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## ***SAMPLE GOVERNING BODY CODE OF ETHICS***

*As a member of this governing body, I will:*

- *Represent the interests of all people served by this municipality.*
- *Not use the organization or my service on this governing body for my own personal advantage or for the individual advantage of my friends or supporters.*
- *Keep confidential information confidential.*
- *Approach all governing body issues with an open mind, prepared to make the best decision for the whole municipality.*
- *Do nothing to violate the trust of those who elected me or of those we serve.*
- *Focus my efforts on the mission of the municipality and not on my personal goals.*
- *Never exercise authority as a governing body member except when acting in a meeting with the full governing body or as I am delegated by the governing body.*



Rev. 3/02

## GOVERNING BODY MEETINGS

A governing body meeting is any meeting where at least a quorum of governing body members are present and at which municipal policy or business is discussed or any official action is taken. All such meetings of the governing body (and of any policy-making committee, board or commission) are subject to the Open Meetings Act (§§ 10-15-1 through 10-15-4). The Mayor and Governing Body members should make themselves familiar with the Act so that they will avoid possible violation of the Act.

There are basically three types of governing body meetings:

1. Regular meeting;
2. Special meeting; and
3. Emergency meeting.

Some municipalities use a fourth kind, a workshop where municipal matters are discussed but no action is taken. This is still a governing body meeting and must be held with adequate notice for the type of meeting (regular or special).

All governing body meetings must be open to the public, **unless the subject matter allows them to be closed under one or more of the ten exceptions** listed in § 10-15-1H.

Each year the governing body must adopt an Open Meeting Resolution stating what is considered adequate notice for each type of meeting, depending upon the means that municipality has of giving notice to the public (television, radio, newspaper or posting). A sample Open Meetings Resolution is shown as Figure 1. Section 3-12-3 leaves the scheduling of time and place of meetings to the governing body, but some municipalities list the schedule of their regular meetings in the Open Meeting Resolution (as shown in Section 2 of Figure 1).

The usual place for holding governing body meetings is at the municipal hall in a room designated for that purpose, but that is not a legal requirement. The place chosen should be one where the governing body is able to conduct its business efficiently and with dignity and where the public has reasonable access, including physical access for persons with disabilities. It may be desirable to designate an alternate place for holding regular meetings in appropriate circumstances.

## **REGULAR MEETING**

A regular meeting of the governing body is a meeting which is held at the time and place designated for the usual transaction of the business of the governing body. The statutes do not prescribe any particular time or place for governing body meetings or any particular frequency. These matters should be established in the Open Meetings resolution or by adopting and publishing a schedule of regular meetings.

There is no "normal" time or frequency of governing body meetings among New Mexico municipalities, but meetings should be held at a time convenient for the governing body members and which also allows interested citizens an opportunity to attend. The frequency of meetings depends upon the amount of normal business the municipality has to conduct, but even the smallest municipality should hold governing body meetings at least once a month. Because the composition of the governing body usually changes at each regular municipal election, the newly constituted governing body may wish to review the schedule of regular meetings and amend it for the convenience of the new governing body.

If a regular meeting date falls on a legal holiday, the date is not automatically postponed unless the resolution establishing regular meeting dates so provides; if the resolution does not, adequate notice of the alternate meeting date is required. If a regular meeting is to be held on a different date or at a different time or location, adequate notice is required but the meeting is still a regular, not a special, meeting.

## **SPECIAL MEETING**

A special meeting of the governing body is a meeting held at a time other than the time designated for a regular meeting. It is usually held at the same time and place as the regular governing body meeting, unless there is some special reason for holding it elsewhere or at a different time.

A special meeting of the governing body may be called either by the mayor or by a majority of the members of the governing body. Besides giving required notice to the public, notice of such a meeting must either be personally served on each member of the governing body or left at the member's usual place of residence (§ 3-12-3). Sample forms for this notice appear at Figures 2a and 2b. Figures 3 and 4 show an order for service and a return of service.

Unlike a regular meeting, at which any matter may be considered (subject to any special notice requirements which may exist for certain types of matters), only those matters included in the notice of the meeting may be considered at a special meeting. There is no statute that specifically states this, but it is a well-recognized rule of law throughout the United States; **considering items not listed on the special meeting notice may violate the adequate notice provision of the Open Meetings Act.**

## **EMERGENCY MEETING**

An emergency meeting is one which is called because of a real emergency, which is defined by the Open Meetings Act (§ 10-15-1F) as "unforeseen circumstances 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." Such meetings should have the most public notice possible under the circumstances and your Open Meeting Resolution should so provide. Emergency meeting business must be confined to dealing with the emergency at hand.

## **RECESSED (CONTINUED) MEETING**

A recessed meeting is a continuation of a meeting that did not complete its business. The recess must be moved, seconded and passed at the original meeting so that those present, including news media and public, will know when and where the meeting will be continued. The general rule is that only subject matter which could be considered at the original meeting may be discussed at the continued meeting. The meeting should be recessed to the closest available date, time and place possible, usually the following day or two.

