

## LOS ALAMOS COUNTY COUNCIL PROCEDURAL RULES

~~December~~ ~~December xx4216~~, 2025~~3~~ UPDATE

### PREAMBLE

The Council of the Incorporated County of Los Alamos is the governing body of Los Alamos County and was created by the Los Alamos County Charter. The Charter is relatively undemanding with respect to Council procedure, format, and operating methods, so the Council is, to a large extent, self-regulating. The following rules, therefore, are adopted as a set of operating procedures to which the Council voluntarily binds itself, except as otherwise provided herein. The current edition of Robert's Rules of Order is used as a guide where Council rules are silent. If any of these rules are found to conflict with the Los Alamos County Charter, the Charter shall take precedence. The County Charter, along with the Los Alamos County Code of Ordinances can be found on the Los Alamos County webpage.

### ETHICS

The Council adopts, by reference, the provisions of the Governmental Conduct Act, NMSA 1978 § 10-16-1 et seq. as well as Sections 30-1 thru 30-30 of the Code of Ordinances of the Incorporated County of Los Alamos, which is commonly referred to as the Code of Conduct, in their entirety and affirmatively supports Council's and individual Councilor's adherence to their provisions.

### OFFICERS AND MEMBERS

**Election.** The Council shall elect a Chair and Vice-Chair from among its members at its first regular meeting after January 1 of each year. The Chair and Vice-Chair will serve at the pleasure of the Council and be eligible for election to subsequent terms.

**Chair.** The Chair shall preside at Council meetings and shall:

- Keep Councilors informed of events, meetings, or other occasions where the Chair acted or will act as the official spokesperson for the Council. The Chair acknowledges that he or she does not have additional authorities above and beyond those identified in this document or the Charter.
- Ensure that all other Councilors are informed, within a reasonable time, of significant communications directed to the Chair, in the Chair's official capacity representing the Council.
- When the Chair and Vice-Chair are temporarily unable to perform their duties, appoint a Councilor to serve as Chair.
- Oversee the agendas for County Council Meetings and run Council Meetings. The Chair manages the agendas for Council Meetings with fair and equitable treatment of the agenda requests from all other Councilors.
- Make Council working group assignments and Council liaison assignments to each of the advisory boards and commissions.

- Serve on (or delegate) Federal and State Council working groups.
- Respond to emails from the public on behalf of Council as a whole.
- Present the annual state of county message ~~at no later than before~~ the end of the Chair's term.
- Apply the rules of parliamentary procedure during Council meetings. The Chair should be well versed in those rules because the Chair, for all intents and purposes, makes the final ruling on the rules.
- Sign official documents.

All decisions by the Chair are final unless overruled by the majority of Council by a Point of Order. The Chair has discretion, subject to override by Council, to deviate from the letter of these rules. The Chair may make or second motions and participate in discussion as any other Councilor. However, as a matter of decorum, the Chair should normally defer to another Councilor to make the motion.

**Vice-Chair.** The Vice-Chair shall assist the Chair in the performance of the duties of the Chair, and act in the Chair's place when the Chair is unable to perform the duties of the Chair. The Vice Chair shall serve as the liaison to the Board of Public Utilities (BPU).

**Council Members.** Councilors, including the Chair and Vice-Chair, have equal powers and duties except as otherwise specified in the Charter and these rules. In addition to their duties specified in the County Charter or Code or in other County ordinances, Councilors shall:

- Speak for themselves, unless authorized by Council to speak for Council. When speaking for Council, the Councilor shall represent the policies and positions adopted by Council.
- When pursuing Federal or State legislative priorities established by Council, report substantive information from that endeavor to the Council, as applicable, during a public meeting.
- Serve as a member of Council working groups as assigned and as Council liaison to assigned advisory boards and commissions. Councilors shall report the key activities of the board, commission, or working group to Council during the Council regular meeting designated agenda item. Other Councilor reports should be included during the Councilor Comments agenda item or another agenda item specified for that purpose.
- Maintain the confidentiality of applicable County records, closed session discussions, and other confidential information as required by Section 30-10 of the Los Alamos Code of Ordinances.
- Comply with the requirements of the Open Meetings Act and the Inspection of Public Records Act. Councilors shall respond in a timely manner to all records requests made by the Records Custodian.
- Evaluate the performance of the County Manager and the County Attorney according to the schedule and template shown in Attachment A. Provide input to the BPU for the performance

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of the Utilities Manager in a closed session or as otherwise requested by the BPU chair. Meet with the Utilities Manager after BPU completes his/her performance review if requested.

