

**RULES & REGULATIONS
OF THE INTRAGOVERNMENTAL
CONFERENCE COMMITTEE**



**FOR THE SEPARATION OF
POWERS ISSUED
UNDER THE
CITY CHARTER**

**OFFICE OF THE CITY CLERK
P.O. Box 1293
ALBUQUERQUE, NM 87103**

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RULES AND REGULATIONS OF THE INTRAGOVERNMENTAL CONFERENCE COMMITTEE RELATING TO THE SEPARATION OF POWER UNDER THE CITY CHARTER.

Section 1 AUTHORITY AND CONSTRUCTION

- A** Pursuant to the authority granted by the City Charter and Ordinance of the City of Albuquerque, the Intragovernmental Conference Committee (hereafter referred to as the Committee”) issues the following Rules and Regulations for its conduct, and for the interpretation and enforcement of the Determination of Separation of Powers Issues Under the Charter (Article XIX) and the Intragovernmental Conference Committee (Article §2-16-1) Ordinance (hereafter referred to collectively as the “the Codes”).
- B** In the event that these Rules and Regulations are in conflict with the provision of the Codes, the provisions of the Codes shall prevail.
- C** Terms or words, which are used but not defined in these Rules and Regulations, shall have the same meaning as defined or used in the Codes.

Section 2 WHERE TO FILE; INQUIRIES

- A** Questions concerning a Statement of the Issue(s) are to be directed to the Office of the City Clerk.
- B** All Statements of the Issues and any other documents required by the Codes or these Rules and Regulations to be filed with or submitted to the Committee shall be filed in the Office of the City Clerk in accordance with the times specified in the Codes or in these Rules and Regulations. Statements filed by the Mayor shall simultaneously be provided to the Clerk of the Council. Statements filed by the Council shall simultaneously be provided to the Mayor's office.

Section 3 PROCEDURE

A Parties

- 1. The parties to a proceeding before the Committee are the Mayor and the Council. Intervention by other parties is not permitted.

B Initiation of Proceedings

- 1. Either the Mayor or the Council may seek a determination from the Committee by filing a Statement of the Issue(s). The party filing a Statement of the Issue(s) is referred to herein as Petitioner, and the party responding to a Statement of the Issue(s) is referred to herein as Respondent.
- 2. If a party is represented by counsel, counsel shall file an entry of appearance.

C Statement of the Issue(s)

1. A Statement of the Issue(s) shall set forth the issue or issues that the Committee is being asked to resolve.
2. Statements of the Issue(s) shall conform to the requirements of Rule 12-318 NMRA for the principal briefs of parties to an appeal, except that: 1) attachments shall be permitted; and 2) the body of the Statement of Issues shall not exceed the greater of fifteen (15) pages or 4,400 words.

D Responses. After the filing of a Statement of the Issue(s), Respondent shall have 10 business days to file a response. A response is not required. If the Council is the Respondent, the Director of Council Services shall file any response on behalf of the City Council and the City Council may approve, disapprove or amend the response no later than the next Council meeting. Any Councilor may file a separate response setting forth his or her position.

E Discovery. It is the sense of the Committee that discovery will not generally be required for the types of issues likely to come before the Committee. Discovery shall be permitted only upon showing of good cause.

F Hearings. In conducting hearings, all parties shall be afforded an opportunity for a full and fair hearing. In this regard, the Committee shall follow these procedures:

1. **Parties.** The party filing a Statement of the Issue(s) with the Committee shall be referred to herein as the "Petitioner" and the party responding to alleged violations of the Codes of these Rules and Regulations shall be referred to herein as the "Respondent."
2. **Entrance of Appearance** An entry of appearance must be made on behalf of a party on behalf of the designated party.
3. **Notice.** After the deadline to respond to a Statement of Issue(s) has elapsed, the Committee shall provide notice to the parties and to the public of a meeting at which the parties may present their respective positions to the Committee.
4. **Conference.** The parties shall confer prior to the hearing on any documentary or testimonial evidence that they may seek to use to support their positions at the hearing. No later than ten (10) days before the hearing, shall provide to the Committee a list of stipulated exhibits, and to the extent not stipulated, the parties shall provide a list of witnesses, exhibits, and disputed evidentiary items to the Committee no later than ten (10) days before the hearing.