## **ATTENDANCE AT MEETINGS REQUIRED FOR PARTICIPATION**

As a general rule, a member of the policymaking body must be in attendance at the meeting in order to participate in the meeting. The Open Meetings Act has provided an exception to this general rule, however. If otherwise provided for by ordinance or policy of the policy-making body, a member of the public body may participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend. Each member participating by conference telephone must be able to be identified when speaking and all participants must be able to hear each other at the same time. In addition, members of the public attending the meeting must be able to hear any member of the public body who speaks during the meeting.

## **OPEN MEETINGS ACT VIOLATION**

Although there is a statutory presumption that all actions of any policy-making body have been taken at a meeting held in compliance with the Open Meetings Act, if it can be established that this was not the case, all actions taken at an unlawful meeting will be invalid (§ 10-15-3). In addition, violation of the Act is a misdemeanor and is punishable by a fine of up to \$500 (§ 10-15-4), and the district court may issue injunctions to enforce the Act (§ 10-15-3). Because of these serious consequences, we strongly recommend that meetings be closed only for valid reasons and, if possible, upon the advice of the municipal attorney.

Make sure that you understand the exceptions for which a meeting may be closed (§ 10-15-1H) and **inform the presiding officer and other members if you feel the subject matter does not meet the requirements for closing the meeting.**

NOTE: Under the 1993 amendments to the Open Meetings Act, when a closed portion of an open meeting has been completed or when a closed meeting has been scheduled and held, the minutes of the re-opened meeting or the next open meeting must contain a statement, approved by the public body, that "the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting."

## **CONDUCT OF MEETINGS**

§ 3-12-3A(5) requires the governing body to "determine the rules of its own proceedings." Whatever rules of procedure are adopted by the governing body should, of course, be carefully followed. If, for instance, your governing body says that it will follow Robert's Rules of Order Revised, as many municipalities do, be sure that you have a copy of whatever edition (there are dozens) of Robert's they have voted to follow and that you follow it.

Regardless of the rules of procedure adopted by the governing body, there must be a quorum (at least one more than half of the existing members of the governing body) present in order to conduct business. If you lose the quorum, no business may be conducted after the meeting drops below a quorum.

In addition, to pass an ordinance or resolution you must have enough members voting in the affirmative to constitute a majority of all members of the governing body. In a mayor-council municipality, since the mayor may vote only in case of a tie, if you had to count the mayor to achieve a bare quorum you will not be able to pass an ordinance or resolution at that meeting.

As a separate handout, the League publishes "A Practical Way to Conduct a Formal Meeting" by Gary A. Beimer. This may be of help to you in dealing with conduct of a meeting according to acceptable rules of parliamentary procedure.

## ORDER OF BUSINESS

Every governing body should have an order of business to follow in its meetings, and governing body members should be prepared to prompt the presiding officer, if necessary, to insure that the correct order is followed. This does not mean that a governing body may never deviate from the order of business for good reason. A definite and well-understood order of business is important, since it helps the presiding officer to conduct the meeting with a minimum of wasted time, and it helps the Municipal Clerk in assembling documents for the meeting, preparing the agenda, and writing the minutes.

## AGENDA

An agenda is an outline or list of matters to be brought up at a particular meeting; it is, in a sense, an order of business for that meeting. The agenda lists the various items to be considered under each order of business. The revised Open Meetings Act requires that the agenda for regular or special meetings **be available 24 hours before the meeting**. Items not on the agenda may **be discussed but no action (vote) may be taken if the item is not on the preliminary agenda.** A copy should be provided for the presiding officer and all members of the governing body. If time, money, and reproduction facilities permit, copies may also be provided to department heads, the press, and citizens attending the meeting.

In most municipalities, the Municipal Clerk prepares the agenda in consultation with the presiding officer, although it may be prepared by the City Manager, if there is one. Unless there is a standing rule that officers or department heads notify the clerk of matters they would like on the agenda, he or she may have to ask them what they expect to report or bring before the governing body.

The agenda may be altered by majority vote of the members present. The omission of an item from the preliminary agenda does not prevent that matter from being discussed by the governing body, provided it is a matter which may otherwise be considered at the meeting (See Special Meeting and Recessed Meeting above), **but no action (vote) may be taken on the item unless it was listed on the preliminary agenda.** A sample agenda appears at Figure 5.

### Consent Agenda

A "consent agenda," sometimes called the "consent calendar" or "general order of business," is a portion of the full agenda which contains routine, non-controversial matters with which the governing body members are already familiar, and which should not normally need discussion. We recommend that matters on the consent agenda be physically grouped together as a separate item on the meeting agenda, although they may be placed throughout the meeting agenda, under the items to which they relate, and indicated by an asterisk or other special symbol.

The consent agenda can be a useful tool for expediting governing body meetings, if it has been established with the consensus of all concerned, and if it is properly used. It may be desirable to try it on an experimental basis before making it a permanent agenda item.

