TIME & PLACE: The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra and State of New Mexico met for a Workshop in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Wednesday, December 2, 2009 at 5:30 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Montgomery who presided and Ellen A. Lindsey, Deputy City Clerk acted as Secretary of the meeting.

QUORUM: There being a quorum present the Commission proceeded with the business at hand.

CITY COMMISSION RULES OF PROCEDURE: Mayor Montgomery stated the purpose of this Workshop is to review the City Commission Rules of Procedure.

Jay Rubin, City Attorney, stated after his review he found a majority of the rules are fine the way they are.


Commissioner Green requested to add “unless amended or otherwise noted”.

Mr. Rubin stated there is an ordinance that states just that. Rule 2 should match the wording in the ordinance.

Rule 3. Commission Meetings – Open to the Public. No changes.

Rule 4. Election of Officers. No changes.

Rule 5. Presiding Officer. No changes.

Rule 6. Quorum. No changes.

Rule 7. Attendance, Excused Absences.

Commissioner Green stated the Commission does not “state the reason” for absences.

Commissioner Renfro stated all we need to do is call the City Manager, City Clerk or Mayor and tell them of the absence; that should be sufficient.

Rule 8. Special and Emergency Commission Meetings. No changes.


Commissioner Green stated in the third paragraph, next to the last
sentence if a commissioner wants to get an item off the Consent Calendar “that item shall be removed from the said “Consent Calendar” during the “Approval of the Agenda” portion of the meeting. It does not say what you do with the item after you remove it. I would like to add “See Rule 19 E-3” which tells you what to do.

Rule 10. Workshops. No changes.

Rule 11. City Manager. No changes.

Rule 12. City Clerk. No changes.

Rule 13. Forms of Address. No changes.


Rule 15. Appearance of Fairness Doctrine.

Jay Rubin stated section (a) is good but the rest of this section is more than what is needed.

Commissioner Renfro concurred and suggested rescinding sections (b) through (f).

Commissioner Stagner agreed.


Rule 17. Rules of Order. Leave the first sentence and delete the second sentence beginning “The City Clerk…”

Rule 18. Motions. Can be deleted.


Jay Rubin stated the commission still needs to have the discretion as circumstances dictate that the order of business can be arranged as needed. Rule 19 should be a guide for the commission.

Commissioners Renfro and Stagner concurred the order of business should be used as a guide.

Commissioner Renfro stated (l) Adjournment, the verbiage can be deleted. The commission needs to stay until business is taken care of.

Rule 20. Actions for “Comments From The Public”, or a Public Hearing.

Commissioner Renfro stated the rule should be deleted.

Commissioner Green stated he spoke to Mary Smith at the Attorney General’s Office. Ms. Smith feels the current method of public comment is censorship and violates the fairness doctrine of the Open Meetings Act. The presiding officer is tasked with controlling public comment and should set guidelines on appropriate behavior. When someone is out of line they should be gavelled down and removed from the meeting. Commissioner Green stated the Commission needs to follow the rules of procedure to the letter.
Commissioner Stagner stated the rule should be deleted.

Commissioner Torres stated the public can always be put on the agenda. The rule should be deleted.

Mayor Montgomery stated with public comment it is either all or nothing; there is no in-between.

Jay Rubin concurred reluctantly.

Mayor Montgomery stated the only way to resolve the issue of public comment is to put it on the agenda and take a vote.

Commissioner Green stated it would be disastrous to have no public comment. The City Commission needs to follow its own rules of procedure. There should be rules of conduct for public comment; if the presiding officer thinks someone is out of order they can be escorted from the building or lose their right to be heard for a period of time.

Commissioner Torres stated you are writing rules for six people. The same ones who continually interrupt the meeting. If someone needs to address the Commission they can request to be put on the agenda.

Mayor Montgomery stated that rules of conduct for the public comment section would have to be delineated very clearly for what is acceptable and not acceptable.

Commissioner Green stated section (a) line two should be deleted. Section (c) should be enforced. We need to show the community this is a business meeting and will be run as a business meeting.

Commissioner Stagner reiterated this means a person can get up and talk about any subject.

Jay Rubin stated hopefully you would get constructive comments.

Commissioner Renfro stated this is a Commission-Manager form of government. Any problems should be referred to the City Manager. If a person can not get any action from City Hall or the City Manager then a person can appear before the Commission. That procedure has always been in place. We never used to have the constant comments, degrading remarks and criticisms. This problem started with the Wal-Mart issue.

Commissioner Green stated that is the governmental process. We do not have districting or office hours, some of us have full time jobs; the only way the citizens have access to government is through the City Manager and/or the commission meetings.

Mayor Montgomery stated some of the rules of conduct could be: constructive comments, no outbursts, gavel down or be removed and city business/items on the agenda.

Commissioner Green stated city business or items on the agenda would be appropriate.

Commissioner Stagner stated that would cut off about half of the comments made in the last year.

Jay Rubin asked who would make the determination of what is city
business. That might put us in the same position we are in now.

Commissioner Stagner asked if there are rules of conduct used by another city that we could look at.

Mayor Montgomery stated we could have the City Clerk do some research on rules of procedure/conduct from other communities.

Jay Rubin stated this issue should probably be put on the agenda for December 8th.

Jay Rubin stated the public hearing section has a few items that could be removed. Section (c) could be deleted. Sections (g) and (i) could be deleted.

**Rule 21. Voting.**

Commissioner Green asked about section (b) regarding a tie vote and the proposal being lost. Any commissioner should be able to request the item be put on a future agenda.

Commissioner Renfro stated section (a) the last sentence should be deleted.

Section (d) should read “The passage or any ordinance or resolution shall require the affirmative vote….”

Sections (e) and (f) can be deleted.

**Rule 22. Committees.** All sections can be deleted except (c) Special Ad Hoc Citizen Advisory Committees.

**Rule 23. Enacted Ordinances, Resolutions and Motions.** No changes.

**Rule 24. Resolutions.** The second sentence “The title of each resolution…” can be deleted.

**Rule 25. Ordinances.** Section (b) can be deleted. Section (c) should read “If a Motion to pass an ordinance fails any Commissioner can request the item be put on a future agenda.” Section (d) “appeal” should be “repeal”.

**Rule 26. Permission Required to Address the Commission.** No changes.

**Rule 27. Reconsideration.** Can be deleted.

**Rule 28. Commission Relations with Boards, Commissions and Advisory Committees.** The first line of the second paragraph should be kept; the remainder could be deleted.

**Rule 29. Photographs, Motion Pictures, Video Tape, Telephone Devices — Permission Required for Artificial Illumination.** No changes.

**Rule 30. Commission Travel.** Can be deleted. This section is covered in the Administrative Manual.

**ADJOURNMENT:** There being no further business to come before the Commission the meeting was adjourned.
APPROVAL:

PASSED AND APPROVED this 22nd day of December, 2009, on motion duly made by
Commissioner [Signature], seconded by Commissioner [Signature], and carried.

LORI S. MONTGOMERY
MAYOR

ATTEST:

ELLEN A. LINDSEY,
DEPUTY CITY CLERK