- Hire the County Manager and the County Attorney according to the process outlined in Attachment B. According to the County Charter, the Board of Public Utilities will recruit and appoint a Utilities Manager with formal approval of the County Council.
- Respond to emails, phone calls, and texts from other Councilors, if permissible under the Open Meetings Act, within a reasonable time frame; ideally within three (3) days. If allowed by the Open Meetings Act, Councilors should meet with another Councilor as requested within a reasonable time frame, ideally within a week.
- If an individual Councilor wants to respond to emails from the public that are addressed to the Council as a whole, respond without a copy to all Councilors.
- Review documents and agenda items prior to Council meetings. Provide input to County Plans and requirements as outlined in Attachment E.
- Use a County-provided email account for all Council business. If a Councilor receives any email communications regarding Council business in a non-County email account, the Councilor shall forward such email communications to their County email account and only respond to, reply, or forward such email communications from the County email account.
- Submit a completed Disclosure of Outside Employment, Membership and Financial Interest form each calendar year. Councilors shall promptly update the disclosure form if material changes occur.

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## VACANCIES

**Elected Officials.** Should a vacancy arise in the office of an elected official, Council shall appoint a successor in accordance with appropriate New Mexico statutes. Council will follow the procedure specified in Attachment C for selecting among candidates to fill the vacancy.

**Utility Board Members.** Pursuant to Section 501 of the Charter, Council selects members of the Board of Public Utilities. New members shall be appointed according to the procedure specified in Attachment D.

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## COUNCIL MEETINGS

**Regular Meetings.** Regular meetings of Council will be set under the requirements of the annual Open Meetings Resolution adopted by Council.

Public comment will be taken at the beginning of the meeting for items that are not on the agenda. Comments on non-procedural agenda items will be taken at the time the item is considered, as described below under Basic Format for Agenda Item Discussion. Comments will be limited to three (3) minutes unless a different parameter is established by the Chair before public comment begins on any given agenda item. Comments may also be submitted in writing.

**Work Sessions.** The Council may schedule work sessions on a regular basis under the requirements of the annual Open Meetings Resolution. Council meetings designated as work sessions will be held for the primary purpose of discussing issues at length with staff in an informal setting without taking formal action, except for required procedural actions such as approving minutes from a prior Council meeting or adopting a statement for inclusion in the minutes regarding a closed session.

Public comment will be taken at the beginning of the work session for items that are not on the agenda and after each non-procedural agenda item. Comments will be limited to three (3) minutes unless a different parameter is established by the Chair before public comment begins on any given agenda item. Comments may also be submitted in writing.

**Closed Meetings.** The Chair may call a closed meeting to discuss issues (such as pending litigation, personnel matters, collective bargaining strategy) pursuant to NMSA 1978, 10-15-1 (H). In the next regular Council meeting following the closed meeting, the Chair will call for a motion that is substantially similar to the following:

"I move that Council approve the following statement for inclusion in the minutes: 'The matters discussed in the closed meeting held on (MONTH)(DAY)(YEAR) that began at (TIME) were limited only to those topics specified in the (NOTICE)(MOTION) of the closed meeting.'"

**Special Meetings.** The Chair may call a special meeting or at an open meeting, the Council may set a special meeting for the purpose of conducting County business. Notice of a special meeting will follow the requirements of the annual Open Meetings Resolution.

**Emergency Meetings.** The Chair may call an emergency meeting in accordance with the annual Open Meetings Resolution.

**Meeting Agendas.** The Chair and Vice-Chair will, in consultation with the County Manager, develop the Council meeting agenda. The Chair will schedule another Councilor to participate in each agenda setting meeting. A list of proposed agenda items will be provided to Council at each Council meeting and may be reviewed during Council Business at a Council meeting.

Any Councilor may request to have an item placed on a future Council meeting agenda. The item will be placed on the agenda as soon as practicable. If the Chair is uncertain about the appropriate timing for placement of specific agenda items, the Chair will discuss the issue with the Councilor who requested the item.

