

RESOLUTION NO. 2024- 36**RESOLUTION AMENDING CHAPTER 5, ARTICLE I OF THE CODE OF DOÑA ANA COUNTY ESTABLISHING RULES OF DECORUM AND ORDER OF BUSINESS MEETING OF THE BOARD OF COUNTY COMMISSIONERS**

WHEREAS, on February 11, 2003, the Board of County Commissioners (“BOCC”) passed Resolution 2003-22 Establishing Rules of Decorum for the Board of County Commissioners; and

WHEREAS, Resolution 2003-22 was included in the Code of Doña Ana County, as Chapter 5, by Ordinance 235-2011; and

WHEREAS, on August 8, 2021, the BOCC adopted Resolution No. 2021-74 making changes to section 5-3 of the Code of Doña Ana County; and

WHEREAS, it has been determined that amending portions of Chapter 5, Article 1, of the Code of Doña Ana County will result in more orderly, productive and respectful conduct during its meetings and business.

NOW, BE IT THEREFORE RESOLVED by the Board of County Commissioners of Doña Ana County Chapter 5, Article 1, of the Code of Doña Ana County be amended as follows:

CHAPTER 5**BOARD OF COUNTY COMMISSIONERS****Rules of Order****§ 5-1. Votes Required**

Unless otherwise required by law or contract, the business of the Board shall be accomplished by the vote of a simple majority of the commissioners then present, including votes regarding procedural disputes arising from the members' respective interpretations of the rules set forth in this resolution.



§ 5-2 Rules of Order

- A. Rules of order and decorum govern. All commissioners, staff and members of the public shall conduct themselves and their business before the Board in accordance with this resolution. Robert's Rules of Order Newly Revised, 10th Edition, in the most current publication available, are incorporated herein as a supplement to this resolution.
- B. Roberts Rules of Order govern when rules of order and decorum are silent. Any conflicts in Robert's Rules of Order and these rules are to be resolved first by reference to this resolution. Robert's Rules of Order Newly Revised, 10th Edition, are adopted as a supplement to this resolution, and shall govern where this resolution is silent.
- C. Distribution of rules of order and decorum. Each member of the Board shall be provided with a copy of this resolution and Robert's Rules of Order Newly Revised, 10th Edition, as soon as possible upon taking office.

§ 5-3 Meetings.

- A. Notice. All regular meetings, special meetings, emergency meetings of the Board shall be held in accordance with the notice provisions set forth in the annual resolution providing for reasonable notice.
- B. Annual meeting. In accordance with NMSA 1978 § 4-38-10(B), the Board shall, at the first meeting of the year, choose one of their number to be Chair and one of their number to be Vice Chair. The Chair shall preside at the meeting and all other meetings if present; but in case of the Chair's absence from any meeting, the Vice Chair shall preside. A parliamentarian may be chosen, if desired, by a simple majority of the Board.
- C. Preparation of meeting agendas. The County Manager shall prepare the agenda which shall be posted as required by the Open Meetings Act (NMSA 1978, § 10-15-1) and the annual resolution providing for reasonable notice. On the date the agenda is posted, the County Manager will provide each commissioner with a copy of the agenda, the agenda item cover sheet and an executive summary (or summary detail if the item coversheet sufficiently explains the item) for each item on the agenda. On the Friday prior to the meeting, the County Manager will provide each commissioner a copy of the agenda packet which will contain additional information that the County Manager deems appropriate to assist the Board in making its decision on the matter. No matter shall be placed on the agenda for

approval, vote or decision-making unless the County Manager has first determined that it has been reviewed by the appropriate departments, elected official, personnel or entities, and is appropriately prepared for Board consideration. The County Manager and County Chair shall not refuse a commissioner's request to place an item on the agenda provided that the foregoing requirements have been satisfied.

