City of Albuquerque
City Council

Rules of Procedure

(Revised November 16, 2026)

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ARTICLE I - MEETINGS

Section 1. **Regular Meetings**. The regular meetings of the City Council of the City of Albuquerque, New Mexico ("City Council") shall be held at the times specified in Section 2-1-1 of the Revised Ordinances of Albuquerque, New Mexico 1994 and in resolutions adopted consistent with that ordinance section; meetings are normally held in the Vincent E. Griego Chambers, City of Albuquerque Government Center beginning at 5 p.m. and ending no later than 10:30 p.m.

Section 2. **Special Meetings**. Except as provided in Section 4, special meetings of the City Council may be called by the President or by three Councilors, provided that written notice of such meeting shall be given to each member of the City Council at least seventy-two (72) hours before the time set for the meeting.

Section 3. **Town Meetings**. Once each calendar year, a Councilor may call a special meeting to be held in his or her District in a "Town Meeting" format to listen to citizens' concerns. The District Councilor shall preside at such meetings.

Section 4. **Emergency Meetings**. Notwithstanding any provision contained herein, the President of the City Council may, in the event of an emergency, call with whatever notice is possible under the circumstances, a meeting of the City Council to consider any matter. "Emergency" for the purpose of this section refers to unforeseen circumstances that, if not addressed immediately by the City Council, will likely result in injury or damage to persons or property or substantial financial loss to the City. Within ten days of taking action on an emergency matter, the Council shall report to the Attorney General's Office the action taken and the circumstances creating the emergency, unless a state or national emergency has been declared.

Section 5. **Notice of Public Meetings**.

A. Notice to the public shall be given at least seventy-two (72) hours in advance of any regular or special meeting of a quorum of the members of the City Council. Such notice may be given by:

(1) Posting a copy of the agenda in the lobby outside of the Vincent E. Griego Chambers, in the Basement level of the City of Albuquerque Government Center, Albuquerque, New Mexico;

(2) Posting the agenda on the Council website; and

(3) Providing notice to any broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.

B. The foregoing notice shall at a minimum contain the date, time and place of such meeting and shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting. The City Council, in its sole discretion, additionally may include in such notice a brief description as to an item or items to be considered at such meeting.

C. Except for emergency matters, the City Council shall take action only on items appearing on the agenda. For the purpose of this subsection, an "emergency matter" refers to unforeseen circumstances that, if not addressed immediately by the City Council, will likely result in injury or damage to persons or property or substantial financial loss to the City.

Section 6. **Compliance with State Statutes**. Substantial compliance with any one of the foregoing methods of giving of notice shall constitute compliance with Chapter 10, Article 15, NMSA, 1978, as amended.

Nothing herein shall prevent the use of additional means or methods of giving notice of regular or special meetings; nothing herein shall require new notice for any public meeting for which notice has been given pursuant to these rules and which is recessed or adjourned, except an oral announcement of the date, time, and place shall be made by the Presiding Officer before such meeting is recessed or adjourned and, immediately following the recessed meeting, notice of date, time and place for the reconvened meeting is posted on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting. The President of the City Council, or anyone designated by the President is hereby authorized to give any such foregoing notice and the President of the City Council may establish additional means or methods of making known to the public the date, time, and place of any regular meeting of the City Council.

Section 7. **Quorum**. A majority of the members of the City Council shall constitute a quorum thereof.

Section 8. **Addressing Meetings**.

A. The Mayor or the Mayor's designated representative may be invited to address the City Council or may request to speak before the City Council.

B. Persons may be invited by the City Council to address it on a particular agenda item or for the purposes of a general address.

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

D. Persons signed up to speak before the City Council during general public comment or on a particular topic will be called to the podium to speak by the President, Vice President or Councilor presiding over the meeting. Only the individual called to the podium to provide public comment may stand at the podium or in the area around or behind the podium during that public comment. The Council President, Vice President or presiding Councilor shall make exceptions for those in need of a translator or those who need assistance or reasonable accommodations to provide public comment. Multiple persons will not be permitted to stand behind the individual providing comment.

E. Public comment must be directed to the City Council through the President, Vice President or presiding Councilor, not at staff members or members of the audience.

F. Items displayed on the overhead projector during an individual's public comment must be removed from the projector at the end of that person's public comment.

G. Absolutely no signs, props, posters, or banners will be allowed in the Council Chambers other than those which can be displayed on the overhead during presentations (no sheets larger than 8½" x 11"). Such material shall not be held or waived in a manner that blocks the view of others or creates a distraction from the speaker or the business at hand.

H. The first 30 individuals will be allowed to speak under general public comment of the agenda. Individuals who have signed up to provide general public comment to the Council but who, due to this limitation, are not able to speak may either provide general public comment at the end of the meeting under 'Other Business' or inform Council staff that they would like to provide their comments at the next regular Council meeting. Individuals who

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

I. Council staff shall notify the public that persons may register to speak on an item appearing on the Consent Agenda, and staff shall notify the President of the City Council when a speaker so registers. The President may allow public comment on consent items prior to the Council's vote on the Consent Agenda.

Section 9. **Records**. Unless otherwise provided, a member of Council Staff, as designated by the Director, shall serve as the Clerk of the Council. The Clerk of the Council shall keep the minutes and records of the City Council proceedings.

Section 10. **Attendance**. Councilors shall attend all meetings of the City Council unless excused by the President of the City Council. For meetings held in-person, attendance is satisfied by physical attendance at the meeting location, except that each Councilor may virtually attend up to five in-person meetings of the City Council per calendar year so long as advanced notice is provided to the President for each occurrence and every possible effort is made to attend in person. For meetings held fully virtually, attendance is satisfied by virtual attendance.

Section 11. **Mayor**. The Mayor, or the Mayor's representative, shall be present at the hearings on the Mayor's proposed budget to answer questions about the budget. The City Attorney, or the City Attorney's designated representative, shall be present at all meetings of the City Council.

Section 12. **Disturbing Meetings**. It shall be unlawful to disturb any meeting of the City Council or any of its Committees, or to behave in a disorderly manner at any such meeting. There will be no tolerance for disruptive public outbursts or disruptions that impede the orderly progress of the meeting. The Presiding Councilor will provide one warning to anyone who causes a disruption. Upon a second or continued disruption, the Presiding Councilor will ask that person to leave the meeting, and, if necessary, will ask that security escort that person out of the meeting, or in the case of a virtual participant that they be removed from the virtual interface. Such removal from the meeting will be effective for the remainder of that meeting. If continued disruptions occur, the Presiding Councilor may recess the meeting until order is restored, and, if necessary, may clear the meeting of persons participating in the disturbance.