The agenda for any regular meeting may include a consent agenda. The purpose of the consent agenda is to expedite Council consideration and approval of routine, ordinary, or other items that do not require discussion and for which a public hearing is not required by law. Any item on the consent agenda that a Councilor asks to be considered separately will be pulled from the consent agenda for separate consideration. As a matter of courtesy and notice, any Councilor wishing to remove an item from the consent agenda should notify the Chair and the County Manager as soon as possible, but no later than close of business the day before the Council meeting. Consent items that have been pulled will be considered in the Business section of the agenda or tabled by motion. Public comment on items on the consent agenda will be accepted prior to considering those items collectively.

**Citizen Petitions.** When a subject appears on an agenda as a result of a properly presented citizen petition, the Council may:

- Acknowledge receipt of the petition and take no further action; or
- Acknowledge receipt of the petition and take the requested action or a different action addressing the subject; or
- Refer the matter to an appropriate board or commission or Council working group; or
- Decide to investigate the subject and discuss further, in which case a future date may be set for the presentation of additional information, Council discussion and possible action.

**Introduction of Ordinances.** When a proposed ordinance is introduced, a Councilor may propose that the introduction is followed by discussion to clarify the purpose of the ordinance, notify the community about the ordinance, allow initial Councilor questions, and describe the process leading up to the public hearing on the ordinance.

#### **BASIC FORMAT FOR AN AGENDA ITEM DISCUSSION**

Council meetings have a written, published agenda. Each agenda item should be handled by the Chair in the following basic format.

**First**, the Chair should clearly announce the agenda item number and clearly state what the subject is.

\*Should the item be one which could generate a concern about the Code of Conduct or a real or perceived conflict of interest, the affected Councilor should make inquiry about the existence of a conflict at this point.

**Second**, the Chair should invite the appropriate individuals or parties to report on the item.

**Third**, the Chair should ask Councilors if they have any technical questions for clarification. At this point, Councilors may ask clarifying questions to the parties or individuals who reported on the item, and those questioned should be given time to respond. If no motion will be considered, additional discussion may occur. ~~This is the final step for a discussion item.~~

**Fourth**, the Chair should invite public comments as specified above under Regular Meetings and under Work Sessions. ~~This is the final step for a discussion item. At the conclusion of public comments, the Chair should announce that public input has concluded.~~ For quasi-judicial proceedings, the Chair will be provided with detailed instructions designed solely for the conduct of that type of meeting.

**Fifth**, the Chair should invite a motion from a member of Council. The Chair should announce the name of the Councilor who makes the motion.

**Sixth**, the Chair should determine if any Councilor wishes to second the motion. The Chair should announce the name of the Councilor who seconds the motion. A motion requires a second before proceeding with it to ensure that not just one Councilor is interested in a particular approach.

**Seventh**, the Chair should ensure the motion is clearly understood before the discussion or vote. This can be done in one of three ways:

- The Chair can ask the maker of the motion to repeat it; or
- The Chair can repeat the motion; or
- The Chair can ask the clerk to repeat the motion.

**Eighth**, the Chair should invite discussion of the motion by the members of Council. If the issue is one that is likely to engender a great deal of Councilor comment, the Chair may limit each Councilor's comments to an agreed-upon number of minutes. As a matter of courtesy and fairness, Councilors are expected to terminate their comments immediately after being advised that their time has expired.

**Ninth**, the Chair takes a vote by asking the clerk to call the roll of Councilors present. If there has been no discussion or brief discussion, the Chair will announce that a vote will proceed immediately; if there has been substantial discussion, the chair should repeat the motion before announcing a vote. A majority of at least four (4) Councilors determines whether the motion passes or is defeated.

**Tenth**, the Chair should announce the result of the vote and should announce what action (if any) the Council has taken. In announcing the result, the Chair should indicate the names of the Councilors, if any, who voted in the minority on the motion. This announcement may take the following form: "The motion passes by a vote of 4-2, with Councilors Smith and Jones dissenting. We have passed a motion requiring 10 days' notice for all future meetings of the Los Alamos County Council."

