~~A closed session may be held at any time during a meeting pursuant to applicable State law.

~~Regular Meeting Agenda:~~

1. Opening Ceremonies:

- a. Call to order - Presiding officer officially calls the meeting to order
- b. Roll Call and Determination of Quorum - City Clerk
- c. Pledge of Allegiance - Each agenda of a regularly scheduled city council meeting shall provide an item for the recital of the "Pledge of Allegiance".
- d. Invocation - Each agenda of a regularly scheduled city council meeting shall provide an item allowing for an invocation for which participation by members of the governing body or members of the public shall be voluntary.^[HY6]

2. Approval of the Agenda/ Consent Items / Minutes:

- a. Approval of Agenda
- b. Approval of Minutes
- c. Approval of Consent items¹

¹ Consent Items - Shall contain routine, non-controversial items that require action by the governing body but need little or no council deliberation. An item will be removed from the

- 1 i. ~~Councilors requesting an item be pulled from consent agenda are~~shall make
2 all reasonable ~~encouraged to~~efforts inform the City Clerk at least twenty-
3 four (24) hours prior to the meeting so that proper staff attendance may be
4 facilitated.

5
6
7 ~~Consent Items - Shall contain routine, non-controversial items that require action by the governing~~
8 ~~body but need little or no council deliberation. An item will be removed from the consent agenda~~
9 ~~at the request of any council member and will be considered immediately after approval of the~~

10
11 2.3. Non-Action Items - proclamations, recognitions, general reports, and updates may be
12 presented to the governing body.:

13
14 ~~Councilors requesting an item be pulled from consent agenda are encouraged to inform the City~~
15 ~~Clerk at least twenty-four (24) hours prior to the meeting.~~

16
17 ~~Non-Action Items - The agenda shall provide a time when proclamations, recognitions, general~~
18 ~~reports, and updates may be presented to the city council.~~

19
20 4. Public Hearings - Business items requiring a public hearing.

21 a. Quasi-Judicial

22
23 a.b. All other public hearings

24
25 3.5. New Business/ Regular Items - New or amended ordinances, resolutions, or policies that
26 the governing body or city staff wish to have the governing body consider.

27

consent agenda at the request of any council member. and will be considered immediately after
approval of the

Consent Item Script:

Presiding Officer: "The consent agenda is before you. Are there any items any member who
wishewishes to remove from the consent agenda for discussion?" Pause briefly for any items.

If item is requested to be removed:

"Hearing that Item X is requested to be removed, it will be considered separately as item number
Y".

"Hearing no requests for removal, the remaining items on the consent agenda will be adopted
without objection". Pause briefly for any objections. "Hearing no objection, the consent agenda
is adopted."

1 4.6. Department / Manager Reports - Any written reports, charts, data or other information
2 provided within the agenda packet to the governing body.
3

4 ~~Closed session (if needed) - Items to be discussed in closed meeting under conditions allowed by~~
5 ~~The New Mexico Open Meetings Act. The governing body may not take final action during~~
6 ~~executive session. Any final action resulting from an executive session discussion must be taken~~
7 ~~during the open public session.~~
8

9 5.7. Public Participation on Non- Agenda Items - The time for the public to address the
10 governing body on any subject. However, the governing body cannot discuss items
11 presented under "Public Participation on Non-Agenda Items" nor take any action thereon
12 other than consideration of the placement of said item on a future agenda as a discussion
13 item or refer the item to staff for research and possible future action. There shall be a
14 cumulative time limit of thirty (30) minutes allotted for the "Public Participation on Non-
15 Agenda Items" portion of any regularly scheduled city council meeting. Time may be
16 extended at the sole discretion of the mayor or mayor pro-tem in the mayor's absence. [HY7]
17