Section 13. **Open Meetings**. All meetings of the City Council and its Committees shall be open to the public.

Section 14. **Room Capacity, Ingress and Egress.** Notwithstanding these rules, the Fire Marshal will strictly enforce room capacity, ingress and

egress rules to ensure the public's safety. The handicapped landing area to the right side of the dais must be kept clear at all times. Those desiring to record the meeting will be directed to the landing area on the left side of the dais.

ARTICLE II - ORGANIZATION OF THE CITY COUNCIL

Section 1. **Election of President**. At the first meeting of the City Council in the month of January of each year, the City Council shall elect one of its members to act as President of the City Council. The President shall serve at the pleasure of the City Council until the first meeting in the month of January of the following year or until his or her successor has been selected. In the event that there shall occur a vacancy in the office of President, except one provided for in Article V Section 5.(c) of the City Charter, an election shall be held at the next regularly scheduled meeting of the City Council to fill the vacancy. Election shall require a majority of all Councilors.

Section 2. **Election of Vice-President**. At the first meeting of the City Council in the month of January of each year, the City Council shall elect one of its members to act as Vice-President of the City Council. The Vice-President shall serve at the pleasure of the City Council until the first meeting in the month of January of the following year or until his or her successor has been selected. In the event that there shall occur a vacancy in the office of Vice-President, an election shall be held at the next regularly scheduled meeting of the City Council to fill the vacancy. Election shall require a majority of all Councilors.

Section 3. **Powers and Duties of the President and Vice-President**.

A. The President shall call the Councilors to order, and upon a quorum being present, shall proceed to business.

B. The President shall possess the powers and perform the duties herein described, to wit the President:

(1) Shall preserve order and decorum and have general direction of the Vincent E. Griego Chambers or any location where the City Council holds its meetings.

(2) Shall assign bills and have the responsibility for preparation of the agenda and dissemination of the agenda with the public notice for the meeting.

(3) Shall decide all questions of order, subject to a Councilor's right to appeal to the City Council as a whole.

(4) Shall speak to points of order in preference to other Councilors.

(5) May speak, as other Councilors, on general questions from his or her chair.

(6) Shall vote upon all questions in the same manner as other Councilors.

(7) Shall announce the result promptly on the completion of every vote.

(8) Shall appoint all Committees whether standing, joint, or special, subject to the approval of the City Council except where otherwise indicated. Special committees shall consist of five members. The President shall designate the Chairperson of each Committee subject to the approval of the City Council with the exception of Chair of the Committee-of-the-Whole. The Chair shall be selected by a majority of the City Council.

(9) Shall sign all bills passed by the City Council.

(10) Shall receive all formal messages and communications from the Mayor and others.

(11) Shall serve as Chairman of and designate a selection panel of three (3) additional Councilors to undertake search and preliminary screening of candidates for the position of the Director of Council Services.

(12) Shall hold over or refer to the appropriate Standing Committee or Committees any bill or executive communication. Upon the request of the bill's sponsor seconded by another Councilor or upon the vote of a majority of Councilors, a referral may be changed or deleted; if referral of a bill is requested at a meeting other than the one at which it is introduced, the President shall make the referral upon the vote of a majority of the Councilors. The President, at his/her option, may refer appeals, appointments or other matters to the appropriate Standing Committee.

(13) Shall have the authority to sign all decisions of the City Hearing Officer regarding the issuance or transfer of liquor licenses pursuant to Section 13-2-3 ROA 1994.

(14) Shall have the authority to sign all agreements for professional/technical services entered into by the Council to facilitate its legislative function pursuant to the Purchasing Ordinance.

(15) In the absence of a voluntary sponsor, the President shall be noted as the designated sponsor for any municipal annexation or zone map amendment request (other than appeals) that require final action by the City Council. For this purpose, designation as sponsor does not indicate support or opposition to the item sponsored.

C. In the absence of the President, upon his or her inability to act, or upon request of the President, the Vice-President shall preside and shall have all the powers and authority of the President. In addition, the Vice-President shall preside over meeting agenda items (2) through (5) as outlined in Article III, Section 4(A) of these Rules.

Section 4. **Committees of the Council.** Committees of the Council are comprised of members of the City Council only.

A. Standing Committees of the City Council shall consist of two substantive committees as follows:

(1) Finance and Government Operations Committee (5 members). Areas of jurisdiction include: all revenue measures, all bills calling for expenditures of public funds and amendments to the approved capital improvements program, including: operation, equipment and infrastructure aspects of transportation; parking; streets; water; sewage; drainage and storm control; extensions of utilities; street lighting; maintenance; professional design; aviation; economic development; industrial revenue bonds; Local Economic Development Act (LEDA) projects; public/private relationships; employment; housing; building codes; consumer protection; licensing; economic opportunity; youth and senior citizen programs; parks and recreation; the ABQ BioPark; staffing; community development; libraries; museums; the Albuquerque Convention Center; stadiums and sports facilities; human rights; employee relations; the merit system; sanitation; refuse; animal control; and implementation of capital improvements projects and quality of life projects. The regularly scheduled meeting date of the Finance and Government Operations Committee shall be the second Monday of each month. The fourth Monday of the month shall be reserved for additional meetings, if necessary.

(2) Land Use, Planning and Zoning Committee (5 members). Areas of jurisdiction include: land use planning; zoning; transportation planning; growth and annexation; environmental concerns including air, water and noise; location of all public facilities; open space land prioritization, designation and acquisition; the Integrated Development Ordinance; the Comprehensive Plan and all Rank 2 and Rank 3 plans; urban renewal; urban development; appointment of members to the Environmental Planning Commission; utilities franchises and regulations; cable television; energy measures including energy conservation, demand side management, life cycle costing of City facilities and alternative vehicle fueling. The regularly scheduled meeting date of the Land Use, Planning and Zoning Committee shall be the Wednesday following the second Monday of each month. The Wednesdays following the fourth Monday of the month shall be reserved for additional meetings, if necessary.

B. Committee of the Whole (9 members).

(1) The Council shall meet as the Committee of the Whole to review and adopt the annual operating budget and the biennial capital improvements plan; including the appropriations and rate and fee increases made at the time each of these bills are considered, in accordance with City Budget Ordinance §2-11 and Capital Improvements Ordinance §2-12.