## MOTIONS IN GENERAL

Motions are vehicles for decision-making. It is best to have a motion before the Council prior to starting discussions. A motion helps focus the discussion.

As noted, the Chair has every right as a member of Council to make a motion, but normally should do so only if he or she wishes a motion be made but no other Councilor seems willing to do so.

## THREE COMMON MOTIONS

Three motions are the most common:

- **Main motion.** The main motion is the one that puts forward a decision for consideration. A main motion might be: "I move that Council create a five-member working group to plan and put on an annual fundraiser."
- **Friendly amendment.** A friendly amendment seeks to amend a motion under debate in a manner acceptable to the motioner and the seconder. A friendly amendment cannot be proposed by the motioner or seconder. If the proposed amendment is accepted by the motioner and the seconder, then the motion under debate is amended as proposed.

- **Substitute motion.** A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. A vote on a motion to substitute should occur before the vote on the main motion. If the motion to substitute passes then, and only then, should a vote be taken on the substance of the substitute motion. If the motion to substitute does not pass, then the main motion as originally stated remains before Council. If a Councilor wants to completely do away with the main motion under discussion and put a new motion before Council, he or she would make a substitute motion. A substitute motion might be: "I move to substitute the main motion before Council with a motion to cancel the annual fundraiser this year."

~~Motions to amend and substitute motions essentially serve the same purpose which is to change the main motion that is before the Council. A majority vote of the Council is required to change the main motion that is before the Council regardless of whether the motion is to amend or substitute. As these motions are procedural motions, a roll call vote of the entire Council is not required for their passage.~~

## TO DEBATE OR NOT DEBATE

The basic rule of motions is that they are subject to debate and discussion. Accordingly, basic motions, motions to suspend the rules, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the Council. The debate can continue as long as Councilors wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the Council without debate on the motion):

- **Motion to adjourn.** The Chair may announce the adjournment of a meeting unless a Councilor objects, in which case a motion to adjourn must be passed before the meeting is adjourned. Once passed, this motion requires the Council to immediately adjourn to its next regularly scheduled meeting.
- **Motion to recess.** This motion, if passed, requires the Council to immediately take a recess. Normally, the Chair determines and states the time or date at which the meeting will reconvene.
- **Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn the meeting at midnight."
- **Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on hold. The motion may contain a specific time in which the item can come back to Council. Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to Council will have to be taken at a future meeting.

- **Motion to limit debate.** The most common form of this motion is to say: "I move the previous question" or "I call for the question." When such a motion is made, the Chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the Council from even considering an item on the agenda.
- **Motion to close nominations.** When choosing officers of the Council, such as the Chair and Vice-Chair, nominations are in order from the floor of the Council. A motion to close nominations effectively cuts off the right of Councilors to nominate others for consideration.
- **Motion to suspend the rules.** This motion suspends a particular adopted procedural rule, or, if the parliamentary procedural rule is not specifically addressed in the adopted procedural rules, then the motion can be deployed to suspend a particular rule from Robert's Rules of Order. This motion should be deployed sparingly in the rare circumstance when the aforementioned rules of parliamentary procedure unduly burden the substantive work at hand. Robert's Rules of Order provides that this motion requires a TWO-THIRDS majority; the motion is neither debatable nor subject to a motion to reconsider.

## **MOTION TO RECONSIDER**

A tenet of parliamentary procedure is bringing finality to an agenda item. After vigorous discussion, debate, and vote, there must be closure to an agenda item. So, after a vote is taken, the agenda item is deemed closed. The agenda item can only be reconsidered if a proper motion for reconsideration is made and approved.

A motion for reconsideration can only be made at either the meeting where the agenda item was first voted upon, or at the next regular meeting after the agenda item was voted upon, otherwise the motion for reconsideration is untimely. If a Councilor wishes to revisit an agenda item from a past meeting where a motion for reconsideration would be untimely, a motion to suspend the rule regarding the timeliness of a motion for reconsideration can be made. If the motion to suspend the timeliness rule is approved by a two-thirds majority of Council, the Council can then proceed with a motion to reconsider a previous agenda item.