18 6.8. Adjourn [HY8]
19

20 Sec. 27 - General Procedures. 21

22 ~~General Procedure: General rules of parliamentary procedure as defined herein, consistent with~~
23 ~~any applicable state law, city ordinance, statute or other legal requirement, shall govern the~~
24 ~~proceedings of the governing body. To the extent not inconsistent with these rules, the governing~~
25 ~~body shall use Robert's Rules of Order, latest edition, as a general guideline for additional rules of~~
26 ~~parliamentary procedure without being a procedural requirement. Notwithstanding the above,~~
27 ~~failure to abide by, or adhere to, these rules shall not nullify or negate any action by the governing~~
28 ~~body. These rules of parliamentary procedure are intended solely as a guideline.~~
29

- 30 1. Meeting Presence: Members of the governing body unable to attend the meeting shall
31 endeavor make all reasonable efforts to notify the city clerk twenty-four (24) hours in
32 advance of the meeting. Those members wishing to participate in the meeting by telephone
33 will be accommodated pursuant to the State of New Mexico Open Meeting Act. A member
34 of the governing body may participate in a meeting of the governing body by means of a
35 conference telephone or other similar communications equipment when it [HY9] is otherwise
36 difficult or impossible for the member to attend the meeting in person, provided that each
37 member participating by conference telephone can be identified when speaking, all
38 participants are able to hear each other at the same time and members of the public
39 attending the meeting are able to hear any member of the public body who speaks during
40 the meeting. Participation by means of a conference telephone or other similar
41 communications equipment shall only be limited by the technical capabilities of available
42 equipment, either the city's or members. In such instances where the technical capabilities
43 of the city result in its inability to accommodate multiple members wishing to participate
44 via conference telephone or other similar communications, remote participation by
45 members of the governing body shall be provided on a first-come, first-served basis in
46 accordance with their request to the city clerk.

2. Chair of Meeting: The mayor shall preside over all meetings of the governing body as the chair and enforce these rules and procedures during a meeting. In the absence of the mayor, the pro-tern shall act as the presiding officer at the meeting. In the absence of the pro-tern, the council will choose a presiding officer for the meeting. The term chair and presiding officer shall have the same meaning when used in the context of conducting a city council or city council committee meeting.
3. Authority of the Chair: The presiding officer shall make decisions on questions of procedure subject to review respectively by the governing body as a whole. Following a decision of the presiding officer on a question of procedure, any two (2) members of the governing body may be entitled to appeal the decision to the governing body as a whole by the making and the seconding of an appeal.
4. ~~Council~~ Deliberations: The presiding officer has the responsibility to control the discussion and the order of speakers. Members of the governing body will generally be called upon in the order of the request to speak. Generally, a member of the governing body may not be recognized to speak subsequently until each member of the governing body has had an opportunity to obtain the floor. A member of the governing body holding the floor may address a question to another member of the governing body and that member may, should such members so choose, respond to the question while the floor is still held by the member of the governing body asking the question.
5. The member of the governing body who is the principal advocate for a matter to be voted upon shall be allowed a final opportunity to address the governing body immediately prior to the vote.
6. Limits to Deliberations: Members of the governing body will limit their comments to the subject matter or motion being currently considered.
7. Obtaining the Floor: Any member of the governing body wishing to speak shall first obtain the floor by making a request for the floor to the chair. The chair shall recognize any member of the governing body who seeks the floor when appropriately entitled to do so.
8. Motions: Motions may be made by any member of the governing body excluding the Mayor ~~and Manager~~^[HY10]. Any member of the governing body, excluding the Mayor, may second a motion.
9. Procedures for Motions: The following is the general procedure for making motions:
 - a. Any member of the governing body who wishes to make a motion shall first obtain the floor.
 - b. A member of the governing body who wishes to second a motion shall do so through informing the presiding officer.