(2) The Director of Council Services shall provide status reports to the members of the Committee of the Whole regarding Council Services staff, physical facilities and department operating budget on a quarterly basis.

C. Litigation Negotiation Committee (3 members).

D. All Committee assignments shall be subject to the approval of the City Council at the second regular meeting of the year.

E. Each Councilor shall, insofar as possible, change one Substantive Committee assignment every January when the Committees are constituted.

F. No Committee shall hold a hearing without a quorum of the Committee present. Any Councilor who is not a member of the Committee may be designated as an alternate for any Committee member who cannot be present at the meeting. The alternate shall be selected by the Councilor for whom the alternate is serving or by the Chairperson of the Committee.

G. The Chairperson of a Committee shall vote on all matters before the Committee as other members of the Committee.

H. Every report of a Committee, upon any matter referred to the Committee, shall be in writing and addressed to the President of the City Council:

(1) The report shall contain a summary report of the actions by and before the Committee in addition to the Committee recommendations, including the vote of each member. Every Committee report shall be entered upon the journal of the City Council.

(2) The report on a bill shall carry one or more of the following recommendations:

(a) Do Pass
(b) Do Pass, as amended
(c) Without recommendation *
(d) Without recommendation, as amended *
(e) Do Not Pass
(f) Be referred to another committee *

(g) Be referred to a Committee-of-the-Whole *
(h) Substituted
(i) Substituted, as amended

* The failure of these motions in Committee requires subsequent motion(s) to establish the Committee's final recommendation to the City Council.

(3) The failure of any "Do Pass" motion on a bill in Committee shall result in the bill being reported to the City Council as "FAILED" and pursuant to ARTICLE III, Section 6(6) of these Rules, the Council's acceptance of such a report shall result in failure of the bill; provided, however, that any bill that has failed in this manner will be revived by a subsequent motion and second to revive that receives an affirmative vote of at least four Councilors, in which case the bill will be placed on the agenda of the next regular Council meeting for action.

(4) The report on any appeal shall carry one or more of the following recommendations:

(a) Be heard
(b) Not be heard
(c) Be remanded (to the relevant board or commission)
(d) Withdrawal be approved
(e) Withdrawal not be approved

(5) The report on an appointment shall carry a recommendation that the appointment "be confirmed" or "not be confirmed".

(6) The report on other matters shall carry a recommendation that the matter "be approved," "not be approved," or "receipt be noted."

I. Reports of the minority of a Committee may be submitted in addition to those of the majority and included in the Committee report.

J. The Committees shall report on all matters referred to them without unnecessary delay. If a Committee refuses or neglects to report on any matter referred to it, the City Council, by majority vote of all Councilors, may take the matter from the Committee.

K. The rules and orders of the City Council shall apply to all Committees of the City Council, except as otherwise provided and except that Committees may establish their own time limitations for witnesses addressing the Committee and for debate by members of the Committee, and except that notice to the public, including an agenda, shall be given of any regular or special meeting of a quorum of the members of any Committee of the City Council.

Section 5. **Other Committees Requiring Participation of the Council.** Councilors participate in committees with members of the Administration or other entities listed herein:

(1) Committee on Guidelines for Negotiations (3 members). A Memorandum of Understanding shall be executed every two years between the Administration and the City Council to determine the operating procedures of the committee.

(2) Albuquerque/Bernalillo County Government Commission (4 members)

(3) Intergovernmental Legislative Relations Committee (3 members)

(4) Mid Region Council of Governments (5 members)

(5) Hispano Chamber of Commerce (2 members)

(6) Visit Albuquerque (2 members, 1 alternate)

(7) Accountability in Government Oversight Committee (1 member, 1 alternate)

(8) New Mexico Municipal League (1 member, 1 alternate)

(9) Albuquerque Bernalillo County Water Utility Authority (3 members)

(10) Regional Transit District Board of Directors (4 members)

(11) Albuquerque Bernalillo County Community Schools Partnership (2 members)

(12) Alvarado Transportation Center Task Force (1 member)

(13) Explora (2 members)

(14) Economic Development Action Account (EDAct) (2 members)

(15) Bernalillo County Criminal Justice Coordinating Council (1 member, 1 alternate)

(16) Route 66 Visitor Center Commission (2 members)

(17) Homeless Coordinating Council (2 members)

(18) City Attorney Evaluation Committee (4 members)

ARTICLE III - PROCEDURES

Section 1. **General Rules**. Any matter not covered by these rules shall be governed by Robert's Rules of Order (latest edition), or, if not covered by Robert's Rules of Order, by a decision of the President, subject to the right of appeal.

Section 2. **Amendment of Rules**. These rules, or any part thereof, may be amended, repealed, altered or rescinded by a vote of a majority of all Councilors and only after one week's notice of an intended motion. Such notice is satisfied by introduction of the proposed amendment at a regular meeting of the City Council.

Section 3. **Suspension of Rules**. Except for charter, statutory or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a vote of two-thirds of the Councilors present. The following shall apply:

Councilors Present	2/3 Vote
9	6
8	6
7	5
6	4
5	4

When the suspension of a rule is requested, and no objection is offered, the President shall announce the rule suspended, and the City Council may proceed accordingly.

Section 4. **Order of Business**.

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

(1) Roll Call
(2) Moment of Silence
Pledge of Allegiance in English and Spanish and any other language as determined by the Council
(3) Proclamations & Presentations
(4) Administration Question & Answer Period
(5) Approval of Journal
(6) Communications and Introductions
(7) Reports of Committees
(8) Consent Agenda
(9) Announcements
(10) Financial Instruments
(11) Appeals
(12) General Public Comments
(13) Approvals

(14) Final Actions
(15) Other Business

B. The City Council shall not allow General Public Comments at Special Meetings.

C. No more than two proclamations (Item 3 above) may be considered at any meeting of the Council. However, nothing herein prohibits a Councilor from sponsoring and presenting additional proclamations outside of Council meetings. Councilors wishing to sponsor a proclamation shall request assignment to a meeting agenda subject to approval from the President. If so approved, Councilors shall file the topic or title of the proclamation with the Clerk of the Council no later than 10:00 a.m. on the Friday preceding the meeting at which the proclamation is to be presented. Presentations (Item 3 above) includes the Gross Receipts Tax Report, cannabis excise report, and all other revenue reports, and any other presentation allowed at the discretion of the President. The Gross Receipts Tax Report shall be presented at the next regular City Council meeting following the date the State transmits the Gross Receipt Tax Report to the City. The Gross Receipts Tax Report, cannabis excise report, and all other revenue reports shall be sent to all City Councilors immediately following receipt by the City and after the reconciliation process.