A motion for reconsideration only applies to a particular agenda item, and not the subject matter of the agenda item. For example, if the Council approves Ordinance A that soon proves in need of revision or repeal, Council may bring forth Ordinance B repealing or modifying Ordinance A without a motion for reconsideration. Ordinance B addresses the same subject matter as Ordinance A but is a new agenda item. As such, a motion for reconsideration should be viewed merely as a tool to reconsider a recently voted upon specific agenda item.

Only a Councilor who voted in the prevailing faction on the previously addressed agenda item may make a motion to reconsider. In addition, only a Councilor who voted in the prevailing faction on the previously addressed agenda item may make a motion to suspend the rules if the motion is untimely.

Once an appropriate motion for reconsideration is made and approved by a majority vote of Council, the previously addressed agenda item may be discussed and debated as if it were on the floor for the first time.



Certain motions are not subject to a motion for reconsideration. Typical motions not subject to a motion for reconsideration include, but are not limited to, motions to adjourn, to suspend the rules, to close nominations, for a point of order, to take from the table, to take up a question out of its proper order, to recess, and, of course, a motion for reconsideration.

## **COURTESY AND DECORUM**

The rules of order are meant to create an atmosphere where members of the Council and members of the public can attend to business efficiently, fairly, and with full participation. And at the same time, it is up to the Chair and the Council to maintain common courtesy and decorum. Only one person can have the floor at a time; each speaker shall be first recognized by the Chair before speaking.

The Chair should always ensure that debate and discussion of an agenda item focus on the item or the policy in question, not the personalities of the Councilors, staff, or the public. Debate on policy is healthy; debate on personalities is not. The Chair has the right to cut off discussion amongst Councilors that is too personal, too loud, too unprofessional, or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers. Generally, Councilors should not interrupt a speaker. There are, however, exceptions. A speaker may be interrupted for the following reasons:

- **Privilege.** The proper interruption would be: "Point of Privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
- **Order.** The proper interruption would be "Point of Order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.
- **Appeal.** If the Chair makes a ruling that a Councilor disagrees with, the Councilor may appeal the ruling of the Chair by motion. If the motion is seconded and after debate, it passes by a majority vote, then the ruling of the Chair is reversed.
- **Call for orders of the day.** This is simply another way of saying, "Let's return to the agenda." If a Councilor believes the Council has drifted from the agreed upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers the agenda has not been followed, the Chair simply reminds the Council to return to the agenda item before them. If the Chair fails to do so, the Chair's determination may be appealed by motion.
- **Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the same motion, or any other Councilor may make the motion if properly recognized.

## **INFORMING THE PUBLIC ABOUT COUNCIL PROTOCOL**

The rules outlined here help keep the public informed about how Council business is conducted. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the Council will be doing.

**Rule Two:** Keep the public informed while the Council is deliberating.

**Rule Three:** When the Council has acted, tell the public exactly what the Council did.

Public input is essential to a healthy democracy, and community participation is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a Council meeting are offered as tools for effective leadership and as a means of developing sound policy.

## **BOARDS AND COMMISSIONS**

Advisory boards and commissions are mechanisms for eliciting citizen input and making recommendations on policy matters facing the County and the Council. Some boards or commissions have additional statutory or regulatory functions as described in their enabling ordinances. It is not the purpose of a board or commission to make policy or to direct operational duties of County staff, unless otherwise provided by law. The scope of assigned duties or responsibilities of each board or commission is detailed in the Los Alamos County Code of Ordinances, Chapter 8, Boards and Commissions.

**Councilor Responsibilities.** Councilors shall be assigned annually by the Chair as liaisons to boards and commissions. Councilors shall make reasonable efforts to attend meetings of the assigned board or commission; if the Councilor is unable to attend meetings on a regular basis, the Councilor shall notify the Chair and request that another Councilor be assigned. Councilors shall report the key activities of the board or commission to Council, as specified above under Officers and Members.

**Vacancies.** When a vacancy arises on a citizen board or commission, the full Council shall review all applications and recommendations and vote on the final candidate selection.

## **COUNCIL WORKING GROUPS**

Council working groups shall be composed of less than a quorum of the Council and may include members from the community or other advisors or experts. Council working groups may only engage in fact finding; only make non-binding recommendations to the Council; and may represent the County in outside matters to ensure that the adopted policies of the Council are voiced and/or executed. A current list of the Council's working groups is maintained by the County Manager.