If copies of the meeting agenda are provided to the public, the consent agenda portion should be preceded by an explanatory note such as the following:

All matters listed under item 3, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Since matters on the consent agenda should be routine and non-controversial, the matters actually selected will depend upon the municipality. What is non-controversial in one municipality may be very controversial in another. Once the type of business to be considered routine and non-controversial has been decided upon, the selection of actual matters to be placed on the consent agenda of a particular meeting should be relatively easy. Selection may be made by the clerk, manager, mayor, department heads, a committee of the governing body, or whoever is designated by the governing body when it decides to adopt the use of a consent agenda.

**1. Approval of the Consent Agenda**

Whether matters on the consent agenda are physically grouped together on the meeting agenda, or are placed throughout the meeting agenda and indicated by a symbol, the consent agenda is considered as one item of business, early in the governing body meeting, with one motion. Since the Open Meetings Act requires that how each member voted on each action must be recorded, the method of voting on approval of the consent agenda should be adequate for making such a notation in the minutes. In the minutes of the meeting, consent agenda items are recorded individually and in full, as if considered separately and voted upon separately, including the "yeas" and "nays" on the vote.

**2. Removal of an Item from the Consent Agenda**

Consent agenda items are not discussed separately, but an item may be removed from the consent agenda for discussion, if desired. Items removed from the consent agenda are discussed and voted on separately, either immediately after approval of the consent agenda, or in their normal sequence on the regular agenda.

There is no absolute rule on who may cause an item to be removed from the consent agenda. It is usually at the request of a member of the governing body, but the governing body may adopt its own rule in this regard. In order to maintain good public relations and citizen confidence, as well as to promote ready acceptance of the consent agenda, it may be wise to strongly protect the right to discuss any item. This can be done by providing that any item may be removed from the consent agenda at the request of any governing body member.

Figure 1

**SAMPLE OPEN MEETINGS RESOLUTION**

Resolution No. \_\_\_\_\_

A RESOLUTION CONCERNING \_\_\_\_\_ MEETINGS AND PUBLIC NOTICE  
REQUIRED

WHEREAS, Section 10-15-1B, NMSA 1978 provides that "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such board, commission or other policymaking body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act"; and,

WHEREAS, Section 10-15-3A, NMSA 1978 provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and,

WHEREAS, Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense"; and

WHEREAS, Section 10-15-1D requires that "Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to such body."

NOW, THEREFORE BE IT RESOLVED by the \_\_\_\_\_ of the municipality of \_\_\_\_\_, New Mexico that:

1. Notice shall be given at least ten (10)\* days in advance of any regular meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.

2. The regularly scheduled meetings of \_\_\_\_\_ will be held at \_\_\_ P.M on the \_\_\_\_\_ of each month in the \_\_\_\_\_ meeting room of the municipal building, located at \_\_\_\_\_ in \_\_\_\_\_. In the event that the regular meeting date falls on a legal holiday, the \_\_\_\_\_ shall designate an alternate meeting date and/or time at the regular meeting prior to the holiday and shall cause advance notice of the changed meeting date and/or time to be published as provided in this Resolution. In the event that a regular meeting of the \_\_\_\_\_ is changed to a different location, advance notice of the meeting location shall be published as provided in this Resolution. The agenda for the meeting will be available at least twenty-four hours prior to the meeting from \_\_\_\_\_, whose office is located in \_\_\_\_\_

\_\_\_\_, New Mexico. The notice shall indicate how a copy of the agenda may be obtained.

3. Special meetings may be called by the mayor or a majority of the members of the \_\_\_\_\_ upon three (3)\* days notice. The notice shall include a copy of the agenda for the meeting or information on how a copy of the agenda may be obtained. The agenda for the meeting will be available at least twenty-four hours prior to the meeting.

4. Emergency meetings will be called only under circumstances which demand immediate action to protect the health, safety and property of citizens. The \_\_\_\_\_ will avoid emergency meetings whenever possible. Emergency meetings may be called by the mayor or a majority of the members of the \_\_\_\_\_ upon twenty-four (24) hours\* notice, unless threat of personal injury or property damage require less notice.

5. The notice requirements of Section 1, 2 and 3 of this Resolution are complied with if notice of the date, time, place and subject matter of any regular or special meeting are published. "Publish" means printing in a newspaper which maintains an office in the municipality and is of general circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, or, if no such newspaper exists, "publish" shall mean posting in six public places within the municipality, and one of the public places where posting shall be made is the office of the municipal clerk, who shall maintain the posting for public inspection within the time limits specified. The six public places notice shall be posted are:

- The office of the clerk;
- \_\_\_\_\_;
- \_\_\_\_\_;
- \_\_\_\_\_;
- \_\_\_\_\_;
- \_\_\_\_\_;
- \_\_\_\_\_;

The clerk may, in addition to posting, publish one or more times in a newspaper of general circulation within the municipality, even though it does not maintain an office within the municipality. In addition, written notice of such meetings shall be mailed or hand delivered to federally licensed broadcast stations and newspapers of general circulation in the municipality which have provided a written request for such notice. The municipal clerk shall also mail copies of the written notice of regular meetings to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings. For purposes of special meetings and emergency meetings, the municipal clerk shall provide telephone notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.