- 1 c. Before a motion can be discussed, it shall be seconded.
- 2
- 3 d. The item is presented by staff or others followed by questions and discussion by
- 4 the governing body.
- 5
- 6 e. The presiding officer shall open the matter for further discussion offering the first
- 7 opportunity to the moving party and, thereafter, to any council member properly
- 8 recognized by the chair.
- 9
- 10 10. Amendments to Motions: When a motion is on the floor and an amendment is offered, the
- 11 amendment shall be acted upon prior to acting on the main motion. No motion of a subject
- 12 different from that under consideration shall be admitted as an amendment. A motion to
- 13 amend an amendment shall be in order, but one to amend an amendment to an amendment
- 14 shall not be in order. [HY11] Action shall be taken on the amended amendment prior to any
- 15 other action to further amend the original motion.
- 16
- 17 11. Continuance of Discussion or Hearings: Any item being discussed or any public hearing at
- 18 a ~~city council~~ meeting may, by notice, or motion, be continued, postponed or tabled to any
- 19 subsequent meeting unless prohibited by law.
- 20
- 21 12. Voting:
- 22
- 23 a. All applicable members of the governing body must vote either "yeayes" in the
- 24 affirmative or "naayno" in the negative.
- 25
- 26 b. A present member who does not vote will be officially recorded as a "yeayes" or
- 27 affirmative vote.[HY12]
- 28
- 29 c. A member of the governing body may recuse himself/ herself from voting on an
- 30 item prior to the governing body taking up such item. A member of a governing
- 31 body shall recuse the member's self from a vote only when a true or perceived
- 32 conflict of interest exists regarding an item currently being deliberated by the
- 33 governing body. Upon the recusal at such meeting, the governing body member
- 34 shall state the conflict of interest on the record and then leave the meeting room
- 35 until deliberation on that item has concluded. A recusal or abstention of a
- 36 governing body member is counted as a vote neither for nor against a question
- 37 before the governing body. § 3-12-2(D).
- 38 [HY13]
- 39 ~~A member of the governing body shall seek permission from the presiding officer~~
- 40 ~~to be recused once an item is in progress by the governing body.~~
- 41
- 42 ~~Upon recusal, that council member is not counted as present for quorum purposes~~
- 43 ~~and is not deemed to be "voting" for purposes of determining whether there has~~
- 44 ~~been a "majority vote of those voting and present. The recused member should have~~
- 45 ~~no participation in any discussion.~~

1 e.d. Any member of the governing body may request through the presiding officer, and
2 the presiding officer shall grant, the opportunity to clarify the reasoning of that
3 member's vote immediately following the vote of the governing body.
4

5 ~~d.e.~~ No member of the governing body shall publicly question or ask any other member
6 of the governing body the reasoning of their vote.^[HY14]
7

8 e.f. Reconsideration: A motion to reconsider the vote on any action taken by the
9 governing body may only occur during the meeting at which the action was taken
10 and may only be made by one of the members of the governing body who voted
11 with the prevailing side.
12

13 13. Public Hearings – Quasi-Judicial

14

15 a. Parties will state their names for the record.

16 b. Staff presents report and applicable legal standard.

17 c. Members of the governing body may ask staff questions.

18 d. Petitioner presents their case in chief.

19 e. Respondent presents their case in chief, if any.

20 f. Public comment, if any.

21 g. Petitioner presents rebuttal and closing argument.

22 h. Respondent presents surrebuttal, if petitioner present new arguments or evidence in
23 rebuttal, and closing argument.

24 i. Members of the governing body may ask questions of the applicant after being
25 recognized by the presiding officer.

26 j. The governing body deliberates on the issue. In the case of an administrative
27 adjudicatory hearing, the governing body may deliberate in closed session as
28 authorized under NMSA 1978 §10-15-1 H (3), provided, however, that any final
29 action is taken in an open meeting.

30 k. Following deliberation, the governing body takes action as needed
31

32 ~~13.14.~~ Public Hearings: The following is the general procedure for non-quasi-judicial
33 conducting public hearings:
34

35 a. Motion.
36
37
38
39
40
41
42

- 1
2 b. Second.
3
4 c. Staff presents report.
5
6 d. The presiding officer opens the public hearing.
7
8 e. Upon opening the public hearing, and before any motion is adopted related to the
9 merits of the issue to be heard, the presiding officer shall inquire if there is anyone
10 present who desires to speak on the matter which is to be heard or to present
11 evidence regarding the matter. In the case of a public hearing which is also an
12 administrative adjudicatory proceeding, or quasi-judicial hearing, speakers are
13 limited to those who are parties or who are required to be notified by ordinance or
14 statute.
15
16 f. Members of the governing body may ask staff questions.