**Establishment of Council Working Groups.** The Chair may create a new working group or staff an existing working group by requesting that no more than three (3) Councilors, and as appropriate, community members and other advisors or experts, participate when advice on a subject or range of subjects is needed, or when County representation is needed on outside matters to gather facts and/or to ensure the adopted policies of the Council are voiced and/or

executed. The Chair may request that the County Manager assign staff to assist these working groups.

**Non-Binding Recommendations.** Any policy recommendations made by a Council working group to the Council are not binding on the County in any legal or practical way. Any policy recommendations made by a working group are only binding on the County if adopted by the Council at a public meeting.

**Participation in Working Groups.** Requests for participation in working groups will be made annually by the Chair on a rotational basis so that other Councilors and/or community members will have the opportunity to participate, unless the Chair determines that there is good reason for the existing members to continue participating in the working group.

**Councilor Responsibilities.** Councilors who agree to participate in a Council working group shall make reasonable efforts to attend meetings of the working group; if the Councilor is unable to attend meetings on a regular basis, the Councilor shall notify the Chair and request that another Councilor be asked to participate in the working group. Councilors participating in a working group should assure that the working group focuses its fact-finding on the matter assigned and provides recommendations to Council on the matter assigned. When working on outside matters, Councilors participating in a working group should ensure that the policies of the Council are voiced and executed. Councilors other than the Councilors participating in a working group may not attend meetings of the working group. Councilors participating in a working group may not discuss the working group's business with other councilors outside of a public meeting of the Council.

## **COUNCILOR EXPENSES**

**Expense Reimbursement.** A Councilor shall be reimbursed for expenses incurred for work and travel on County business and for participation with organizations or associations of which the County is a member, including special work assignments, under the following conditions:

- The travel participation in meetings or other work assignment has been approved by the Council in advance, or if advance approval was not possible, with permission of the Chair, followed by Council approval at the earliest possible time after the expense was incurred.
- The reimbursement for expenses complies with all applicable law, rules and regulations, and policies.
- The Chair (or Vice-Chair for the Chair's expenses) acknowledges the application for reimbursement of Councilor expenses.
- Councilors are expected to respect budget limitations and will limit overall expenditures of public money to the extent practical.

**Expense Approval.** Reimbursement for Councilor expenses not exceeding \$250.00 in a calendar month made in accordance with these rules does not need specific Council action. The Council must approve reimbursement of Councilor expenses exceeding \$250.00 in any calendar month.

**ADOPTED** this 12th day of December, 2023

**COUNCIL OF THE INCORPORATED  
COUNTY OF LOS ALAMOS**

Theresa Cull~~Denise Derkacs~~  
**Council Chair**

ATTACHMENTS A-C

## Attachment A

### County Manager and County Attorney Performance Appraisal Process

| Performance Period April 1 - March 31 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Due Date*                             | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Mid May                               | Employee self-assessment due to County Council, to include: <ul style="list-style-type: none"> <li>• Current performance</li> <li>• Future performance objectives</li> <li>• Career Development Goals</li> </ul>                                                                                                                                                                                                                                               | Employee <u>can</u> use Contract Employee Performance Self-Evaluation Form <u>or other format</u> .<br><br>Identify 4-6 performance objectives for the County Manager from areas such as:<br>Operational (1)<br>Fiscal (1)<br>Communication (1)<br>Strategic (2-3)<br><br>Identify 4-6 performance objectives for the County Attorney from areas such as:<br>Office operations (1)<br>Legal support (Council, Boards, Commissions) (1)<br>Reduction of legal vulnerability (1)<br>Professional conduct (2-3)                                                                          |
| End of May                            | Council closed session with employee to discuss: <ul style="list-style-type: none"> <li>• Performance</li> <li>• Future performance objectives</li> <li>• Career development goals</li> </ul>                                                                                                                                                                                                                                                                  | Each employee meeting anticipated to last ~45 minutes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>Mid June</u><br><u>End of May</u>  | Council closed session to determine: <ul style="list-style-type: none"> <li>• Final performance overall evaluation rating</li> <li>• Proposed salary adjustment</li> <li>• Support needed for achieving career development goals</li> </ul> <p><u>Each Councilor will provide feedback for each performance objective; this feedback from Councilors will be integrated by the Council Chair into the written feedback for each performance objective.</u></p> | Final performance evaluation will include written feedback <u>and rating</u> for each of the performance objectives and overall rating using the County-wide rating system of unsatisfactory, development needed, meets, exceeds, or far exceeds <u>for each performance objective and overall rating</u> .<br><br>Performance rating and salary increase range (merit + CPI) for County-wide personnel will be used as parameters for salary adjustment in accordance with the applicable employment contract and other considerations as deemed necessary and agreed to by Council. |