D. The President shall have the discretion to proceed out of order to any order of business or return to any prior order of business.

E. All business which would be for Approval, Final Action, and Other Business may be placed on the Consent Agenda by the President if he or she believes that no discussion or amendment is needed. At the beginning of the Consent Agenda, the President shall ask if Councilors wish to drop items from the Consent Agenda; upon the request of any Councilor, any item shall be removed from the Consent Agenda and shall be heard following the vote on the Consent Agenda. Items remaining on the Consent Agenda shall be affirmatively acted on by one or more motions, which motion is non-debatable; items on the Consent Agenda may not be amended or substituted.

Section 5. **Journal**. The City Council shall keep a journal of the proceedings. The journal shall be maintained by the Clerk of the Council and shall be open to inspection at all convenient times.

Section 6. **Bills.**

A. Proposed ordinances, resolutions, memorials, and charter amendment proposals shall be called bills.

(1) The enacting clause of proposed ordinances shall be: "BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE".

(2) The enacting clause of proposed resolutions shall be: "BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE".

(3) The enacting clause of proposed memorials shall be: “BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE”.”

(4) Bills may be introduced by any Councilor at any regular meeting of the City Council, provided that any bill to be submitted for a regular City Council meeting must be presented in both hard copy and electronic copy to the Clerk of the Council prior to 10:00 a.m. on the Tuesday preceding the next regular City Council meeting. Bills may not be introduced at Special Council meetings. The Clerk of the Council shall assign each bill a number. The Director of Council Services shall prepare a list of introductions to be delivered to the Councilors on the Friday preceding the next regular City Council meeting.

(5) For bills which are to be referred to Committee, the introductions shall state the Committee(s) to which the President proposes to refer each bill. Bills which are not referred to Committee shall be considered for final action no earlier than the next regular City Council meeting after the meeting at which they are introduced. Notwithstanding the above, a bill may be considered for immediate action at the meeting at which it is introduced provided that a majority of the City Council votes in the affirmative to introduce and place the bill on the agenda for final action; and provided the notice required in Section I.5 has been given and an emergency as defined in Section I.5.C is declared. If a bill is introduced with a request for immediate action but fails to receive the necessary affirmative votes to consider it, or is not moved for consideration during the meeting at which it was introduced, the bill shall receive a referral to the appropriate standing Committee and shall be placed on the agenda of the next meeting of that Committee. A bill which has been referred to a Committee may be withdrawn from the Committee by an affirmative vote of a majority of all Councilors and upon such withdrawal shall be placed on the agenda for final action at the next regular meeting of the City Council, unless the bill carries an additional Committee referral, or unless a majority of all Councilors vote affirmatively to refer it to another Committee. A bill with multiple Committee referrals may be forwarded sequentially from Committee to Committee without returning to the City Council, provided each Committee notifies the President of the Committee’s recommendations and that the bill has been forwarded.

(6) Acceptance of a "do pass", "do pass, as amended", "without recommendation", "without recommendation, as amended",

“substituted”, or “substituted, as amended” Committee report, or rejection of a "do not pass" Committee report shall, unless the bill carries an additional Committee referral, result in the bill being placed on the agenda for final passage at the next regular meeting of the City Council unless it is unanimously recommended by the Committee to which the bill has been referred that the bill be placed on the agenda for final action at the meeting at which the Committee report is considered. Acceptance of a "do not pass" Committee report or rejection of a "do pass", "do pass, as amended", "without recommendation" or "without recommendation, as amended" Committee report shall result in failure of the bill; provided, however, that any bill that has failed in this manner will be revived by a subsequent motion and second to revive that receives an affirmative vote of at least four Councilors, in which case the bill will be placed on the agenda of the next regular Council meeting for action.

(7) No bill shall be so altered or amended on its passage so as to change its original purpose.

(8) Unless a more stringent voting standard is otherwise required by law, if a majority of a quorum of the Councilors present at the City Council meeting vote in favor of adopting a bill, it is adopted.

(9) Any bill which is not adopted by the City Council within one year from the date of its introduction shall be deemed to have "Died on Expiration," and no further action shall be taken by the Council or its committees on the bill. Bills which are deemed "Died on Expiration" may be reintroduced under a new bill number pursuant to the provisions of subsections (1) through (8) of this section.

(10) Any bill which is not adopted but pending at the end of the tenure of a City Councilor shall be deemed “Died on Expiration of Tenure”.

(11) To comply with Chapter 2, Article 2, Section 3 of ROA 1994, Resolutions that include City-Wide Legislative Priorities for the Federal and State Governments shall be approved by a unanimous vote of the City Council. Legislative Priorities that are included in the Resolution may be removed from the legislation during a hearing on the bill on the floor of the Council by a verbal request of a Councilor, without an amendment or vote on the request.

(12) At the end of each calendar year, any legislation transmitted from the Administration to the Council President that was not introduced shall be transmitted back to the Administration via formal memorandum.

B. When a bill would adopt a plan, the following sequence shall apply to City Council hearings:

(1) Prior to the first Committee hearing, the public notice (ref. Sec. 14-13-2-5(D) ROA 1994) shall state how the plan may be obtained or examined and shall encourage written comments;

(2) At the Committee hearing, the public shall be invited to make comments and protests, preferably in writing;

(3) The Department which has sent the plan to the Mayor and City Council shall write a response on each protest. The Department's response shall be presented to the Committee at a meeting subsequent to the presentation of protests; the response shall contain a summary of the protest and a recommendation of any plan amendment which seems appropriate, based on the protest;

(4) The protester may briefly comment to the Committee on the response;

(5) Subsequent to this process the Committee shall move amendments to the plan if it finds such to be appropriate;

(6) The full City Council may also make plan amendments at the City Council meetings on the plan; and

(7) If the plan has not been heard by Committee, the City Council will follow the entire sequence above.