17
18 ~~g. The applicant (if applicable) then has the opportunity to present comments,~~
19 ~~testimony, and/or oral arguments.~~
20

21 ~~h. Members of the governing body may ask questions of the applicant after being~~
22 ~~recognized by the presiding officer.~~
23

24 ~~i. Members of the public are provided with the opportunity for comments and~~
25 ~~testimony in accordance with Section 8(b) of the City Council Rules of Order.~~
26

27 j-g. The applicant may be given the opportunity to respond to questions from the
28 members of the governing body and for closing comment or rebuttal.
29

30 k-h. The governing body deliberates on the issue. In the case of an administrative
31 adjudicatory hearing, the governing body may deliberate in closed session as
32 authorized under NMSA 1978 §10-15-1 H (3), provided, however, that any final
33 action is taken in an open meeting.
34

35 ~~l. If the governing body raises new issues through deliberation and a majority of the~~
36 ~~governing body seeks additional public testimony, additional public comment and~~
37 ~~testimony is permitted in accordance with Section 8(b) of the City Council Rules~~
38 ~~of Order.~~ [HY15]
39

40 m-i. Following deliberation, the governing body takes action as needed.
41

42 ~~n. The chair announces the final decision of the governing body as applicable.~~
43

44 ~~Call for Recess: The presiding officer may call for a recess of up to fifteen (15) minutes at~~
45 ~~regular intervals at appropriate points in the meeting agenda, or if requested by any two (2)~~
46 ~~members of the governing body.~~

1 14.15. Election of Mayor Pro Tem: Mayor Pro Tem shall be decided by roll call vote by
2 the members of the governing body according to the following procedure:
3
4

5 a. The mayor shall open the floor for nominations from the governing body. A
6 member of the governing body may self-nominate. No seconds are required for a
7 nomination.
8

9 b. Voting shall proceed as follows:
10

11 i. Voting will be by roll call vote, with each councilor announcing the
12 preferred candidate. Nominee receiving the majority of votes cast by those
13 present is elected Mayor Pro Tem and voting ceases.
14

15 1. Example: If there is a total of 3 nominations - Nominee A, Nominee
16 B, Nominee C. If Nominee A has 6 votes, Nominee B has 3 votes
17 and Nominee C has 1 vote - then Nominee A wins.
18

19 ii. If no nominee receives a majority of the votes cast, then the nominee with
20 the lowest number of votes will be removed from consideration, and voting
21 resumes anew with the smaller field of nominees. Voting continues until a
22 nominee receives a majority of the votes cast.
23

24 1. Example: If there is a total of 4 nominations - Nominee A, Nominee
25 B, Nominee C and Nominee D. If Nominee A has 3 votes, Nominee
26 B has 3 votes, Nominee C has 3 votes and Nominee D has 1 vote -
27 then Nominee D will be dropped. Nominees A, B, and C will be
28 voted on again. If Nominee A has 4 votes, Nominee B has 4 votes
29 and Nominee C has 2 votes - then Nominee C will be dropped.
30 Nominees A and B will be voted on and a winner will be determined.
31

32 iii. If two nominees are tied for fewest votes, a new roll call vote is taken. If
33 after the second vote, two nominees are tied for the fewest votes, a coin toss
34 will decide which of the nominees receiving fewest votes is eliminated.
35

36 1. Example: If there is a total of 3 nominations - Nominee A, Nominee
37 B, Nominee C. If Nominee A has 4 votes, Nominee B has 3 votes
38 and Nominee C has 3 votes - then if still tied after a second roll call
39 vote, a coin toss will determine whether Nominee B or Nominee C
40 is eliminated.
41