|                        |                                                                               |                                                                                                                                                                                                                                                                  |
|------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>End of Mid June</u> | Council closed session with employee to provide final performance evaluation. | Each employee meeting anticipated to last ~ <del>30</del> <sup>45</sup> minutes.<br><br><del>Final integrated Council evaluation sent to HR with overall score along with the salary adjustment allocated as agreed to in an open meeting vote by Council.</del> |
|------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Performance Period April 1 - March 31              |                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Due Date*                                          | Action                                                                                                                                                                                                             | Comments                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>Mid December</u><br><u>July Council Meeting</u> | <del>Council closed session with employee to discuss interim performance.</del><br><del>-Open meeting agenda item and vote on salary adjustments for County Manager, County Attorney, and Utilities Manager.</del> | Each employee meeting anticipated to last ~45 minutes.<br><br><del>Significant comments will be documented and provided to the employee and available for the May year-end performance review as required and/or appropriate. Final integrated Council evaluations sent to HR with overall score along with the salary adjustment allocated as agreed to in an open meeting vote by Council.</del> |
| <u>Mid December</u>                                | <u>Council closed session with employee to discuss interim performance.</u>                                                                                                                                        | <u>Each employee meeting anticipated to last ~45 minutes.</u><br><br><u>Significant comments will be documented and provided to the employee and available for the May year-end performance review as required and/or appropriate.</u>                                                                                                                                                             |

**NOTE:** Modifications to the timeline and process may need to be made based on competing County and/or Councilor commitments and County Calendar.

**County Manager and County Attorney Performance Self-Evaluation  
Form**

**Name and Date:**

**Position:**

**Performance Objective #1:**

**Performance Objective #2:**

**Performance Objective #3:**

**Performance Objective #4:**

**Performance Objective #5:**

**Performance Objective #6:**

**Proposed Future Performance Objectives:**

**Proposed Career Development Goals:**

**Overall Assessment:**

~~**County Manager and County Attorney Performance  
Council Evaluation Form**~~

~~**Councilor Name, and Date:**~~

~~**Employee Name and Position:**~~

~~**Performance Objective #1:**~~

~~**Performance Objective #2:**~~

~~**Performance Objective #3:**~~

~~**Performance Objective #4:**~~

~~**Performance Objective #5:**~~

~~**Performance Objective #6:**~~

~~**Proposed Future Performance Objectives:**~~

~~**Proposed Career Development Goals:**~~

~~**Overall Assessment:**~~

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## Attachment B

### Hiring Process for County Manager and County Attorney

1. The Council Chair shall appoint a ~~search~~-working group to initiate a search for a new County Manager or County Attorney. The working group will be comprised of up to three (3) Councilors, one of which ~~is to be~~ the Chair and the other two ~~to be~~ appointed by the Chair. The ~~workingsearch~~ group may also include the outgoing incumbent as appropriate. The ~~workingsearch~~ group responsibilities include clarification of the job requirements, timeline, development of needed recruiting materials and development of job advertisements as well as communicating key elements to Council, County Staff, and the community as appropriate. The ~~workingsearch~~ group will be led by the Human Resources Division.
2. The ~~search~~hiring process will include both local and national recruitment efforts for the position.
3. Once the job advertisement has been closed and the applications qualified by the Human Resources Division, the ~~workingsearch~~ group will screen the qualified applicants. If a down-select of the applicants is required, this will be performed by the ~~search~~working group. The short list of applicants will be presented to the Council in a closed session.
4. The candidate interview process will include mechanisms for obtaining input from Council, County Manager's Office, County Attorney's Office, County staff, and the community. It will provide opportunities to evaluate leadership and management skills, communication skills (both within the County and with the public), fiscal management skills, and specific technical skills as applicable to the position.
5. The final selection of the employee will be made by the Council. Final negotiations to conclude a contract with the employee will be led by the Human Resources Division working with the appropriate legal department representative and the Council Chair. The final contract will be approved by the Council during a public meeting as proscribed by the Open Meetings Act.