6. Notwithstanding any other provisions of sections 1 through 4 of this Resolution, the governing authority may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.

7. All notices shall contain the following language:

*If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the municipal clerk at \_\_\_\_\_ at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the municipal clerk at \_\_\_\_\_ if a summary or other type of accessible format is needed.*

8. The \_\_\_\_\_ may close a meeting only of the subject matter of such discussion or action is exempted from the open meeting requirement under section 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 \_\_\_\_\_ taken by roll call during the open meeting. The authority for such closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure. The vote of each member on the motion shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
- (b) If the decision to hold a closed meeting is made at a time when the \_\_\_\_\_ 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 of the \_\_\_\_\_ 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 contain an announcement that only those matters specified in the motion or notice of closed meeting were discussed during the closed meeting.
- (d) Except as provided in Section 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 a vote of the \_\_\_\_\_ in an open meeting.

*\*All notice requirements in this model ordinance have been suggested by the Attorney General's office.*

PASSED, ADOPTED, AND APPROVED this \_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Municipal Clerk

Figure 2a

**Notice of Special Governing Body Meeting  
Called by Mayor**

To: (name and address of governing body member)

I, Mayor of the City of, do hereby call a special  
meeting of the governing body to be held at \_\_\_\_ o'clock (a.m./p.m.) \_\_\_\_, 20\_\_, in the  
council chamber of the city hall, for the purpose of \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Figure 2b

**Notice of Special Governing Body Meeting  
Called by Majority of Governing Body**

To: (name and address of mayor or governing body member)

We, the undersigned members of the governing body of the city of \_\_\_\_\_, being a majority of the members of the governing body, do hereby call a special meeting of the governing body to be held at \_\_\_\_\_ o'clock (a.m./p.m.), \_\_\_\_\_, 20\_\_\_\_, in the council chamber of the city hall, for the purpose of \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

Figure 3

**Order for Service**

(To be included in same form with Figure 1a and Figure 1b)

State of New Mexico )

County of \_\_\_\_\_) ss.            Date

City of \_\_\_\_\_)

To: (name or title, or both, of person directed to serve notice)

You are hereby directed to serve the foregoing notice personally upon \_\_\_\_\_, or  
to leave it at his usual place of residence, before \_\_\_\_\_ o'clock (a.m./p.m.),  
\_\_\_\_\_, 20\_\_, and to make a return of service in writing, showing the manner of service.

(SEAL)

\_\_\_\_\_  
City Clerk

Figure 4

**Return of Service**  
(For use with Figure 3)

I certify that I served the notice of special meeting of the governing body, of which the foregoing is a copy, upon \_\_\_\_\_ (personally leaving the original at \_\_\_\_\_, his usual place of residence at \_\_\_\_\_ o'clock (a.m./p.m.), \_\_\_\_\_, 20\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature and title of person serving notice

Figure 5

**Sample Agenda**

\_\_\_\_\_ CITY COMMISSION MEETING

December 16, 20\_\_

1. Roll call.
2. Approval of Minutes of Meeting of December 9, 20\_\_.
3. Recognition of Visitors, Receipt of Petitions & Communications.
4. Introduction or Adoption of Ordinances & Resolutions.
  - a. Adoption of Resolution No. 1071-76, Condemnation 1420 West 7th.
  - b. Introduction of Ordinance No. 1069-76, Zone Change, Rodes Addition from "B" to "E".
5. Report of Officers, Boards & Committees.
  - a. Variance -- 1720 N. Prince, Paint Contractors Office.
6. Old Business.
  - a. Right of Way Easement, Airport for ENMR Telephone Cooperative.
7. New Business.

- a. Approval of Lease Agreement, Boy Scouts.
8. Miscellaneous.
  - a. Appointment to Parks & Recreation Board.
  - b. Proclamation, Community Involvement Team of Levi Strauss.
9. Announcement of Date, Time & Place of Next Regular Meeting of City Commission.
10. Adjournment.



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Q03-01  
3/02

## INGREDIENTS FOR EFFECTIVE COUNCIL MEETINGS

by Donald P. Lacy

The most important goal for each council member is to make "good decisions," that is to say, decisions that produce good results. Results-oriented decisions are best defined as those that meet the needs of the community represented. No absolute definition of "good" can be clearly established since "good" is determined by the individual decision-makers and community members. In one sense, good decisions are those that are accepted by the community and tend to reflect the values and interests of the community.

One essential ingredient for making "good decisions" is the council meeting. Effective council meetings will meet community needs and satisfy community residents. The effective council meeting has three basic dimensions that require attention: content, process and style.

### CONTENT

Content refers to making the right decision. The votes on major decisions are seldom unanimous. Thus, right is determined by a majority of those present and voting. It is not the outcome of the vote that makes the decision "right." Rather it is all that has gone into arriving at the individual vote that makes for good decisions.

Three essential elements play a significant role in making the right decisions. Time is required to collect, process and evaluate information relating to each decision. Thus, some council decisions may begin in a work session, appear for first reading at a subsequent council meeting and appear for a second reading at another time.