D. Order of business.

(1) The normal order of business at meetings shall be as follows, subject to changes to the agenda as approved by the Board:

- (a) Invocation.
- (b) Pledge of Allegiance
- (c) Roll call, determination of quorum and convene as Board.
- (d) Changes to the agenda.
- (e) Consent agenda. The consent agenda shall consist of multiple agenda items that will be voted on in a single vote. Any item on the consent agenda may be pulled for separate discussion and/or vote at the request on any commissioner).
- (f) Pet Showcase
- (g) Employee Recognition
- (h) Proclamations
- (i) Public input as to items not on the agenda in accordance with section H(1).
- (j) Staff input as approved by the County Manager (Staff input should be limited to brief items to provide the commission and the public information on recent developments and events and similar items, lengthy presentations or lengthy updates should be included in the presentation or approval section)
- (k) Elected Official input
- (l) Commissioner input

- (m) Presentations
 - (n) Approval of minutes.
 - (o) Approvals.
 - (p) Ordinances/public hearings.
 - (q) Commission Input (Follow-up)
 - (r) Correspondence.
 - (s) Closed session, if any.
- E. Attendance by telephone. Attendance by conference telephone or other similar communications equipment is permitted for those rare occasions when it is otherwise difficult or impossible for the commissioner to attend in person, provided that each member so participating is identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are also able to hear.
- F. Rules of decorum.
- (1) All business of the Board is to be directed to the Chair by motion.
 - (2) All business shall be presented by the County Manager or designee, who shall introduce each matter on the agenda to the Chair in accordance with the Chair's instructions.
 - (3) During debate, each commissioner who wishes to speak shall seek the floor in an orderly manner, directing comments to the Chair by stating "Mr. Chair, or Madam Chair. . .". The Chair shall endeavor to recognize members requesting the floor in the order requested, subject to Subsection F(5). Interruption is allowed for points of order or points of privilege.
 - (4) During debate, if a commissioner wishes to address a question to the speaking commissioner, provided the speaker consents, the question must be asked through the Chair (e.g., "Mr. Chairman, will the member yield for a question?"), and must be in the form of a question.

- (5) All commissioners shall be permitted to speak twice on the same question, provided every other commissioner who wishes to speak has had an opportunity to speak once.
- (6) An item presented for consideration is entitled to full debate, unless limited by appropriate motion.
- (7) All commissioners' comments or discussion during debate shall be confined to the merits of the question then before the Board. However, a commissioner shall not speak against one's own motion. A commissioner may vote against their motion, but if the commissioner speaks, the commissioner must speak in the positive.
- (8) A commissioner shall not speak adversely on any prior act of the Board that is not then pending unless a motion to reconsider, rescind or amend is pending on that prior action.
- (9) All commissioners, employees, presenters and members of the public's comments and/or discussions shall avoid personalities; i.e., personal attacks or comments regarding another commissioner or member of the public.
- (10) Commissioners, employees and the public shall refer to one another by formal title, i.e., "Commissioner _____."
- (11) Commissioners shall not attack or question the methods or motives of a fellow commissioner during debate or discussion periods except to question a potential conflict of interest. Remarks must be courteous in language and deportment.
- (12) If a commissioner or employee disagrees with another's statement, the commissioner shall not say the other's statement is akin to being "false," a "fraud," or a "lie." Upon hearing such words, the Chair shall take immediate and decisive action to correct the matter and avoid its repetition.
- (13) Any commissioner may condemn the nature or consequences of a measure in the strongest terms, remembering that it is not a person, but the measure, that is the subject of debate.
- (14) All commissioners have equal rights. The rights of the minority must be preserved, but the will of the majority shall be carried out.