**Attachment C**  
**Appointment Process for Selection of Elected Officials**

1. When there is a vacancy in the office of an elected official, the County Council will solicit letters of interest and applications from the public.
2. When the recruiting process is complete, the Council Chair will appoint a working group to develop a set of interview questions specific to the elected office and that appropriately demonstrates the applicants' skills, knowledge, and interest in the position; they may also address issues relevant to the community.
3. At the appointed Council meeting, the draft set of interview questions will be reviewed, discussed, and agreed on by Council prior to initiating the interview process. The applicants will attend and present their applications to the Council using the following process:
  - Each applicant will make a three-minute statement to share their interest and qualifications for the office.
  - Applicants will then answer interview questions from the Council. Each applicant will answer each question. Follow-up questions will be allowed if further clarification is needed.
  - There will be an opportunity for public comment after applicants have made their statements and answered questions. Public comment will be limited to three (3) minutes per citizen.
  - After public comment, the Council will take a roll call vote. The applicant with the most votes will be appointed to fill the vacancy.
  - To be selected, an applicant must receive a minimum of four (4) votes. If no applicant receives four (4) votes after the first roll call vote, the applicant with the fewest votes will be eliminated and the Council will take additional roll call votes until an applicant receives at least 4 votes (and more than other applicants)-final selection is made.

## **Attachment D**

### **Process for Selection of Board of Public Utilities Member**

When there is a vacancy on the Board of Public Utilities (BPU), the County Council will solicit letters of interest and applications from the public. The solicitation will include, but not be limited to the following information: eligibility requirements, the powers and duties of the BPU, and estimated time commitments, including dates/times of BPU meetings. Once applications are received, the applicants should be provided with additional information, including, but not limited to, copies of the Department of Public Utilities (DPU) annual report, the Los Alamos County Charter, and Chapter 40 (–Utilities) of the Los Alamos County Code of Ordinances.

When the recruiting process is complete, the County Council will appoint an interview working group to interview the applicants and provide a written recommendation to the Council. Members of the interview working group will consist of the Council liaison to the BPU, a Councilor appointed by the Council Chair, the BPU Chair or designee, and the County Manager or designee. The DPU Manager may also participate as a non-voting member. The working group will develop interview questions that demonstrate the applicants' skills, knowledge, and interest in the position.

A report that includes a link to recorded interviews and the working group recommendation will be provided to the County Council. The County Council will review and consider the working group's report and recommendation at a Council meeting and will request public comment before taking a roll call vote. Appointment to the BPU requires a minimum of four (4) votes in favor of an applicant. If no applicant receives four (4) votes after the first roll call vote, the applicant with the fewest votes will be eliminated and the Council will take additional roll call votes until an applicant receives at least 4 votes (and more than other applicants) final selection is made.

## Attachment E

### Review and Input to County Plans and Documents

Councilors have several opportunities to provide comments on County Plans and other documents:

- Councilors can provide comments through the public review and comment process on a draft or revised document;
- Councilors can provide comments and suggested changes during Council meetings when the draft document is reviewed and discussed;
- Councilors may meet with responsible County personnel to discuss their comments prior to final presentation of a draft or revised document at a Council meeting; and/or
- Councilors may provide comments on the final document when it is presented to Council for approval.

Note that it is up to the author of the document to determine if comments and/or suggested changes will be incorporated into the final document. If a comment or proposed change was not incorporated, a Councilor may make a motion to include the change to the document at an open meeting when the final document is brought to Council for approval. If a change is approved by Council through a motion at an open meeting, the change will be incorporated.

For expediency, Councilors should provide comments as early in the process as possible, especially if the Councilor has numerous comments. Keep in mind that the original draft document will change as comments are received from various sources.

If a Councilor wishes to discuss a change to an existing document, the Councilor may request that the Chair add that discussion and possible action to a future meeting agenda.

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