

# Rules of Order

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Bar Harbor Town Council

## Parliamentary Authority

The rules contained herein shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the Statutes, the Town Charter or any special rules of order which the Council may adopt.

## Special Rules of Order

*~ Rules shown in italics are mandated by the Town Charter ~*

### 1. Meetings

- A. **Rules and Journal.** *The Council shall annually determine its own rules and order of business and shall provide for keeping a record of its proceedings, which shall be kept for public record.*
- B. **Meetings.** *The Council shall meet regularly at least once in every month at such time and place as the Council may prescribe by rule.*
- C. **Regular Meetings.** Regular Meetings shall be held on the first and third Tuesdays of each month at 7:00 PM in the Municipal Building, except that by vote of the Council one regular meeting may be omitted in any month, and the time and place of meetings may be changed. Public notice of any such change shall be given as far in advance as is practicable.
- D. **Special Meetings.** *Special meetings may be held on the call of the Council Chairman, Town Manager or three or more members. To the extent practicable Council members shall be consulted as to a convenient time.*
- E. **Policies.** Council will review all policies at the first full agenda meeting each fiscal year, typically the 2<sup>nd</sup> meeting in June.

### 2. Order of Business.

At regular meetings the following shall be the normal order of business:

- I. Call to Order
- II. Committee Appointments
- III. Public Comment Period
- IV. Approval of Minutes
- V. Adoption of Agenda
- VI. Financial Reports
- VII. Public Hearings
- VIII. Regular Business
- IX. Town Manager's Comments

- X. Council Comments and Suggestions for Future Agendas
- XI. Matters for Possible Executive Session
- XII. Adjournment

### 3. Agenda

- A. **Preparation.** The agenda for regular meetings shall be prepared by the Town Manager in consultation with the Chair.
- B. **Distribution.** Copies of the Agenda shall, if possible, be distributed to members not less than three days before the meeting and shall at the same time be delivered for posting on the bulletin board in the Municipal Building, and shall at the same time be e-mailed to others who have requested such copies in writing.
- C. **Deadline.** Items for inclusion on the agenda shall be given to the Town Manager not later than 5:00 p.m. on the Wednesday preceding a Tuesday Council Meeting or, if the meeting is on another day, at a corresponding time. Thereafter no items may be added; except that by the affirmative vote of a majority of the members present, the Council may add items where:
  - (1) Significant inconvenience may result if the matter is postponed or
  - (2) The routine nature of the request is expected to be of little public interest.
- D. **Amendment.** Upon the vote of a majority of members at any point in the meeting, Council may change the order of business.

### 4. Procedure.

All meetings shall be conducted in accordance with the latest version of Robert's Rules of Order, except as modified or clarified in the following respects:

- A. **Quorum.** *Four members of the Council shall constitute a quorum for purposes of conducting an official meeting and transacting municipal business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council.*
- B. **Majority.** *Except as otherwise provided in the Charter, the required majority to effectuate the passage, adoption or enactment of an item shall be a simple majority of a quorum.*
- C. **Public Comment Period** – The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.
- D. **Public Hearings** – The following guidelines will be read prior to opening a public hearing.

The Town Council strives to give everyone an equal opportunity to be heard, therefore:

- (1.) During public comment you are allowed three minutes to speak with a two minute follow up after everyone has spoken once, and if time allows. An exception is: if Council has a question for the speaker, their response is excluded in this time limit.
- (2.) A countdown device is visible to those making comment so that speakers will be aware of time and will not be interrupted during their presentation with warnings.

Upon being recognized to speak:

- (1.) Step up to the microphone and state your name and address.
- (2.) Please be brief and to the point.
- (3.) Be respectful.
- (4.) That includes not applauding or other audible reaction to speakers.
- (5.) Please refrain from side conversations and other distractions.
- (6.) Remember that a public hearing is a chance to comment on an item and not a forum for debate or questions and answers.

- E. **Informal discussion** of a subject is permitted even while no motion is pending.
- F. **Chair Votes.** The Chair shall have all the rights and duties as to voting as any other member, may make motions, and may speak in discussion without leaving the chair.
- G. **Limiting Debate.** There is no limit to the number of times a member may speak on any question, except when action has been taken to limit or close debate.
- H. **Tied Votes.** In the event of a tied vote, the motion fails to pass. Accordingly, a motion to reconsider is not required prior to the making of a subsequent motion.
- I. **Executive Sessions.** The Maine Freedom of Access Law, 1 MRSA 405, states that “Executive sessions may be called only by a public, recorded vote of 3/5 of the members present and voting. . . . A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business.” Accordingly, the following chart shall apply:

Members Present & Voting	3/5	Affirmative Votes Required
7	4.2	5
6	3.6	4
5	3.0	3
4	2.4	3

- J. **Vote Required.** *Each Councilor in attendance shall vote on all issues and questions presented for vote except when a valid conflict of interest clearly exists. If any Councilor does abstain from a vote other than because of a recognized conflict of interest, they shall be considered to have cast a vote with the majority and the record shall so show.*
- K. **Rule Amendments.** Non-Charter prescribed rules, or any provision thereof, may be waived on any occasion by an affirmative vote of five Councilors. After public notice and hearing, these bylaws may be amended by an affirmative vote of five Councilors.