Section 7. **Amendments/Floor Substitutes.** Any bill may be amended or substituted, provided, however, that any bill that is on Final Action before the Council and that is substituted may not be acted upon at the meeting in which it is substituted. Floor substitutes for bills approving bonds or other financing instruments are exempted from this restriction, as are floor substitutes for the operating budget and the capital improvements program. Amendments and substitutes for the operating budget and capital improvements program shall have special procedures. Any committee substitutes for the operating budget or capital improvements program must be submitted to Council staff and distributed to Councilors twenty-four (24) hours prior to the next meeting of the Committee-of-the-Whole. Floor substitutes for the operating budget or capital improvements program will not be considered after the Committee of the Whole moves the bill to the full Council. Any committee or floor amendments shall be distributed to all Councilors by the sooner of the start time of the meeting, or 5:00 p.m. on the day of the Committee of the Whole or City Council Meeting where they will be considered.

Section 8. **Approvals.**

A. Approvals are defined as that class of City Council action in which the City Council as the Governing Body shall make the final determination upon the recommendation of the Mayor or upon the recommendation of, or

appeals from, a duly authorized board or commission of City government. Those items requiring approval of the City Council shall include but not be limited to: appeals authorized under the Integrated Development Ordinance; improvement district matters including protest; appointments to boards and commissions; real property acquisitions and dispositions, and purchases. Approvals other than appeals are termed executive communications or City Council communications.

B. Appeals of Land Use Regulation Decisions.

(1) Appeal procedures and special majorities required shall be as specified in applicable ordinances. (See the Integrated Development Ordinance, Section 14-16-4-4-6-4(U) ROA 1994.

(2) Notice for any full hearing on an appeal shall be given at the City Council meeting at which the City Council votes to reject the recommendation of its Land Use Hearing Officer.

(3) Time allowed for appeal hearings shall be as follows:

(a) The sequence and normal maximum times allowed shall be as follows:

8	minutes for appellant;
10	minutes for party opponent(s) of the appeal;
3	minutes for city staff, unless that staff spoke as opponents;
2	minutes for appellant rebuttal;
	discussion among Councilors.

(b) If there are no party opponents of the appellant, the appealed board or commission is allowed up to 8 minutes in the appeal hearing.

(c) The City Council may combine separate appeals of the same action, in which case each appeal will receive an equal share of the appellant's time. The Presiding Councilor shall indicate in advance the division of opponent time if more than one private party is shown by the record to be in opposition.

(d) The Presiding Councilor shall follow the above maximum times unless, based on the complexity of the issues, the Presiding Councilor gives notice of differing times to all parties. In all cases, the maximum time available to proponents and opponents shall be equal, in accordance with the pattern in (a) above.

(e) The parties shall decide on the speakers to use the time assigned to the appellant and the opponents of the appeal.

(4) Evidence:

(a) The City Council will make its decision and findings exclusively on the record of the decision appealed including any supplemental material that was accepted by its Land Use Hearing Officer.

(b) Parties to an appeal and their representatives shall be sworn: "Do you swear (or affirm) that you will tell the truth, the whole truth, and nothing but the truth?" Attorneys may testify on their attorney's oath.

(5) With regard to any appeal that has been filed with and is pending before the City Council:

(a) *Communication with Parties*. No Councilor shall communicate outside a hearing with a party or representative of the party about the appeal, and no party or representative of a party shall communicate outside a hearing with a Councilor about the appeal. Any facts or documents not in the record before the City Council when the appeal is filed are subject to the rules regarding new evidence that are set forth herein;

(b) *Communication with Persons other than Parties*. No Councilor shall knowingly communicate with a member of the public or an organization about the subject of the appeal, and persons or organizations not parties to the appeal shall not communicate with any Councilor about the subject of the appeal and attempt to influence the outcome of the appeal. Information and correspondence that is not in the record at the time the appeal is filed is not evidence and should not be considered in making a decision regarding the outcome of the appeal unless accepted as new evidence.

(c) Any correspondence regarding the subject of an appeal that is an *ex parte* communication and is inadvertently received by a Councilor shall be delivered to the Clerk of the Council and be available for review by the parties. Any correspondence received by Council Services regarding the subject of an appeal shall be held by the Clerk of the Council and not distributed to the Councilors until the City Council has finally decided the appeal and the time for filing an appeal of the City Council decision has run. All such correspondence shall be available for review by the parties upon request.

(d) Notwithstanding the above, staff of the Council Services and other City departments (other than employees of a City department which is the appellant or appellee, or employees who have a personal or pecuniary interest in the outcome of the appeal) may, upon the request of a

Councilor, communicate with that Councilor at any time and by any means. Copies of any written materials from City staff shall be distributed to all parties.

(6) A Councilor or City Council Hearing Officer shall withdraw from any proceedings in which he or she has a direct or indirect financial conflict of interest or otherwise cannot accord a fair and impartial hearing.

(7) Votes on appeals shall be as follows:

(a) At a meeting of the City Council, an action to grant or deny an appeal must be in accordance with Section 14-16-6-4(U)(3)(e) of the Integrated Development Ordinance. A motion to defer, continue, or remand is adopted by a majority of the Councilors present.

C. Executive Communications.

(1) Executive communications may be withdrawn by a memo from the Mayor prior to City Council action with the approval of the City Council. Executive communications may not be amended.

(2) Appointments.

a. Executive Communication appointments shall be sent to the City Council separately for individual consideration. An appointment, which is not referred to Committee, shall be considered at the next regular meeting of the City Council, except new appointments to the Environmental Planning Commission, and the Landmarks Commission shall be considered by the Land Use, Planning and Zoning Committee of the City Council.

b. The following City Council actions on Committee reports shall result in the appointment being placed on the agenda for approval at the next regular meeting of the City Council unless it is unanimously recommended by the Committee to whom the appointment has been referred that the appointment be placed on the agenda for approval at the meeting at which the Committee report is considered: acceptance of a recommendation that an appointment "be confirmed" or rejection of a recommendation that an appointment "not be confirmed".

(3) Reports, Contract Extensions/Supplements, and Grants.

a. Executive Communications for Reports, Contract Extensions/Supplements, and Grants shall be considered at the next regular meeting of the City Council.

(4) Other Approvals. An approval which is not an appeal or an appointment and which is not referred to committee shall be considered no earlier than the next regular City Council meeting following introduction.

(5) Any approval which is not adopted by the City Council within one year from the date of its introduction to the City Council shall be deemed "Died on Expiration," and no further action shall be taken by the Council or its committees on the approval.