42 **Sec. 8-10 - Decorum.**
43

44 1. Members of the governing body:
45

- 1 a. A member of the governing body who wishes recognition shall address the
2 presiding officer, but shall not proceed with remarks until recognized and named
3 by the presiding officer. Remarks shall be confined to the question before the
4 governing body.
5
- 6 b. Respectful behavior by all members of the governing body shall be practiced during
7 meetings.^[HY16]
8
- 9 c. A member of the governing body may not represent any third party before the
10 governing body or any city board or commission.
11
- 12 d. All personal communication devices should be placed in a silent mode during all
13 city council meetings.
14
- 15 2. Citizens' participation: The following rules shall be in force for persons in attendance at all
16 meetings of council:
17
- 18 a. Persons wishing to address the council during "Public Participation on Agenda
19 Items", "public hearings", or any other agenda items shall sign in with the city clerk
20 prior to the beginning of the regularly scheduled city council meeting or
21 immediately following their address to the governing body. Each speaker shall
22 approach the lectern and give his/her name and address before speaking. Speakers
23 shall address the Mayor and Council with civility that is conducive to appropriate
24 public discussion. All public comments should be addressed through the presiding
25 officer. Each speaker will be allowed up to three (3) minutes to speak. No person
26 shall be allowed to address the governing body more than once on a particular
27 agenda item unless called upon by the presiding officer to do so as may be requested
28 by a member of the governing body.
29
- 30 b. The members of the governing body cannot discuss any non-agenda items
31 presented under "public participation" nor take any action thereon other than
32 consideration of the placement of said item on a future agenda as a discussion item
33 or refer the item to city staff for research and possible future action.
34
- 35 c. Persons may not engage in discussions with the governing body during
36 deliberations unless specifically asked a question by a member of the governing
37 body. Persons who have been asked a question by a member of the governing body
38 must be recognized by the presiding officer before being allowed to speak. The
39 presiding officer may end any question-and-answer session between members of
40 the governing body and a member of the public in order to facilitate the order of
41 business.
42
- 43 d. Persons may present printed material pertaining to an agenda. Persons shall present
44 15 copies of printed material to the city clerk to distribute to the council during a
45 meeting.
46

- 1 e. Persons may present a PowerPoint software presentation to the governing body
2 utilizing the City's audio/visual equipment when speaking on an agenda item.
3
- 4 i. All PowerPoint presentations must comply with applicable time limits for
5 oral presentations.
6
- 7 ii. All PowerPoint presentations must be submitted to the City Clerk already
8 formatted in PowerPoint no later than five (5) days prior to the City Council
9 meeting, to allow for virus checks and confirm compatibility with city
10 equipment.
11
- 12 iii. Any items (discs, flash drives, etc.,) believed to contain viruses or are
13 unable to be scanned for viruses by city equipment will not be permitted to
14 be used on city equipment.
15
- 16 iv. If compatibility or viruses are an issue, a member of the public may provide
17 a printed hard copy of the PowerPoint presentation to the governing body
18 and city clerk.
19
- 20 v. Persons presenting a PowerPoint presentation are allowed up to three
21 minutes to speak, inclusive of the presentation.
22
- 23 f. Persons attending council meetings shall remain seated or may stand in the back
24 and come and go so long as it does not disrupt the meeting. Persons in attendance
25 shall not carry signs, placards or other items which block the view of those behind
26 them or are disruptive to the proceedings, or when meetings are held in the Roswell
27 Museum and Art Center, are close enough to artwork to cause potential damage to
28 such artwork. No person attending any council meeting shall delay the proceedings
29 or refuse to obey the orders of the presiding officer.
30
- 31 g. Disturbances, transgressions of the rules or disorderly conduct in the council
32 chamber may cause the transgressor to be removed from the meeting. The presiding
33 officer shall exercise control over persons who disrupt the meeting in the following
34 ascending order of action:
35
- 36 i. Call the person to order, advising that person of the infraction.
37
- 38 ii. Advise the person that the infraction must cease immediately or the person
39 will be ordered to leave the meeting.
40
- 41 iii. Order the person to leave the meeting. If the offending person is a member
42 of the governing body, the presiding officer shall call for a vote on the
43 expulsion of that member from the meeting, and such a vote requires a
44 majority for adoption.
45

iv. The presiding officer may direct that an individual be removed from the meeting if such individual continues to disrupt the meeting after being warned to cease such disruptive conduct.