## 5. Boards, Committees and Commissions

- A. **Advertisement.** Before the Council shall fill a vacancy in any Board, Committee, or Commission of the Town, notice shall be given by publication in a newspaper of general circulation in the community, inviting applications or recommendations. Such applications should include information as to the interests and qualifications of the person concerned. The Town Clerk shall see that the Chair of the agency is notified, and opportunity shall be given for recommendation from the agency or from its members.
- B. **Alternate Appointment Procedures.** In making appointments, one of the two voting methods described below shall be used: the “simple voting method” or the “ballot voting method”. As required by the state Right to Know Law, each Councilor’s vote shall be publicly announced.
  - (1) **Simple Voting Method.** When the Council proceeds to the appointment, the Chair shall entertain nominations. Each Councilor shall be entitled to nominate one candidate for each open seat. No nomination requires a second. After all Councilors have had the opportunity to make a nomination, the Chair shall close the floor to nominations, recite the names of the candidate(s) and ask for a vote of those in favor of the candidate(s). Immediately thereafter, the Chair shall repeat the process for each board/committee. No Councilor may vote for more than one candidate for each open seat. The Chair shall declare appointed the candidate(s) receiving a majority of the votes. If no candidate receives a majority [*see definition of a majority*], a runoff election shall be held for the candidates having received the two highest numbers of votes.
  - (2) **Ballot Voting Method.** In the event of the annual June appointments and upon the request of any Councilor to the Town Manager prior to the agenda deadline, the ballot method of voting shall be used.
    - (a) Prior to the Town Council meeting, the Town Clerk shall prepare a ballot for each open seat which shows:
      - [1] the name of the agency,
      - [2] the term of the appointment,

[3] In alphabetical order down the left side of the page, the names of the candidates who have submitted written applications by the agenda deadline,

[4] In columns across the page, the names of each of the Councilors.

- (b) When the Council proceeds to the appointment, the Town Manager shall display the ballot for each open position on a projection screen to make them visible to the public.
- (c) The Chair shall call the name of each Councilor, who shall then name the candidate of their choice. No Councilor may vote for more than one candidate.
- (d) The Manager shall mark the ballot and display each Councilor's vote on the projection screen.
- (e) The Chair shall declare appointed the candidate receiving a majority of the votes.
- (f) If no candidate receives a majority [*see definition of a majority*], a runoff election shall be held for the candidates having received the two highest numbers of votes.

## 6. Manager Communications to Councilors.

- A. **General Rule.** As time and workloads permit, the Town Manager shall endeavor to provide all Councilors with the same information at the reasonably same time.
- B. **Meeting Background.** The Friday prior to each Council meeting, the Town Manager shall prepare a packet of background materials designed to give Councilors a clear, yet concise, understanding of the issues surrounding the decisions to be made at the meeting. A packet of identical background materials shall be delivered by Town personnel to each Councilor's home. If no one is at home, the packet shall be left at a location previously designated by the Councilor.
- C. **Last Minute Information.** If it comes to the attention of the Manager that an agenda item will be added after the packet has been distributed and additional background material is to be provided for the meeting, those materials suitable for distribution by email shall be e-mailed to all those Councilors who use email, as well as to Town staff and news media as appropriate. In addition, photocopies of all emailed background materials shall be set on the Council table at least one half hour prior to the Council meeting. This rule shall not preclude distribution of background materials to non-email-using Councilors as time and workloads permit.

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#### LEGISLATIVE HISTORY

- 12-16-86 – Original "Rules of Order" adopted
  - 2-3-87 – Amendment regarding appointments to committees
  - 7-7-87 – Amendment regarding posting of agendas
  - 8-4-87 – Amendment regarding "Order of Business"
  - 5-18-04 – Amendment adding Ethics Enforcement (to take effect on effective date of Ethics Ordinance)
  - 6-21-05 – General update, specifically including appointments and adding Charter requirements
  - 10-2-07 – Amendment to delete Ethics Enforcement which conflicts with new Ethics Ordinance
  - 1-29-08 – Amendment to formalize communications policy of staff to Council
  - 2-12-08 – Amendment to adopt Roberts Rules of Order
  - 3-18-08 – Amendment to clarify several procedural matters
  - 6-19-12 – Amendment to add a Public Comment Period as a standing agenda item
  - 8-6-13 – Amendment to streamline the committee appointment process for volunteers
  - 5-20-14 – Amendment to streamline distribution of agendas.
  - 7-1-14 – Amendment adding Town Manager's Comments as a standing agenda item
  - 4-7-15 – Amendment adding Public Comment and Public Hearing procedures; and updated Rules and Journal
  - 2-5-19 – Amendment to 3C deadline, 4D countdown clock and remove H. Motion to Lay on the Table
  - 2-4-20 – Amendment to add 1E and change 5B(1).
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