

# CITY of ALBUQUERQUE

## TWENTY FIFTH COUNCIL

COUNCIL BILL NO. RA-23-3 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Pat Davis

1 RULES AMENDMENT

2 AMENDING ARTICLE I, SECTIONS 8(C) AND 8(H); AND ARTICLE III, SECTIONS  
3 4(A), 4(B), 24(12), AND 24(13) OF THE CITY COUNCIL RULES OF PROCEDURE  
4 RELATING TO THE ORDER OF BUSINESS AND PUBLIC COMMENT ON QUASI-  
5 JUDICIAL MATTERS

6 SECTION 1. Article I, Section 8(C) is hereby amended as follows:

7 "C. Persons desiring to speak before the City Council on a particular  
8 agenda item shall be asked to register with Council staff prior to consideration  
9 of the agenda item. Comments shall be limited to two agenda items per  
10 meeting. Comments must be germane to the particular agenda item. During  
11 general public comment, speakers are not restricted as to topic [except that  
12 general public comment shall not be permitted on quasi-judicial matters,  
13 including but not limited to land use appeals]. Time limitations on speakers  
14 may be established at the discretion of the President of the City Council and  
15 shall apply to all speakers equally. Persons desiring to submit written  
16 comments to the Clerk of the Council may do so any time. Restrictions  
17 under this section do not apply to the Mayor, the Mayor's designated  
18 representative, [or] persons invited by the City Council [~~or parties to quasi-~~  
19 ~~judicial hearings~~]."

20 SECTION 2. Article I, Section 8(H) is hereby amended as follows:

21 "H. The first 30 individuals will be allowed to speak under general public  
22 comment [~~(Item 14)~~] of the agenda. Individuals who have signed up to provide  
23 general public comment to the Council but who, due to this limitation, are not  
24 able to speak may either provide general public comment at the end of the  
25 meeting under 'Other Business' or inform Council staff that they would like to  
26 provide their comments at the next regular Council meeting. Individuals who

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1 request to speak at the next regular Council meeting will be placed at the front  
2 of the public comment sign up list at that meeting.”

3 SECTION 3. Article III, Sections 4(A) and 4(B) are hereby amended as  
4 follows:

5 “A. The City Council shall consider business in the following order:

- 6 (1) Roll Call
- 7 (2) Moment of Silence
- 8 Pledge of Allegiance in English and Spanish and any
- 9 other language as determined by the Council
- 10 (3) Proclamations & Presentations
- 11 (4) Administration Question & Answer Period
- 12 (5) Approval of Journal
- 13 (6) Communications and Introductions
- 14 (7) Reports of Committees
- 15 (8) Consent Agenda
- 16 (9) Announcements
- 17 (10) Financial Instruments
- 18 (11) [Appeals] ~~[General Public Comments]~~
- 19 (12) [General Public Comments] ~~[Appeals]~~
- 20 (13) Approvals
- 21 (14) Final Actions
- 22 (15) Other Business

23 B. The City Council shall not allow General Public Comments [~~Item 11~~  
24 ~~above~~] at Special Meetings.”

25 SECTION 4. Article III, Sections 24(12) and 24(13) are hereby amended as  
26 follows:

27 “12. When the Council receives the Hearing Officer’s findings and  
28 decision, the Council shall place the decision on the agenda of the next  
29 regular full Council meeting provided that there is a period of at least 10 days  
30 between the receipt of the decision and the Council meeting. [Verbal  
31 testimony from the appellant, party opponent, or any other member of the  
32 public about the subject of the appeal is not permitted during the “accept or  
33 reject” hearing nor during General Public Comment.] The parties may submit

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1 [written] comments to the Council through the Clerk of the Council regarding  
2 the Hearing Officer’s decision and findings provided such comments are in  
3 writing and received by the Clerk of the Council and the other parties of record  
4 four (4) consecutive days prior to the Council “accept or reject” hearing.  
5 Parties submitting [written] comments in this manner must include a signed,  
6 written attestation that the comments being submitted were delivered to all  
7 parties of record within this timeframe, which attestation shall list the  
8 individual(s) to whom delivery was made. Comments received by the Clerk of  
9 the Council that are not in conformance with the requirements of this Section  
10 will not be distributed to Councilors.

11 13. The Council shall vote whether to accept or reject the Hearing  
12 Officer’s decision and findings. The Council will make its decision to accept or  
13 reject based solely on the record before it, and shall not hear from the parties  
14 or any other person, other than its staff, at its hearing on this question [nor  
15 during General Public Comment]. A motion to reject or accept the Hearing  
16 Officer’s decision and findings must be approved by a majority of the  
17 membership of the Council.”

18 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, word or  
19 phrase of this rules amendment is for any reason held to be invalid or  
20 unenforceable by any court of competent jurisdiction, such decision shall not  
21 affect the validity of the remaining provisions of this rules amendment. The  
22 Council hereby declares that it would have passed this rules amendment and  
23 each section, paragraph, sentence, clause, word or phrase thereof irrespective  
24 of any provision being declared unconstitutional or otherwise invalid.

25 SECTION 6. EFFECTIVE DATE. This rules amendment shall take effect  
26 immediately upon adoption.

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