

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.
- C. **Regular Meetings.** Regular Meetings shall be held on the third Tuesday of each month at 6:30 p.m. in the Municipal Building. Regular meetings are broadcast and recorded. The first Tuesday of the month shall be reserved for permits, licenses, and workshops. Public notice of any change in time and place of meetings shall be given as far in advance as is practicable.
- D. **Special Meetings.** *Special meetings may be held on the call of the Council Chair, Town Manager or three or more members. To the extent practicable Council members shall be consulted as to a convenient time.*
- E. **Workshops and Permit Meetings.** Council workshops are intended to allow for informal discussion. Workshop agendas and materials will be provided to the extent practicable and notes taken. Workshops and permit meetings may be broadcast and recorded.

2. Order of Business.

At regular meetings any of the following items of business needed shall be taken up in this order:

- I. Call to Order
- II. Reading of the Meeting Ground Rules
- III. Approval of Minutes
- IV. Adoption of Agenda
- V. Public Comment Period
- VI. Reports and Updates
- VII. Licenses and Permits
- VIII. Consent Agenda

- IX. Resolves and Orders
- X. Ordinances in Final Reading, Public Hearing and Adoption
- XI. Ordinances in First Reading
- XII. Council Comments
- XIII. Executive Session
- XIV. Adjournment

3. Agenda

- A. **Preparation.** The agenda for regular meetings shall be prepared by the Town Manager in consultation with the Chair and/or Vice 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. **Voting.** *Voting, except on procedural motions, shall be by roll call, and the ayes and nays and abstentions shall be identified and recorded in the journal.*
- C. **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.*
- D. **Public Comment Period** – (Agenda Item V) The Town Council allows at this time up to fifteen minutes of public comment from citizens who are present at the

meeting on any subject not on the agenda and not in litigation with a maximum of three minutes per person.

In addition, public comments will be allowed during the meeting on those items requiring a public hearing and on other agenda items. Comments should be directly related to the agenda item being discussed and will be limited to three minutes per person.

- E. **Public Hearings** – The following guidelines may be read prior to opening a public hearing.
 - a. The Town Council strives to give everyone an equal opportunity to be heard. Remember that a public hearing is a chance to comment on an item and not a forum for debate or questions and answers. Please refrain from applauding or other audible reaction to speakers and refrain from side conversations and other distractions.
 - b. Speakers are allotted three minutes. A countdown device may be used.
 - c. Upon being recognized to speak: Step up to the microphone and state your name and address. Please be brief, to the point, and respectful.

Citizens’ Petition Public Hearings (Charter C-48A):

- (a) Petitioners committee has six minutes to present at the beginning of the hearing.
- (b) Members of the public have three minutes each to speak.

- F. **Informal discussion** of a subject is permitted even while no motion is pending.
- G. **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.
- H. **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.
- I. **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.
- J. **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

K. **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.*

L. **Rule Amendments.** Non-Charter prescribed rules, or any provision thereof, may be waived on any occasion by an affirmative vote of five Councilors. These Rules of Order may be amended by an affirmative vote of five Councilors.

5. Appointments to Boards, Committees, Commissions, and Task Forces

A. **Procedure before Voting on Appointments.** The Council’s Appointments Committee makes recommendations for appointments to town Boards, Committees, Commissions, or Task Forces (hereafter “appointed bodies”) per the Appointments Policy.

B. **Voting.** 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 from the list of interviewed applicants. 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 each of the candidate(s). Immediately thereafter, the Chair shall repeat the process for each appointed body. 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. As required by the state Right to Know Law, each Councilor’s vote shall be publicly announced.

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 appended to the packet posted to the town website 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.
- D. **Handouts.** When a handout is distributed during a meeting, or when slides of a presentation are made available for future viewing, they shall be appended to the agenda packet posted on the town website.

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).
 - 12-7-21 – Amendment to add 2II, amend 4C, and correct 4K
 - 5-3-22 – General update including Charter requirements, removing hearing requirement for amendments, adding Unfinished Business and New Business agenda items and 10:00 p.m. adjournment
 - 9-20-22 – Amendment to change meeting start time, update Public Hearing guidelines, and align appointments process with separate Appointments Policy.
 - 8-16-23- Amendment to allow public comment on agenda items
 - 11-21-23- Amendment to add Committee and Issues Update and Consent Agenda
 - 8-20-24 – Amendment to adjust meeting schedule and Order of Business
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