h. Persons are encouraged to attend council meetings. However, the number admitted shall be limited to the fire safety capacity of the council chamber or other meeting location, as determined by the fire chief or his designee. If the capacity is surpassed, the council may adjourn the meeting and move its proceedings to a location that will accommodate a larger number of participants.

Sec. 9-11 - Statements by public officials regarding litigation.

When the City of Roswell is involved in litigation or a legal dispute, council members shall refrain from commenting on settlements, appeals or other issues related to the subject until the matter is resolved. Only the mayor, city manager or city attorney shall be authorized to provide or participate as appropriate in any public responses or comments, as needed on matters involving litigation.

Sec. ~~10~~12 - Standing Council Committees.

Standing Council Committees shall be as prescribed by city ordinance. To the extent appropriate, committees shall operate following the same general rules of order as contained herein with note of the following:

1. Meeting dates and times: The committee chair shall solicit input from committee members and work to accommodate such members with regard to establishing a standard meeting schedule; however, the committee chair shall have final authority on establishing such meeting schedule.
2. Council committee agendas: The committee chair, working with the staff liaison, shall establish the agendas for committee meetings; however, the Mayor, or two (2) members of ^[HY17]the governing body, regardless of which committees they serve on, or the city manager, may place an item on an agenda for discussion by ^[HY18]the committee. Requests for the placement of agenda items shall be made in writing to the respective committee chair and staff liaison. Items shall be placed on the next available agenda if submitted a minimum of eight (8) days in advance of the meeting date. ~~Items shall be for discussion only unless approved as action items by the committee chair due to extenuating circumstances requiring timely action by the committee~~ ^[HY19].
3. Uncertainty on committee assignment of an agenda item: Only in cases where there exists uncertainty or disagreement with regard to which committee an agenda item is to be placed, the Mayor shall have full authority to make such final agenda assignment(s).
4. Referrals: Generally, in order for a proposed action to go before the full governing body the action must be passed by the most applicable committee and referred to and passed by either the legal or finance committee, on any financial or legal consideration. However, if

1 not sent to the governing body by two committees, through written notice to the city clerk,
2 five councilors or the mayor may place an item before the governing body.

3
4 4.5. The committee chair or vice chair of the committee in the ~~farmer's~~ former's absence, is the
5 presiding officer of that committee.

6
7 5.6. After an agenda item is announced by the committee chair, the members may discuss the
8 item without the need for a motion on the item.

9
10
11 **Sec. ~~11~~13 - Public Requests for Proclamations**

- 12
13 1. Requests for proclamations shall be made through the Office of the Mayor and the Mayor
14 shall consider the issuance of each.
15
16 2. Should the Mayor determine not to issue a particular proclamation, five members of the
17 governing body may request in writing to the Mayor the issuance of such proclamation.
18
19 3. Should the Mayor decline to sign such proclamation, the Mayor Pro Tem will be presented
20 with such proclamation.
21
22 a. Should the Mayor Pro Tem decline to sign such proclamation, the proclamation
23 shall not be issued.
24
25

26 **Sec. 12 - Open Meetings Act**^[HY20]

27
28 ~~All members of the governing body shall read and abide by the laws set forth by the State's Open~~
29 ~~Meeting Act.~~

30 ~~(<http://www.nmag.gov/uploads/files/Publications/ComplianceGuides/Open%20Meetin>~~
31 ~~gs%20Act%20Compliance%20Guide%202015.pdf)~~

32
33 ~~In addition to scheduled meetings of the governing body, the Act's requirement for open, public~~
34 ~~meetings applies to any discussion of public business among a quorum of a public body's members.~~