Allowing sufficient time to evaluate the potential outcomes and impacts of council decisions is important. Councils that appear to move in haste with little time devoted to discussion or evaluation may lose credibility with the community served.

Another essential element for making the right decisions is that each council member does the necessary homework. Council members must come to meetings prepared. They must read the staff reports and background material necessary to understand and

evaluate the decisions. There is no substitute for doing one's homework well in advance of a meeting.

Many managers encourage individual council members to ask questions for clarification or additional information prior to the council meeting. Local protocols and procedures will determine when and how such inquiries are to be made, but it is always better to seek information prior to the meetings than to use significant amounts of time during meetings to seek information that may not be readily available.

If council members sense a genuine and widespread problem with the information available, then a motion to table, return to staff or delay might be appropriate. Councils, however, should avoid the routine use of such delaying tactics. If too many issues are tabled or referred for future study, a lack of homework or dissatisfaction with staff reports is probably indicated.

Good council/staff relations are the third essential element for making the right decision. A manager and staff can and will provide the necessary information to help council members arrive at a decision.

The interaction between council and staff should be established and understood by all council members and staff. Maintaining a professional relationship between the council, the manager and other staff with protocols that are understood by all is important. Council members must seek the information necessary to make decisions, but each council member must remember that requests for information should be reasonable and within the range of capabilities of staff to collect and deliver. Above all, council members should remember that managers, not the councils, direct the day-to-day operations of the local government.

### PROCESS

Process is perhaps the most widely discussed dimension relating to council meetings. Process refers to making decisions the right way. A good process begins with a well prepared agenda that has an order

of business that suits the local community. Many versions of agenda structure can be found, each with its strong advocates.

Some agendas place public comments first; others place public comments last. Some councils make room for public hearings for each separate item that requires a council decision. Some hold public hearings as a separate meeting. No one structure for an agenda is ideal.

Process involves more than agendas, however. A meeting must be well managed, start on time, end at a reasonable hour and not be too short. Agendas and documents should be distributed well in advance of the meeting (five days). Some reasonable version of parliamentary procedure must be followed. Debate and dialogue should be permitted but should not get out of hand. In short, the meeting process must have some control and order so that time is managed effectively. Many guides to effective meeting processes are available for council members to study. Councils should regularly evaluate the procedures used to conduct meetings and make changes to the procedures and processes where necessary.

Effective meetings depend upon the development of processes which facilitate the efficient use of time but provide ample opportunity for dialogue and discussion. Meetings must have a structure that is understood and predictable but must provide sufficient flexibility to accommodate those unexpected needs that arise during the decision making process.

In short, the processes and procedures used for council meetings require regular evaluation. No single uniform procedure has been found to meet the needs of each council. Thus, the processes and procedures used by each council should be evaluated regularly and changed if necessary in order to make meetings function effectively and efficiently.

## **STYLE**

Style is a dimension of council meetings that receives very little attention from decision-makers. Style refers to the image, the atmosphere and the ambiance that surrounds council meetings. The way council tends to operate in time projects an image to the public, the press, the staff and to the audience.

The atmosphere surrounding meetings can be tense, hostile and combative, or it can be relaxed,

friendly and peaceful. The image projected may be one of not listening, aloofness or insensitivity, or council may be perceived as good listeners, open, sensitive and flexible. Some councils appear to be caught in constant tangles of parliamentary procedure, trivial pursuit, instant replay or insider jokes and comments. Other councils project a very smooth, positive and professional image.

A community develops its perception of its council and its government based on the image that is projected. Perception becomes the reality for that community. Often the council will develop its own self-image based upon community perception. Thus, it is important to evaluate and understand the collective image of the council over time.

"Good meetings" with appropriate attention to content and process will create a positive image that builds an effective local style. It may seem appropriate at the time or even humorous to create conflict, make clever remarks or play "gottcha" with the manager or other council members. The short-term impact of open conflict, too much informality or frequent games of one-upmanship may not be very harmful in isolation. However, a consistent style of conduct and behavior that produces a negative image can significantly diminish the effectiveness of the council to make widely respected decisions.

Even the physical environment plays an important role in the image and style projected by the council. Well-lighted, comfortable rooms with good seating and sound systems help create a positive atmosphere for council decisions. The atmosphere created by the physical surroundings can help project the positive images that councils need as they make important decisions.

Attention to the many details and guidelines for developing effective content, process and style for council meetings are beyond the scope of this article. Nevertheless, councils need to regularly evaluate their meetings. Changes in the approach to making decisions, alterations in the process, and the development of a style that produces a positive image can change the attitude of the community toward government, its policies and its decision-makers. The annual council retreat is a good time to begin the process of evaluating the operating protocols and procedures of the council.