Section 9. **Motions**. No motion shall be entertained or debated until announced by the President, and every motion shall be seconded. When a question is before the City Council, only the following motions shall be entertained and such motions shall have precedence in the following order:

(1) To adjourn *
(2) To recess *
(3) To reconsider
(4) To table *
(5) To move the previous question (call for the question) *
(6) To postpone to a certain time (to defer up to 90 days)
(7) To commit or recommit to a committee
(8) To amend or substitute

*not debatable and cannot be amended

Motions to amend or substitute shall be made in writing. A motion to adjourn, to recess, to table, or to move the previous question shall be decided without debate, and cannot be amended. A motion to table means that there is no set time for taking the matter up again but its consideration must be resumed prior to adjournment of that meeting. A motion to move the previous question must be approved by three-fourths of those present and voting, and it may apply to only the immediately pending question, or it may be qualified to apply consecutively to all of any series of motions beginning with the immediately pending question. All other motions shall be debatable.

For a motion to move the previous question, the following shall apply:

Councilors Present	3/4 Vote
9	7
8	6
7	6
6	5
5	4

A motion to adjourn when no time shall be fixed, shall mean an adjournment to the next regular meeting of the City Council. A motion to postpone to a certain time (to defer) may be made for a period not to exceed

three months. The President may, at his or her discretion, recognize a Councilor on a point of personal privilege or parliamentary inquiry.

Section 10. **Debate**. Any Councilor wishing to speak, debate, make a motion, submit a report or conduct other business shall address the President and shall not proceed further until recognized by the President. If two or more Councilors seek recognition at the same time, the President shall name the one who shall speak first. The Councilor who sponsors a bill or motion shall have the privilege of opening and closing debate upon the same. A Councilor may direct an inquiry and receive a response without yielding the floor. No Councilor shall be permitted to speak more than once on any motion until every Councilor desiring to be heard has been allowed to speak. Nor shall any Councilor, except the sponsor of a bill or motion, speak more than a total of ten minutes on any motion. No Councilor shall be interrupted when speaking, nor shall any motion be in order until he or she has concluded, and no question shall be asked of him or her, except those directed through the President with the consent of the Councilor.

Section 11. **Voting**.

A. Except for the election of City Council officers, City Council appointees, or the Director of Council Services, voting shall be in the form of "Yes" or "No". Any action on a question is lost by a tie vote. A record shall be entered in the journal of the voting by each Councilor on all action on any bill, resolution, memorial, Mayor's appointment or other act, and on any other question when called for by any two Councilors prior to the taking of the vote. The record shall also be entered in the journal of any Councilor on any other question coming before the City Council when so requested by the Councilor. Every Councilor who is within the Vincent E. Griego Chambers shall vote upon each question, except that any Councilor who has a private direct financial interest in any matter pending before the City Council shall disclose such private interest and shall be disqualified from participating in any debate, decision or vote relating thereto. Such disclosure shall be entered in the journal, and the record will show the Councilor making such a disclosure as having abstained from participating in any debate, decision or vote relating thereto. A Councilor shall be allowed to change his or her vote, but only before the result has been announced.

B. A Councilor may request to vote by telephone or other similar device when a medical or emergency situation exists, or when official city business or a significant personal event or commitment renders attendance in person unduly burdensome. A request for such voting privileges must be made to the President of the Council who shall determine whether a qualifying situation exists. Such voting can only take place upon the approval of the President of the Council and provided that the Councilor who has been granted such voting

privileges can be heard on a speaker to enable the Council and the audience to determine when the Councilor is speaking and casting a vote.

Section 12. **Confirmation**. An affirmative vote of a majority of Councilors present shall be required for confirmation of the Chief Administrative Officer. An affirmative vote of a majority of the Councilors present shall be required for confirmation of members of the public boards, commissions and committees.

Section 13. **Appointments**. Whenever the City Council is required to appoint members of any public body, the Councilors shall consider this matter under the order of business "Approvals" at any City Council meeting, and at that time, each Councilor may nominate one person. At the next regularly scheduled meeting of the City Council, the matter shall be placed on the agenda under the order of "Approvals". All nominees shall be invited to attend.

A ballot shall be prepared containing the names of each candidate. The balloting shall be by preferential balloting wherein each Councilor indicates the order of his or her preferences with the numeral "l" for his or her first preference, the numeral "2" for his or her second preference, and so on for every possible choice. After the ballots are marked, the total numerals shall be added for each candidate and the candidate whose total is the lowest shall be declared the winner.

If more than one similar position is to be filled on any particular body, the necessary number of candidates with the lowest number of votes shall be declared winners.

In the event of a tie, there shall be a runoff among those candidates having the lowest totals. The runoff shall be conducted by preferential balloting in the manner described herein.

Section 14. **Vetoes**. In the event of a veto by the Mayor of all or a part of any ordinance, resolution, or other act passed by the City Council, the veto message of the Mayor shall be entered in the journal together with the date of return of the same to the City Council by the Mayor. An ordinance, resolution, or other act may be approved, notwithstanding a veto by the Mayor, by two-thirds of the entire membership of the City Council, at the next regularly scheduled meeting of the City Council after return of same to the City Council by the Mayor.

Section 15. **Reconsideration**. Any Councilor recorded as having voted with the prevailing side on any question may move at the same meeting to reconsider the question. A motion to reconsider shall require the affirmative vote of a majority of all Councilors present.

Section 16. **Rescinded Action**. No vote or action of the City Council shall be rescinded at any special meeting unless there be present at such special meeting as many members of the City Council as were present at the meeting when such vote or action was taken.

Section 17. **Appeal of President's Decision**. An appeal may be made on any decision of the President, in which event the Councilor appealing shall state his or her reason therefore, to which the President may respond. Such appeals shall be acted upon immediately and no motion, other than a motion to adjourn, shall be entertained until the question has been decided. A vote of a majority of the Councilors present shall be required to sustain an appeal.

Section 18. **Personal Privilege**. Any Councilor may, as a matter of personal privilege, personally speak for not more than ten minutes upon matters which may affect the City Council, its rights, its dignity and the integrity of its proceedings, or the rights, reputation and conduct of individual Councilors in their official capacities only.

Section 19. **Decorum**. Councilors or other speakers shall confine their remarks to the question under discussion or debate, avoiding personalities. No Councilor shall engage in private discourse or commit any other act tending to distract the attention of the City Council from the business before it.