5. The Committee may request clarification by the Petitioner of the Statement of the Issue(s) prior to any hearing, or make any other rulings that are procedural, limiting, dispositive, or otherwise, which are in accordance with the law as applied to the facts at issue.
6. Requests for continuances must be made in writing at least three days before the hearing and delivered to the Office of the City Clerk for the committee's attention. Continuances shall be granted only for the cause shown.
7. The Petitioner, Respondent, and, if any Councilor has filed a separate response, such Councilor, shall each designate a single individual who shall be responsible for controlling the presentation before the Committee. That single individual may be the Mayor, a Councilor, a city employee who is not employed within the office of the City Attorney, or a third party.
8. The fact that a single individual is responsible for controlling the presentation does not mean that the individual may not call on the Mayor, Councilor or other person to make a presentation.

G Evidence

1. The parties may stipulate to some or all of the facts in advance of the hearing. For all contested facts, the Committee shall afford all parties an opportunity to present oral or documentary evidence and argument on all issues involved, except that irrelevant, immaterial, and unduly repetitious evidence shall be excluded. It is the policy of the Committee that testimony and information presented during the hearing must have a direct and substantial bearing on the case at hand.
2. The Committee may admit any evidence and may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent people in the conduct of serious affairs. The Committee may in its discretion exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Anonymous statements shall not be admissible.

H Decision

1. The Committee shall base its decision on the arguments, authorities, and the evidence admitted on the record.
2. The Committee may, but is not required to, recognize any agreements on facts and issues between the parties and eliminate certain facts not in dispute in defining the issue to be heard.
3. Prior decisions by the Committee on the same issues will generally be followed, and the parties are urged to refer to prior rulings on identical or similar issues. Prior decisions are available on the Office of the City Clerk's website.

4. The Committee's ruling shall be delivered to the parties by email within three business days.
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I Communications. After a Statement of Issue has been filed, none of the parties or their representatives may communicate on an ex parte basis with the Committee or any Committee member on any matter pertaining to the Statement of Issue. All communications pertaining to the Statement of the Issue(s) shall be sent to the Office of the City Clerk.

Section 4 DUTIES OF THE CHAIRPERSON

- A** Upon receiving the Statement of Issue(s), the Committee Chairperson shall be responsible for scheduling the meeting necessary to address the issue raised in the Statement.
- B** The Chairperson shall have the authority to make decisions with respect to procedural matters when the Committee is not meeting.
- C** The Chairperson shall be responsible for controlling the procedure utilized in Committee meetings, including but not limited to:
 1. Determine the admissibility of evidence and testimony,
 2. Make rulings on procedural issues,
 3. Be responsible for the Committee's written ruling in each case,
 4. The Chairperson may impose reasonable limits on the number of witnesses to be heard and on the nature and length of the testimony or examination of persons appearing at such hearings, and
 5. The Chairperson may set time limits for presentation of opening and closing statements.
- D** Should an action by the Chairperson be challenged by another Committee member, the issue will be decided by a majority vote of the Committee members.

Section 5 CITY STAFF RESPONSIBILITIES

- A** The City Clerk shall serve as staff to the Committee.
- B** The City Attorney shall not participate as either an advocate before or advisor to the Committee.

Section 6 MISCELLANEOUS

- A Meetings.** The Committee shall comply with the provisions of the New Mexico Open Meetings Act relating to notice to the public. The length of notice given to the public of the Committee’s meetings shall be determined by the annual resolution. Deliberations on cases, including the drafting of findings and conclusions, may be in closed or open sessions. The Chair may cancel a meeting at any time if there is no business for the committee to discuss.
- B Records.** All records of the Committee in the conduct of its business, including but not limited to minutes of meetings, records, and statements in connection with any particular Statement of Issue, shall be custody of the Office of the City Clerk and shall be maintained.
- C Amendments.** The Committee, by majority vote, may amend these Rules and Regulations pursuant and subject to the authority granted under Section 2-16-5(H) of the City Ordinance.
- D Effective Date and Filing.** These Rules and Regulations, having been approved by the Intragovernmental Conference Committee on _____ by a vote of _____ for _____ against and _____ absent, shall be effective on the date entered below and shall be filed in the Office of the City Clerk.

Luis Stelzner
Chair, Intragovernmental Conference Committee

Ethan Watson
City Clerk