*Virginia Town & City, November, 1989*

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*Sample*

GOVERNING BODY  
OF

\_\_\_\_\_

RESOLUTION

ADOPTING GOVERNING BODY RULES OF PROCEDURE

WHEREAS, The Governing Body must have rules to promote the orderly and businesslike consideration of the questions which come before it for determination; and

WEREAS, Rules determine the priority and manner of consideration of questions and provide an orderly and methodical plan so that business may receive proper consideration; and

WHEREAS, Section 3-12-3, NMSA, 1978, provides that Governing Body shall determine rules of its own proceedings.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF \_\_\_\_\_

That the following rules of procedure are hereby adopted:

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ARTICLE I  
GENERAL PROVISIONS

1.1 Meetings

- A. Meetings of the Governing Body shall be held in accordance with the Open Meetings Act, NMSA, 1978, §10-15-1 et. seq.
- B. All binding actions of the Governing Body shall be taken at regular meetings, special meetings, or emergency meetings.
- C. The Governing Body 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 on or near the door of the \_\_\_\_\_ and \_\_\_\_\_. Only matters appearing on the agenda of the original meeting will be discussed at the reconvened meeting.
- D. Notice of all meetings shall be in accordance with the Open Meetings Resolution as adopted in accordance with the Open Meetings Act.
- E. Work Sessions. may be held for the purpose of examining issues, but no official action may be taken.

1.2 Attendance

- A. Members of the Governing Body are expected to attend all scheduled meetings.

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 meetings.
  - 2. Announce the business before the Body in the order in which it is to be acted upon.
  - 3. Recognize the speakers entitled to the floor and guide and direct the proceedings of the body.
  - 4. Decide all points of order, subject to appeal, unless he prefers to submit the question to the decision of the Governing Body.
  - 5. Put to vote all questions that are regularly moved or otherwise arise in the course of the proceedings.

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 Order, 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 Governing Body, after notice of intended proposal. Such notice shall be presented by resolution at a regular meeting of the Governing Body.
- 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 councilors present. When the suspension of a rule is requested, and no objection is offered, the presiding officer shall announce the rule suspended, and the Governing Body may proceed accordingly.
- D. Violation of Rules. Violation of these rules does not invalidate action of the Governing Body.

**ARTICLE II  
PROCEDURES**

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5 2.1 Preparation and Distribution of Agendas

- 6 A. The \_\_\_\_\_ shall prepare the agenda for all Governing Body  
7 meetings.  
8 1. Matters may be placed on the consent calendar which are routine or  
9 ministerial in nature.  
10 2. The city clerk shall assure that scheduled public hearings have been  
11 duly advertised.  
12 B. All material to be presented to the Governing Body shall be submitted to the  
13 city clerk not later than \_\_\_\_\_ days prior to the meeting date.  
14 C. The agenda, along with introductions and related material, shall be available  
15 to each member of the Governing Body at least \_\_\_\_\_ days in advance  
16 of the meeting.  
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18 2.2 Minutes

- 19 A. Minutes shall include at a minimum the date, time and place of the meeting,  
20 the names of members in attendance and those absent, the substance of the  
21 proposals considered and a record of any decisions and votes taken that  
22 show how each member voted.  
23 B. Approval of the minutes shall be placed on the consent calendar. Unless a  
24 reading of the minutes is requested by a member, the minutes of previous  
25 meetings may be corrected and approved without reading.  
26 D. Previously approved minutes may be corrected whenever an error is noticed,  
27 although the time to reconsider the vote has elapsed in accordance with  
28 Article II, Section 10 of these rules.  
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30 2.3 Order of Business

- 31 A. The order of business of the Governing Body shall be conducted in the  
32 following order; provided, however that the presiding officer may, during a  
33 meeting, rearrange items on the agenda to conduct the business before the  
34 Governing Body more efficiently:  
35 Call to order and Pledge of Allegiance  
36 Public Forum  
37 Consent Calendar. **The consent calendar is approved by a single motion. Any**  
38 **member of the Governing Body may request an item to be withdrawn from the**  
39 **consent calendar without discussion or vote.**  
40 Staff Reports  
41 Public Hearings  
42 Ordinances  
43 Action Items  
44 Adjournment

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2 2.4 Ordinances and Resolutions

- 3 A. Ordinances. An ordinance ranks highest in authority of all actions of the  
4 Governing Body. If duly enacted, an ordinance has the force of law within  
5 the municipality and may be enforced in municipal court.  
6 1. Ordinances shall be adopted in accordance with section 3-17-1  
7 *et.seq.*, NMSA, 1978.  
8 2. Ordinances are open to amendment provided such amendment does  
9 not constitute a substantive change. Amendments shall be in  
10 accordance with Article II, Section 2.12 of these rules.  
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12 B. Resolutions. A resolution is an internal legislative act which is a formal  
13 statement of policy concerning matters of special or temporary character.  
14 1. Resolutions are open to amendment provided such amendment does  
15 not constitute a substantive change. Amendments shall be in  
16 accordance with Article II, Section 2.12 of these rules.  
17 2. Substantive amendments offered to resolutions may require the  
18 resolution to be postponed to a subsequent meeting.  
19 C. Withdrawal of Ordinances and Resolutions  
20 An ordinance or resolution which has been introduced is in the possession of  
21 the Governing Body and may be withdrawn only with the consent of the  
22 Governing Body.  
23 D. Substitutes for Ordinances and Resolutions  
24 A councilor may recommend that every clause in an ordinance or resolution  
25 be changed and that entirely new matter be substituted, so long as the new  
26 matter is relevant to the title and subject of the original measure.  
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28 2.5 Approvals