- (15) A commissioner shall not disturb the business of the Board by whispering to another person, walking across the floor, or any other activity so as to interrupt, intrude upon, or disrupt the meeting.
- (16) All commissioners shall cease their comments and/or discussion if the Chair addresses a commissioner's point of order or matter of personal privilege.
- (17) A commissioner shall not proceed with comments and/or discussion during debate if the Chair, upon a point of order, decides that the commissioner's remarks are improper.
- (18) If the Chair renders a ruling that a point of order has been violated, the commissioner affected by the ruling may appeal. If a simple majority of the commissioners then present vote to overturn the Chair's decision, the appealing party may continue with his comments or discussion. There shall be no debate on the merits of the appeal or after ruling on the appeal.
- (19) Failure to comply with these rules, displays of disorderly conduct and/or use of disorderly words during the course of a meeting shall be called to the attention of the Chair by point of order. If the Chair finds the member to be out of order, the Chair shall so state, and request that the commissioner or member of the public comply with the rules of the Board. The offending party may be requested to cease and desist, or to be seated. If the offending party had the floor at the time of the point of order, the Chair shall state the breach of order involved and put the question to the Board of whether the member shall be allowed to continue to speak. The question is not debatable.
 - (a) If the offending party obeys the Chair's instructions, the matter may be dropped and no further action on the offense is required. However, if the offending party refuses to be orderly, the Chair may then choose to call a recess or entertain a motion for censure. After second, a vote on a motion for censure shall take place immediately and without debate. A motion for censure shall take precedence over all motions except for motions raising a question of privilege. An affirmative vote of censure shall be followed by a motion for recess. The length of the recess shall be stated in the motion. If the length of the recess is not stated in the motion, then the Chair shall set the length of the recess. If a recess is taken following a vote of censure, a press release announcing the action of censure shall be made by the

County's Public Information Officer and shall describe the postponement of county business as a result of the censure of the offending member.

- (20) The Board shall appoint a Public Assistant/Sergeant-at-Arms for the purpose of assisting the public with ADA accessibility accommodations, enforcing the rules of order and decorum during its meetings, and generally serving the Board consistent with the rules as supplemented by Robert's Rules of Order. The Sergeant-at-Arms shall be responsible for assisting and accommodating the public in regard to accessibility issues, such as assisting those individuals using wheelchairs to be located comfortably within the Board's Chambers, and making any other accommodations needed by members of the public. The Board may authorize the County Manager to obtain the services of a Sergeant-at-Arms, whether contractually or voluntarily.
- (21) Members of the general public who are engaging in disorderly conduct during the course of a meeting may be ousted at the request of the Chair, subject to appeal by a member. The Sergeant-at-Arms shall escort the offending party from the meeting. If the offending party refuses to leave, the Sheriff or his representative, as the law enforcement entity authorized to keep the peace and preserve order, will ensure that order is kept and remove the offending party, consistent with the laws of the State of New Mexico and the United States Constitution.
- (22) The foregoing provisions are adopted as reasonable time, place and manner restrictions only, and not as restrictions designed to curtail the free expression of opinion or point of view.
- G. Order of vote. A roll call of the votes of the commissioners shall be taken in the order determined by the Chair, except that the Chair shall vote last. The Chair shall announce the result of the vote.
- H. Participation by members of the public.
- (1) Members of the public are invited to participate during the public input portion of the meeting on any matter that is not listed as a separate item on the Board's agenda. Such input is limited to three minutes unless exception is made by the Board. The Chair may, subject to appeal by a member, impose a reasonable time limit for the total amount of public input on items not listed as a separate item on the agenda. A member of the

public may not "cede" or transfer their public input time to another member of the public.

- (2) Members of the public may also comment on the individual agenda items in the order provided for by § **5-3D** of these rules. Unless the agenda item is quasijudicial in nature, public comment is limited to three minutes unless exception is made by the Board. The Chair may, subject to appeal by a member, limit the number of individual speaking on a particular side of an issue or limit the total amount of public input time on a specific item provided each side is given the same amount of time. A member of the public may not "cede" or transfer their public input time to another member of the public.
- (3) In order to address the Board and for the minutes to reflect same, members of the public must legibly indicate their name and contact information in the book provided by the Clerk's Office, announce their name when beginning public input and speak into the microphone provided for this purpose.

§ 5-4 Officer Responsibilities.