Section 20. Any Councilor leaving a City Council or Committee meeting early, with the exception of an unexpected illness or emergency, shall make the Presiding Councilor aware of such departure as early as is possible, so that allowances in scheduling business can be made. Any Councilor leaving a Committee meeting when the departure will cause a loss of quorum shall make every effort to secure an alternate Councilor to sit on the Committee.

Section 21. **Staff**.

A. Selection of the Director of Council Services. When a vacancy occurs in the position of Director of Council Services, the selection panel designated by and including the President of the City Council shall initiate recruitment, screening and interviewing of candidates and shall submit the name of one qualified candidate to the full City Council for final selection. The Director of Council Services shall be selected by an affirmative vote of two-thirds of all Councilors.

B. Director. The Director of Council Services shall, after consultation with the President and members of the City Council, hire, have charge of, and see that all employees and contractors of the City Council perform their respective duties; and shall have general control of the City Council Office.

C. Rules of Confidentiality. Neither the Director nor any other employee of the Council Services shall reveal to any person outside of the service the content or nature of any request or statement for service made by a Councilor, except with the consent of the Councilor making such request or statement. No member of the City Council staff shall urge or oppose any legislation, nor give to any member of the City Council advice concerning the economic, social or political effect of any bill or proposed bill except upon the request of such member. This, however, does not restrict or preclude City Council staff from providing staff reports of, analyses of, and amendments to, proposed legislation, appropriations and appeals.

D. Campaign Activity Prohibited. Council Services employees shall not engage in any political campaign activity during work hours or using office resources to support or oppose a candidate for public office. During the normal course of business, City Councilors shall not request Council Services employees to perform any activity, the purpose of which is to support or oppose a candidate for public office. Examples of prohibited activities include but are not limited to drafting campaign press releases, conducting opposition research or research on issues primarily related to a campaign, scheduling campaign appearances, drafting campaign-related correspondence and taking campaign-related phone calls except to refer callers to the campaign office. Nothing herein, however, shall be construed as prohibiting any City Council Services staff member from exercising his or her First Amendment right privately to express an opinion or cast a vote. Any member of the Council Services staff who believes that a request by a Councilor is in violation of this policy shall inform the Director of Council Services who shall have an obligation to investigate the complaint and if necessary present the findings to the Council or its appropriate committee.

E. Contractors. Contractors of the City Council performing services that are analogous to those of Council staff, or in place of those traditionally performed by Council staff, shall be aware of these rules, and shall conform with all relevant provisions that are otherwise applicable to staff. The Director shall direct any Contractors who are performing services for the benefit of the full Council to use best efforts to address the interests and questions of the various Councilors equally to the greatest extent practical.

Section 22. **Monthly Expense Report.** The Director of Council Services shall provide to the Council on a monthly basis an accounting of all Council Services revenues and expenditures.

Section 23. **Allocation of Councilor Expenses**. Each Councilor shall be allocated a maximum annual amount of $35,000 for Council expenses related to discretionary constituent outreach, including but not limited to mailing/notification expenses, District meetings, and small event sponsorships to governmental or not-for-profit entities. The Director of Council Services will evaluate requests for use of the funds, in consultation with legal staff, based whether 1) the expense

advances an identifiable goal of the City, 2) the public benefit of the expense outweighs the incidental private benefit, and 3) the expense is in compliance with all applicable City regulations and policies. The annual amount shall be calculated on a fiscal year basis, from July 1 to June 30. The annual amount for newly elected Councilors shall be prorated for the period from January 1 to June 30.

Section 24. **Land Use Hearing Officer Rules of Procedure and Qualifications.**

1. Notice for any appeal hearing by the Land Use Hearing Officer ("Hearing Officer") shall be given consistent with Section 14-16-6-4(U)(3)(d)(1) of the Integrated Development Ordinance.

2. The sequence and the time allowed for appeal hearings shall be as follows:

25 minutes for appellant;
30 minutes for party opponent(s) of the appeal;
10 minutes for city staff, unless that staff spoke as opponents;
5 minutes for appellant rebuttal.

3. The Hearing Officer may combine separate appeals of the same action, in which case each appeal will receive an equal share of the appellants' time. The Hearing Officer shall indicate in advance the division of opponent time if more than one private party is shown by the record to be in opposition.

4. The Hearing Officer shall follow the above maximum times unless, based on the complexity of the issues, the Hearing Officer gives notice of differing times to all parties. In all cases, the maximum time available to proponents and opponents shall be equal, in accordance with the pattern above.

5. The parties shall decide on the speakers to use the time assigned to the appellant and the opponents of the appeal.

6. Evidence:

(A) The Hearing Officer shall make his or her decision and findings on the record of the decision appealed supplemented by any evidence allowed to be presented and matters officially noticed.

(B) If the Hearing Officer determines that certain additional evidence proposed is necessary and appropriate for the proper disposition of the matter he or she may take that evidence.

(C) New evidence which could have been put in the record during the previous hearing(s) is not favored for introduction at a Hearing Officer hearing. New evidence which clarifies evidence already in the record may be allowed. New evidence which is offered to contradict evidence in the record may be allowed; if such evidence appears convincing and is on an important point, it can justify the recommendation of a remand. If new evidence is allowed, it shall be restricted to a type and subject deemed admissible by the Hearing Officer.

(D) When a hearing will be expedited and the interest of the parties will not be prejudiced substantially, the Hearing Officer may accept specific items of evidence in written form; the fact that the author of written evidence is not present for cross examination does not disallow its admission unless the Hearing Officer rules that such absence makes the particular evidence inappropriate.

(E) Witnesses and presenters shall be sworn: "Do you swear (or affirm) that you will tell the truth, the whole truth, and nothing but the truth?" Attorneys may testify on their attorney's oath.

(F) Cross-examination of witnesses is allowed concerning the evidence and opinions they have presented in testimony to the Hearing Officer in order to disclose facts truly and fully. Cross-examination questions may be asked only by parties to the appeal. Any such questions shall be asked immediately following the witnesses' testimony. Questions may be asked by an adverse party or the party's attorney or representative of record. Improper questions will be disallowed by the Hearing Officer and the Hearing Officer may impose reasonable time limits on cross-examination. The Hearing Officer may restate questions to the witness and may require that questions be addressed to the Hearing Officer. The Hearing Officer will rule irrelevant questions and unnecessarily long answers out of order.