- 29 Approvals are the class of action in which the Governing Body shall make the final  
30 determination upon the recommendation of the mayor or the city manager.  
31 Those items requiring approval by the Governing Body shall include, but not  
32 be limited to:  
33 1. Mayor's communications recommending appointments to boards and  
34 commissions;  
35 2. Approval of contracts, administrative or departmental requests.  
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37 2.6 Appeals

38 Appeals to the Governing Body are the class of action mandated by statutory or  
39 ordinances provisions.  
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41 2.7 Proposals for Action

- 42 A. Proposals for action shall be presented to the Governing Body for its  
43 determination as a definite proposition in the form it is desired that the action  
44 be taken or question resolved.  
45 . Proposals for action shall be in the format adopted by the Administration.

1 2.8 Motions

2 Presentation of Motions

- 3 1. Main Motion. A main motion presents an ordinance, resolution, or  
4 other proposition for the passage, adoption, approval, or rejection.  
5 The question is usually stated in the positive form, "to pass", "to  
6 adopt", "to approve" "to confirm", to concur.  
7 2. A main motion must be seconded before debate can take place and  
8 only one main motion may be on the floor at a time. A councilor may  
9 give brief explanatory comments before stating the motion, but must  
10 refrain from debate until the motion has been seconded. In the  
11 absence of a second, the motion fails. Main motions are debatable,  
12 amendable, and can be reconsidered after adoption.  
13 3. Motions become the official recorded statement of an action taken by  
14 the Governing Body. A motion should therefore be worded in a  
15 concise, unambiguous, and complete form appropriate to such a  
16 purpose.  
17 4. A motion should not be offered if its only effect is to propose that the  
18 body refrain from doing something since the same result can be  
19 accomplished by no motion at all.  
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21 2.9 Postponement of Action

- 22 A. Postponement (to a definite time). The motion to postpone defers action on  
23 a pending question to some definite, day, or meeting. When a question has  
24 been postponed to a certain time, it becomes an order of the day for that  
25 time. When the time to which a question has been postponed arrives and the  
26 question is taken up, it can be postponed again if the additional delay will not  
27 interfere with the proper handling of the postponed question. The motion to  
28 postpone is debatable, amendable, and may be reconsidered.  
29 B. To Table. (postpone temporarily) Any measure before the Governing Body  
30 may be tabled temporarily at the same meeting. Items must be removed  
31 from the table and acted upon prior to adjournment. The motion to table is  
32 not debatable, not amendable, and cannot be reconsidered.  
33 C. To Remove from the Table. (Resume Consideration) The purpose is to bring  
34 before the Governing Body for action a question that has previously been laid  
35 on the table. The motion to remove from the table is not debatable, not  
36 amendable and cannot be reconsidered.  
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38 2.10 Reconsideration of Action.

39 The purpose is to permit the Governing Body to reconsider a vote on previous  
40 action. The reconsideration of a negative vote on final action is as proper as  
41 reconsideration of a favorable vote.

42 A. Right of Reconsideration

43 The motion to reconsider may be made at the same meeting or a subsequent  
44 meeting. However, certain rules apply as appropriate under the  
45 circumstances.

- 46 1. The motion must be made by a member who voted on the prevailing  
47 side.  
48 2. The motion to reconsider is inappropriate after the action taken has  
49 gone into effect or after it is too late for any reason, to reverse the  
50 action taken.

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3. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.
4. 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.
5. Should the motion for reconsideration fail, the item remains as adopted.
6. Either the motion to reconsider or notice of intent to reconsider must be made not later than the next regular meeting. A member of the Governing Body may indicate notice of intent to propose reconsideration either orally or in writing.

B. Effect of Reconsideration.

The effect of making the motion to reconsider, or of giving notice of the motion, is to suspend all action on the subject of the motion until the reconsideration is acted upon.

C. Reconsideration at a subsequent meeting.

1. When notice is required for a question, the Governing Body shall comply with all rules requiring public notice.
2. If reconsideration will be taken up at a subsequent meeting, notice of intent will be placed on the agenda. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.

D. Debate of Motion.

Debate on the motion to reconsider will be limited to the merits of the reconsideration and not the merits of the question to be reconsidered.

E. Vote.

The passage of the motion to reconsider requires a majority vote, even if the measure to be reconsidered requires a two-thirds vote.

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 Governing Body. 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.