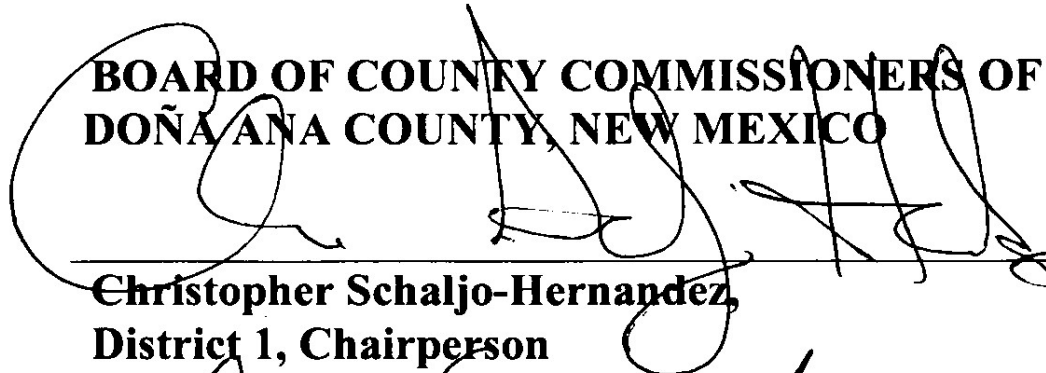
- A. Chair. It is the duty of the Chair to open all meetings of the Board at the time the Board is to meet, call the members to order, announce all business and put same to a vote where required, enforce order and decorum among the members of the Board; to sign documents on behalf of and as authorized by the Board; to administer oaths to any person concerning any matter submitted to the Board or connected with their powers and duties; and to sign all orders on the County Treasury, as authorized by the Board.
- B. Vice Chair. The Vice Chair shall exercise the duties and assume the responsibilities of the Chair in his absence.
- C. Members. All Board members shall participate in all boards or committees as assigned and verbally update the full Board regarding the activities of those boards or committees at the request of the Chairman or other Board member.

§ 5-5 Open Meetings Act compliance.

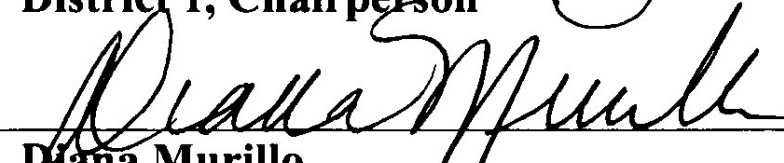
- A. All open and closed meetings of the Board shall be held in accordance with the New Mexico Open Meeting Act, NMSA 1978, § 10-15-1 et seq.

Resolved this 13th day of February, 2024.

**BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO**




Christopher Schaljo-Hernandez, **For/Against**
District 1, Chairperson

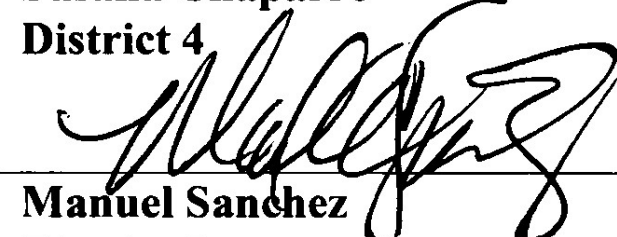


Diana Murillo **For/Against**
District 2, Vice Chairperson
Absent

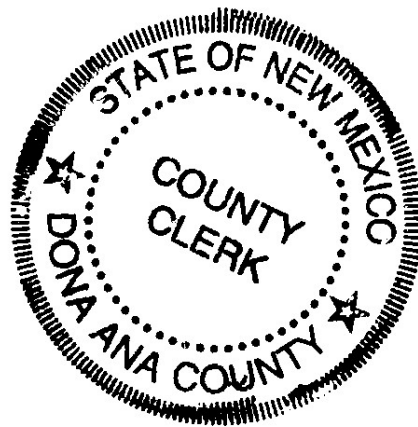
Shannon Reynolds, **For/Against**
District 3

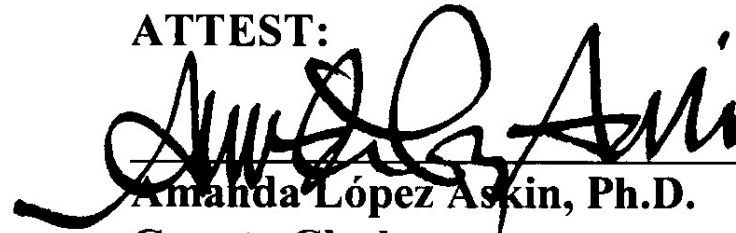


Susana Chaparro **For/Against**
District 4



Manuel Sanchez **For/Against**
District 5



ATTEST:


Amanda López Askin, Ph.D.
County Clerk