7. With regard to any appeal that has been filed with and is pending before the City Council and referred to the Hearing Officer:

(A) Communication with Parties. No City Councilor shall communicate outside a hearing with a party or representative of a party about an appeal, and no party or representative of a party shall communicate outside a hearing with a Councilor about an appeal. Any facts or documents not in the record before the City Council when an appeal is filed are subject to the rules regarding new evidence that are set forth herein.

(B) Communication with Persons other than Parties. No Councilor shall knowingly communicate with a member of the public or an organization about the subject of the appeal, and persons or organizations not parties to the appeal shall not communicate with any Councilor about the subject of the appeal and/or attempt to influence the outcome of the appeal. Information

and correspondence that is not in the record at the time the appeal is filed is not evidence and should not be considered in making a decision regarding the outcome of the appeal unless accepted as new evidence.

(C) Communication Between Hearing Officer and Councilor. No Councilor shall knowingly communicate with the Hearing Officer about the subject of a pending appeal, and the Hearing Officer shall not communicate with any Councilor about the subject of a pending appeal other than by written findings and recommended decision as set forth herein.

(D) Communication with Parties by Hearing Officer. The Hearing Officer shall not communicate outside a hearing with a party or representative of a party about an appeal, and no party or representative of a party shall communicate outside a hearing with the Hearing Officer about an appeal. Any facts or documents not in the record before the Hearing Officer when an appeal is filed are subject to the rules regarding new evidence that are set forth herein.

(E) Communication with Persons other than Parties. The Hearing Officer shall not knowingly communicate with a member of the public or an organization about the subject of the appeal, and persons or organizations not parties to an appeal shall not communicate with the Hearing Officer about the subject of an appeal and/or attempt to influence the outcome of an appeal. Information and correspondence that is not in the record at the time an appeal is filed is not evidence and should not be considered in making a decision regarding the outcome of an appeal unless accepted as new evidence.

(F) Any correspondence regarding the subject of an appeal that is an ex parte communication and is inadvertently received by the Hearing Officer shall be kept separately from the record on the appeal. The Hearing Officer shall advise the parties to the appeal of the receipt of the ex parte written communication which shall be available for review by the parties.

(G) Notwithstanding the above, staff of the Council Services and other City departments (other than employees of a City department which is the appellant or appellee, or employees who have a personal or pecuniary interest in the outcome of the appeal) may, upon the request of the Hearing Officer, communicate with the Hearing Officer at any time and by any means.

8. The Hearing Officer shall recuse himself or herself from any proceedings in which he or she has a direct or indirect financial conflict of interest or otherwise cannot accord a fair and impartial hearing. In the event that the Hearing Officer has a conflict of interest regarding a particular appeal or a party to that appeal, the Hearing Officer shall immediately notify the Council of the conflict and the appeal shall be scheduled to be heard by the full Council, or may

be assigned to a different hearing officer of the City Council's selection if appropriate.

9. The Hearing Officer shall enter his or her findings and recommended decision ("decision") and forward the decision and findings to the parties and the Council within 15 days of the close of the hearing.

10. The Hearing Officer shall base his or her decision on a preponderance of the evidence. He or she may reweigh the evidence in the record.

11. The Hearing Officer may decide to recommend that the Council grant or deny an appeal in whole or in part, if the Hearing Officer determines that the matter should be remanded, such remand may be ordered consistent with Section 14-16-6-4(U)(3)(d)(6) of the Integrated Development Ordinance.

12. When the Council receives the Hearing Officer's findings and decision, the Council shall place the decision on the agenda of the next regular full Council meeting provided that there is a period of at least 10 days between the receipt of the decision and the Council meeting. Verbal testimony from the appellant, party opponent, or any other member of the public about the subject of the appeal is not permitted during the "accept or reject" hearing nor during General Public Comment. The parties may submit written comments to the Council through the Clerk of the Council regarding the Hearing Officer's decision and findings provided such comments are in writing and received by the Clerk of the Council and the other parties of record four (4) consecutive days prior to the Council "accept or reject" hearing. Parties submitting written comments in this manner must include a signed, written attestation that the comments being submitted were delivered to all parties of record within this time frame, which attestation shall list the individual(s) to whom delivery was made. Comments received by the Clerk of the Council that are not in conformance with the requirements of this Section will not be distributed to Councilors.

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

14. The Council may accept the decision and amend the findings of the Hearing Officer if such an amendment is consistent with the decision of the Hearing Officer.

15. If the Hearing Officer's decision is rejected, or if the Council fails to either accept or reject the recommendation, the City Council may take any one of the actions identified in Section 14-16-6-4(U)(3)(e)(4) of the Integrated Development Ordinance.

16. If the Hearing Officer rules are in conflict with the Integrated Development Ordinance, the Integrated Development Ordinance shall prevail. If the Hearing Officer rules are silent regarding an area that is addressed by the Integrated Development Ordinance, the Integrated Development Ordinance shall apply.

Qualifications of the Land Use Hearing Officer

1. Prior experience with administrative hearing procedures, land use law and/or City planning and zoning procedures.
2. A record that demonstrates a high level of integrity.
3. Excellent analytical, communication and drafting skills.

Section 25. **City Council Performance Review of the City Attorney.** Pursuant to ROA 1994, § 2-7-2-4, the City Council shall conduct a performance evaluation of the City Attorney within 90 days following every 18-month period of consecutive service as City Attorney. The 18-month period shall begin after the Council's approval, the City Attorney's appointment or after the prior performance evaluation, whichever is more recent.

A. The Council President shall appoint a City Attorney Evaluation Committee consisting of four Councilors to conduct the evaluation. The Council President may appoint any members of Council Services staff to assist in the evaluation.

B. The Committee shall conduct a strengths-based evaluation of the City Attorney that includes an evaluation the legal acumen, leadership, and professionalism of the City Attorney and any other such attributes the Committee deems relevant to evaluating the City Attorney's performance. The Committee shall contract with a Human Resources consultant to manage the evaluation of the City Attorney. The evaluation shall be informed by an anonymous survey conducted of the City Legal Department staff. The Committee shall also conduct a private interview with the City Attorney to discuss the results of the survey and any other matters pertinent to members of the Committee.

C. The survey results and other evaluation materials shall be deemed letters or memoranda that matters of opinion in personnel files and exempt from the Inspection of Public Records Act. The surveys or other evaluation materials shall not be retained after the Council presents its findings in a public written report to the Mayor and Chief Administrative Officer.