- 1 E. Form of amendments
- 2 1. Amendments should be offered in a concise, unambiguous and in a
- 3 complete form of a motion.
- 4 2. In form, amendments should be divided into the following types:
- 5 a. To add (that is to place at the end)
- 6 b. To insert
- 7 c. To strike out
- 8 d. To strike out and insert
- 9 F. Decision on amendments
- 10 1. An amendment, once adopted, may not thereafter at the same
- 11 meeting be changed or modified, except upon reconsideration of the
- 12 vote by which it was adopted.
- 13 2. When a proposed amendment has been defeated, the same
- 14 amendment may not be proposed again without first reconsidering the
- 15 vote by which the amendment lost.
- 16 G. The presiding officer may require amendments to be submitted in writing.
- 17 H. Withdrawing Amendments and Accepting Modification
- 18 1. Amendments may be withdrawn before being seconded and stated by
- 19 the presiding officer. After it is seconded and stated it is in the
- 20 possession of the Governing Body and be withdrawn only with the
- 21 consent of the Governing Body.
- 22 2. A member may modify an amendment before it is seconded and
- 23 stated by the presiding officer. After it is seconded and stated, it is in
- 24 the possession of the Governing Body and can be modified only with
- 25 the consent of the body. The presiding officer may put the question of
- 26 modification without waiting for a motion, if there is no objection.

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29 **ARTICLE III**

30 **RULES OF ORDER**

- 31
- 32 3.1 Rules of Debate. Debate is the essential feature of a legislative body. It is the
- 33 means by which the opinions of members are exchanged, questions deliberated and
- 34 conclusions reached on the business before the body.
- 35 A. To permit debate:
- 36 1. There must be a debatable question before the body, and one
- 37 member must have been recognized as entitled to speak.
- 38 2. All debate must be addressed to the presiding officer, and not to the
- 39 members.
- 40 3. Debate must be confined to the question before the body.
- 41 B. Time Limits. The presiding officer may set time limits in debate.
- 42 C. Call the Question (Previous Question). Debate may be closed immediately
- 43 by calling the question. The motion for the call for the question may motivate
- 44 unanimous consent to ending debate. Before such a motion has been
- 45 seconded, the chair may ask if there is any objection to closing debate. If
- 46 there is no objection, the presiding officer shall immediately call the question.
- 47 If one member objects, the presiding officer shall ask if there is a second to
- 48 the motion. If there is a second to the call, he must immediately take a vote
- 49 on whether to order the call for the question. The call for the question
- 50 requires a two-thirds (2/3) vote before the vote on the question to which

1 applied. The call for the questions is neither amendable nor debatable and  
2 can be reconsidered.

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4 3.2 Rules of Voting

- 5 A. Each councilor in attendance must vote for or against all measures before  
6 the Governing Body, unless there is a conflict of interest, for which abstention  
7 is recognized. Such conflict of interest disclosure shall be recorded in the  
8 minutes.  
9 B. A member shall not explain his vote during voting, which would be the same  
10 as debate at such a time.  
11 C. Except for procedural matters, voting shall be by roll call and each councilor's  
12 vote shall be recorded in the minutes. Roll call votes shall be at random.  
13 Actions declared as procedural by the presiding officer may be decided by a  
14 show of hands or voice vote.  
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16 3.3 Decorum

- 17 A. Members must address all remarks through the presiding officer.  
18 B. Members of the Governing Body shall confine their remarks to the question  
19 under discussion or debate, avoiding personal references or attacks on fellow  
20 members, staff members or members of the public. No member of the  
21 Governing Body shall engage in private discourse or commit any other act  
22 tending to distract the attention of the Governing body from the business  
23 before it.  
24 C. A member who resorts to persistent irrelevance or persistent repetition may  
25 be directed to discontinue his speech by the presiding officer.  
26 D. Point of Order A councilor may call attention to the violation of the rules or a  
27 mistake in procedure by rising to a point of order. The presiding officer may  
28 permit a full explanation before ruling on the claim and may submit the  
29 question to the Governing Body for decision by a majority vote. The  
30 presiding officer is not required to decide any point of order not directly  
31 presented in the proceedings of the body. Such an assertion does not  
32 require a second, is not debatable nor amendable and cannot be  
33 reconsidered.  
34 E. Question of Privilege Questions of privilege do not relate to pending  
35 business, but have to do with special matters of immediate and overriding  
36 importance which, without debate, should be allowed to interrupt the  
37 consideration of anything else. The presiding officer makes a ruling as to  
38 whether it is admitted as a question of privilege and whether it requires  
39 consideration before the pending business is resumed.

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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, 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.
- B. At the beginning of the public hearing, the presiding officer shall 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 Governing Body register with the City Clerk, giving their names and addresses, and whether they wish to speak as a proponent, opponent, or otherwise. Any person who fails to register shall not be permitted to speak until all those who signed in have spoken.
- C. All interested persons offering testimony as parties to the proceeding and their witnesses will be sworn by the City Clerk and are subject to cross-examination by other parties, city staff or the Governing Body.
- D. 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.
- E. The presiding officer will introduce the item, open the public hearing and call upon the staff to submit its report into evidence and request the proponent to describe the matter under consideration.
- F. 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 Clerk, and placed into evidence as part of the administrative record
- G. The presiding officer may establish reasonable speaker time limits.
- H. After the Governing Body has heard all the evidence, the presiding officer closes the public hearing and entertains a motion. Following the motion and its second, discussion occurs among the body.