

CITY OF RIO COMMUNITIES

ORDINANCE NUMBER 2013-03

July 23rd, 2013

SECTION 2-2

LEGISLATIVE BRANCH - THE COUNCIL

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2-2-1 THE COUNCIL

The legislative branch of the municipality shall consist of a Council of four (4) Councilors to be elected at large for staggered terms of four (4) years with terms of one-half (1/2) of the Councilors expiring at the end of one two (2) year period and the terms of the other Councilors expiring at the end of the following two (2) year period.

- (a) Qualifications. Each member of the Council shall be a resident of the municipality and a qualified elector thereof. If any Councilor moves from or becomes a non-resident of the municipality during his or her term of office, he or she shall be deemed to have vacated his or her office upon the adoption by the Council of a resolution declaring such vacancy to exist.
- (b) Power and Duties. The corporate authority of the municipality shall be vested in the council which shall possess all powers granted by law, or other municipal powers not conferred by law or ordinance on another officer of the municipality. the Council shall (1) manage and control the finances and all property, real and personal, belonging to the municipality; (2) determine the time and place of holding its meetings, which shall be open to the public; (3) determine the rules of its own proceedings; (4) keep minutes of its proceedings, which shall be open to examination by any citizen; (5) adopt rules and regulations necessary to effect the powers granted municipalities; (6) prescribe the compensation and fees to be paid municipal officers and employees; and (7) prescribe the powers and duties of those officers whose terms of office or powers and duties are not defined by law, and impose additional powers and duties upon those officers whose powers and duties are

prescribed by law.

- (c) Vacancies. In case of death, resignation, vacation or removal for cause, of any member of the Council during his or her term of office, the Mayor, with the advice and consent of the Council, shall appoint a qualified elector of the municipality to fill the vacancy until the next regular municipal election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any.
- (d) Oath of Office. Councilors shall take the oath of office as required in Section 14-9-2, N.M.S.A., 1953 Compilation.

2-2-2 PROCEDURE

The following shall be observed:

A. General.

1. Regular Meetings. The Governing Body shall hold its regular meetings at such time and public places as it designates and deems necessary to conduct the business of the city. These meetings shall follow a regular schedule whenever possible. Notice of these meetings shall be in accordance with Resolution No. 1 City of Rio Communities Council.
2. Special Meetings. The Mayor, or a majority of the members of the Council, may call special meetings by notice to each member of the Council, personally served, or left at his or her usual place of residence, and with public notice given in accordance with Resolution No. 1 City of Rio Communities.
3. Quorum. A quorum is necessary for the Governing Body to conduct business. A quorum is a simple majority of all the members of the Governing Body (i.e., three (3) of five (5) members). A majority of those present may act on behalf of the municipality, except that certain actions require a majority or more of the entire Governing Body, such as the passage of ordinances or resolutions or personnel removal. If only four (4) members of the Governing Body are present, tie votes may occur on some actions. Such actions shall be automatically tabled until such time as the entire governing Body is present.
4. Agenda. All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the Governing Body, shall be delivered to the Clerk at least five (5) days prior to each meeting, whereupon the Clerk shall immediately arrange a list of such matters according to the order of business. Each Councilor and the Mayor will be furnished with a copy of the order of business; together with a copy of the minutes of the last meeting prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. Additional items may be added to the agenda by majority consent of the members of the Governing Body.

B. Meeting Conduct

1. Adherence to Rules. It is the intent that a meeting be conducted on as informal basis as is practicable to expedite the City Business. Business will be conducted generally following good parliamentary procedure at the discretion of the presiding officer. Strict adherence to the following rules will, however, be invoked at the request of any member of the Governing Body at any time on any or all issues.