35
36 ~~Usually, a quorum of a public body's members meets together to discuss public business or take~~
37 ~~action. However, a quorum may exist for purposes of the Act even when the members are not~~
38 ~~physically present together at the same time and place. For example, if three members of a five-~~
39 ~~member board discuss public business in a series of telephone or email conversations, the~~
40 ~~discussion is a meeting of a quorum. This is sometimes referred to as a "rolling" or "walking"~~
41 ~~quorum. The use of a rolling quorum to discuss public business or take action violates the Act~~
42 ~~because it constitutes a meeting of a quorum of the public body's members outside of a properly~~
43 ~~noticed, public meeting.~~
44

~~The City Attorney shall provide to the governing body an annual review with regard to the legal aspects of the Open Meetings Act and the Inspection of Public Records Act. Members of the governing body shall endeavor to attend such presentations on a yearly basis.~~

Sec. ~~13-14~~ – Request for Research/Information

Council members may request information or research from staff on a given topic, outside of such topics currently being discussed or considered as part of a committee or Governing Body agenda item, through the city manager ~~or team leaders~~. The ~~cCity mManager or Team Leaders~~ ^[HY21] will determine if extensive staff time and resources are required to accomplish the request. If so, at his/her discretion, the city manager may present the request to the full governing body.

Requests for information or research directly related to new policies, programs or processes shall follow the current procedure as previously adopted by Resolution No. 15-81 included below.

1. A City Council member may request that an item be added to the regular City Council agenda or to the appropriate Council Committee agenda, asking that a project/item be considered by the City Council for inclusion on the proposed Project Priority List.
 - a. The City Council member proposing the item would provide a brief overview of the project/item to the full governing body or to Committee members at a City Council Committee meeting.
 - b. If approved by four (4) members of City Council or Council Committee, staff would bring the project/item to the City Council at the next regular City Council meeting to review the project/item in more detail including scope, proposed Committee placement, estimated resource allocation and timeline, as applicable (and/or other items as may be directed by Council). ^[HY22]
2. At the next regularly scheduled City Council meeting, following Council review of the information as provided per paragraph b above, staff would seek City Council action (simple majority of a quorum) on placement (prioritization) of the project/item with regard to the Project Priority list.
3. Staff may add to the Project Priority list substantive projects/items typically requiring Council action or direction (generally as a result of customary operations). ^[HY23]

Sec. ~~14~~15 - Notification of Significant Incidents

The city manager shall ensure that the governing body shall be notified of significant incidents at the earliest opportunity. The extent of the information provided shall be dependent upon the nature of the incident and at the discretion of the city manager.

~~Sec. 15 – Procedure in the Absence of Rules~~ ^[HY24]

1 ~~Any matter not covered by these rules shall be governed by the decision of the presiding officer,~~
2 ~~applying Roberts Rules of Order, newest version.~~

3
4 **~~Sec. 16—Amendment of Rules~~**

5
6 ~~These rules, or any part thereof, may be amended, repealed, altered or rescinded by resolution as~~
7 ~~approved by a majority vote of the governing body.~~^[HY25]

8
9 **Sec ~~17~~16- Non-Exclusive Rules**

10
11 The rules set forth are not exclusive and do not limit the inherent power and general legal authority
12 of the governing body, or of its presiding officer, to govern the conduct of the city council meetings
13 as may be considered appropriate from time to time, or in particular circumstances, for purposes
14 of orderly and effective conduct of the affairs of the city.

15
16 **Sec. ~~18~~17 – Non-Observance of Rules**

17
18 Rules adopted by the governing body are solely to expedite and facilitate the transaction of the
19 business of the governing body in an orderly fashion and, they shall be deemed to be procedural

20
21 **Sec. ~~19~~18- City Attorney as Procedural Advisor**

22
23 The City Attorney ~~assists~~ shall assist the governing body as a resource and advisor for
24 interpreting the governing body's adopted rules and procedures.