2. Rules of Debate.

- (a) Mayor. The Mayor may not make and second motions, may debate from the chair, and shall have all privileges of other members, except that he shall only vote when there is a tie vote.
- (b) Councilors. Each Councilor desiring to speak shall address the presiding officer and after being recognized, confine himself or herself to debate, avoiding personalities and indecorous language.
- (c) Interruption. A Councilor having been recognized shall not be interrupted except to call him or her to order. If called to order, he or she shall cease speaking until the point of order is decided, after which he or she may proceed.
- (d) Statement in Minutes. A member of the Council may request the privilege of having his or her statement on any subject under consideration entered in the minutes subject to the majority consent of the Governing Body, provided that any member shall have the right to cause his or her reasons for dissent or protest against the action of the Council entered in the minutes without majority consent of the Governing Body.
- (e) Issues Not Covered. Robert's Rules of Order, Newly Revised shall be used by the Council in determining any issue not covered by this section. Any member of the Governing Body may request that an interpretation of Robert's Rules of Order, Newly Revised concerning any issue be made by the parliamentarian in which case the decision of the parliamentarian will prevail.

3. Addressing the Governing Body.

- a. Written Communications. Interested parties or their representatives may address the Governing Body by written communication regarding any matter.
- b. Oral Address. Taxpayers or residents of the municipality or their authorized representatives may orally address the Governing Body on any matter concerning the business of the municipality; provided that

preference shall be given to those persons who may have notified the Clerk in advance of their desire to speak.

- c. Reading of Protests and Petitions. Taxpayers or residents of the municipality and their authorized representatives may address the Governing Body by the reading of protests, petitions or communications.
- d. Persons Other than Taxpayers and Residents. Persons other than taxpayers and residents must receive prior approval before orally addressing the Governing Body.
- e. Manner of Address. Each person orally addressing the Governing Body shall first seek the recognition of the presiding officer and after being recognized, shall stand and give his name and place of residence for the records before proceeding. All remarks shall be addressed to the Council as a whole and not to any member thereof unless consent of the chair is obtained. No person, other than a Councilor and the person having the floor shall be permitted to enter into any discussion without permission of the presiding officer.
- f. Time Limit. In order that the business of the municipality may be disposed of in an expeditious manner the presiding officer may place a limitation on the length of time any person may speak.

4. Decorum.

- (a) Mayor. The Mayor shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meetings in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised unless otherwise provided by Ordinance.
- (b) Councilors. While the Governing Body is in session, the members shall observe order and decorum and neither delay nor interrupt the proceedings of the Council nor disturb any member while speaking nor refuse to obey the orders of the Council or its presiding officer.
- (c) Public. While the Governing Body is in session, no person shall act in a disorderly manner nor while addressing the Governing Body shall any person make any personal, impertinent or slanderous remarks. The presiding officer may bar anyone acting improperly from continuing his address to the Governing Body.

(d) Enforcement. The County Sheriff or such police officer as the presiding officer may designate shall be the sergeant-at-arms of the Governing Body and shall carry out all orders of the presiding officer for the purpose of maintaining the order and decorum of the session. Upon orders from the presiding officer, it shall be the duty of the sergeant-at-arms to place any person who violates the provisions of this section under arrest and cause him to be prosecuted upon the complaint of the presiding officer in the municipal court subject to punishment by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in jail not exceeding ninety (90) days or by both such fine and imprisonment.

C. Order of Business

The order of business of the Governing Body shall be taken up for consideration and disposition in the following order:

1. Call to Order. The Mayor, or in his absence, the Mayor Pro Tem, shall call the meeting to order at the appointed hour.
2. Roll Call. Before proceeding with the order of business, the Clerk or his (her) deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.
3. Reading of the Minutes. The minutes of each regular meeting or special meeting of the Governing Body shall be read at the next regular meeting unless omission of such reading is approved by the majority of the voting members.
4. Reports by Officers. Municipal Officials and/or committees shall present such reports as may be required by the Governing Body.
5. Old Business. The Council shall consider any business that has previously been considered and which is still unfinished.
6. New Business. The Council shall consider any business not heretofore considered, including the introduction or readings of ordinances and resolutions.
7. Petitions. Petitions, remonstrances, communications, and comments or suggestions from citizens present, shall be heard by the Council. All such remarks shall be addressed to the Council as a whole, and not to any member thereof. Such remarks shall be limited to a reasonable time and such determination will be in the discretion of the presiding officer. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer.

8. Other Business. Prior to adjournment the Council shall, as it deems necessary, consider such business as is not specifically provided for herein.
9. The Council may, by majority consent, modify the order of business as listed above in Section C (1) through C (8) inclusive.

2-2-3 ORDINANCES

All laws of the municipality shall be enacted by the passage of ordinances, all of which shall be reviewed by the city attorney. Ordinances shall be numbered consecutively and shall bear a title which shall set forth in general terms its subject matter; shall contain an enacting clause; and shall bear the date, signatures of the Mayor and the attesting officer, and the seal of the City of Rio Communities. The City Clerk shall keep a permanent log book in which the original of each ordinance considered, whether or not adopted, shall be kept.

2-2-4 RESOLUTIONS

Resolutions shall be used in every case where an ordinance is not required and shall be appropriate in the following instances: (1) entering into a contract; (2) adoption of a policy concerning employees, utilities services, or equipment; (3) granting of a right or privilege to any person when a contract is not required; (4) changes in the fire districts of the City; (5) changes in the master plan of the City; (6) authorizing the issuance of bonds; and (7) that a full and permanent record be made and kept of the action of the Governing Body.

Resolutions shall be numbered consecutively and shall bear a title which shall set forth in general terms its subject matter; shall contain a resolving clause; and shall bear the date, signature of the Mayor and attesting officer, and the seal of the City. The City Clerk shall keep a permanent log book in which the original of each resolution considered, whether or not adopted, shall be kept.

2-2-5 PUBLICATION OF ORDINANCES

Notice by publication of the title and subject matter of any ordinance proposed for adoption by the Governing Body of any municipality must take place at least two (2) weeks prior to consideration of final action upon the ordinance in open session of the Governing Body; except that this section shall not apply to ordinances dealing with an emergency declared by the chairman of the Governing Body or the Mayor, as the case may be, to be an immediate danger to the public health, safety, and welfare of the municipality, or to ordinances the subject matter of which is amending a City of Rio Communities zoning map or the text of the zoning ordinance, providing the amendment to such zoning map has been considered by, and recommended to, the Council by a planning commission with jurisdiction in the matter. Notice of the proposed ordinance shall be published one

(1) time as a legal advertisement in a newspaper of general circulation in the municipality. Copies of a proposed ordinance shall be available to interested persons during normal and regular business hours of the municipal clerk upon request and payment of a reasonable charge beginning with the date of publication and continuing to the date of consideration by the municipality's elected Council.

Within three (3) days after the Governing Body has passed an ordinance the Mayor must sign it and mark it approved. The ordinance must also be signed by the Clerk and must bear the seal of the municipality. It must then be published as it was passed or by title and summary of the subject matter. Five (5) days after publication, the ordinance becomes effective.

2-2-6 COMMITTEES

- (a) Standing. The only standing committee of the Council shall be the committee of the whole; the Mayor shall be its presiding officer and applicable rules of procedure of the Council shall be observed.
- (b) Special. Special committees shall be appointed by the Mayor unless otherwise determined by the Council.
- (c) Reports. Reports of standing or special committees may be made in writing and may be submitted together with the petition, resolution, account or other paper under consideration. All reports shall be filed with the Clerk for entry in the minutes.

2-2-7 COMPENSATION

The City Councilors shall, after having taken the oath of office as required in Section 3-10-2, N.M.S.A., 1978 comp., No set payment for Council until approved by the Residents of Rio Communities.

2-2-8 OATH AND BOND

All officers, elected or appointed to any municipal office, shall take an oath or affirmation to support the Constitution of the United States, the Constitution and laws of New Mexico to faithfully perform the duties of the office. The Council shall provide that the payment of premiums on surety bonds of any officer of the municipality shall be made by the City Treasurer from funds so designated by the Council.

PASSED, APPROVED AND ADOPTED 13th DAY OF August, 2013.



Mayor
City of Rio Communities

ATTEST:



Mayor Pro Tem
City of Rio Communities

8-13-13