

TOWN COUNCIL RULES

TOWN OF GRAY RULES OF THE GRAY TOWN COUNCIL CHAPTER 602 ADOPTED ON MARCH 19, 1981

Amendments to the Rules of the Gray Town Council

March 15, 1983	December 1, 2009
April 1, 1986	August 3, 2010
May 19, 1987	February 1, 2011
August 2, 1988	May 17, 2011
February 20, 1990	November 1, 2011
March 20, 1990	July 3, 2012
May 4, 1993	October 16, 2012
June 20, 1995	November 13, 2012
August 1995	December 4, 2012
August 6, 1996	September 17, 2013
October 1, 1996	January 7, 2014
September 15, 1998	September 1, 2015
July 6, 1999	December 6, 2016
December 5, 2000	August 1, 2017
April 17, 2001	October 3, 2017
February 19, 2002	October 1, 2019
February 18, 2003	November 12, 2019
July 1, 2003	December 3, 2019
December 20, 2005	August 4, 2020
June 05, 2007	December 6, 2022
June 17, 2008	REVISED – September 19, 2023
August 19, 2008	
March 17, 2009	
April 7, 2009	
September 1, 2009	
September 15, 2009	

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I. OPERATIONAL RULES

SECTION 602.01 – REGULAR MEETINGS

A. The regular meetings of the Town Council:

1. Shall be held at Henry Pennell Municipal Complex at 7:00 p.m. On the first and third Tuesday of each month, except in July, August and November, when the Town Council shall meet only once during each month on a date of their choosing.
2. When meeting dates fall on a holiday or an election day, the regular meeting shall be held on the following Tuesday, at the same time and place.
3. The date of any regular meeting may be changed by an order or resolve passed with at least four (4) affirmative votes at a previous meeting of the Council provided the change in date provides for two regular meetings in each month except July, August and November.
4. In case of inclement weather or other public hazard, the Chair may decide, on the day of any regular Council meeting, to hold the meeting remotely or postpone that meeting by seven days; rescheduling it at the same time and place and with notification to the public by the most expedient means.

SECTION 602.02 – COUNCIL WORKSHOPS AND SPECIAL MEETINGS

A. Workshops:

1. Workshop meetings are where Town business is discussed, but not officially voted on, and held when determined necessary by the Town Council.

B. Special meetings:

1. May be called by the Chair.
2. In case of the Chair's absence, disability or refusal, meetings may be called by three (3) or more members of the Town Council.
3. Notice of such meetings shall be served in person, or left at the residence of each member of the Town Council at least twenty-four (24) hours before the time for holding the special meeting, unless all members of the Council sign a waiver of notice.
4. A written agenda must be posted in the Town Hall and on the Town's website twenty-four (24) hours before the meeting. Nothing else shall be considered at a special meeting.
5. All special meetings shall comply with the Maine Freedom of Access law, 1 M.R.S.A. Sec. 406, <https://www.mainelegislature.org/legis/statutes/1/title1sec406.html>

SECTION 602.03 – MEETING & WORKSHOP AGENDAS, DOCUMENTATION

A. Regular Meetings Agendas:

1. Requests to add an item to a Council meeting agenda for consideration or action shall be forwarded to the Chair or the Town Manager, at least nine (9) work-days in advance of the meeting, to allow for sufficient time to amend the agenda for public notice.

Holidays/Elections may impact the cut off dates.

2. No ordinance, order or resolve, unless of an emergency nature, which may include missing critical deadlines, losing opportunities or incurring additional expense must be expressly identified in the ordinance, order or resolve, shall be in order for action at any regular or special meeting of the Town Council unless such ordinance, order or resolve shall be filed in the office of the Town Clerk at least nine (9) work-days prior to the meeting.
3. The Council will ask for Public comment on action items prior to the Council beginning its deliberations. Comments are limited to 3 minutes. Everyone who wishes to speak will have an opportunity to speak once. The Chair may allow a person to speak again, but only to clarify a point, or share a new and previously unheard point of view. This is not intended as a time for debate. The Chair will close Public comment as soon as no new information is being presented.

B. Workshop Meeting Agendas:

1. No item shall be put on a workshop agenda unless at least two Councilors request it.
2. The Council will ask for Public comment on workshop agenda items using the same rules as is outlined in Section 602.03.A.3 above.

C. Meeting Packets and Documentation:

1. The purpose and value of having consistent content and formatting rules is to help eliminate the confusion which comes about when a source, date(s), number of pages and status of a draft document is unclear. We have adopted the following requirements. All Town Council documents will have;
 - (a) a title.
 - (b) the date the document was created.
 - (c) the creator's name and contact information.
 - (d) page numbers using the "Page # of # of pages" format.
 - (e) a "DRAFT" watermark or footnote on all the pages of documents to be revised.
 - (f) subsequent revisions of a document clearly identified by retaining the original create date and adding to the list of dates the date of each revision and keeping the oldest date last in the list e.g. 02/14/24, 01/08/24, 12/17/23
 - (g) when editing documents, proposed deleted text will be ~~struck-through~~ in red, proposed additions to the text will underlined in green.
2. Agenda packets, including all written or electronic information, needed for discussion or action at a meeting, must be made public and be received by Town Councilors at least 48 hours prior to the start of any meeting. Materials received after this deadline will result in the discussion or action being tabled until the next regularly scheduled meeting.
3. When an unusually large volume of background materials to be submitted, the Chair may require submissions be made at least two weeks, or more in advance.

SECTION 602.04 – QUORUM

A. Quorum:

1. As per Article II, Section 13, of the Town Charter, a majority of the Council shall constitute a quorum for the transaction of business.
2. The quorum and participants consist of those members physically present or attending remotely using the hybrid format.
3. At least three (3) votes shall be required for passage of any ordinance, order or resolution.
4. A smaller number may adjourn from time to time or may compel attendance of absent members.
5. At least twenty-four (24) hours-notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

SECTION 602.05 – ENACTMENT FORM

A. Enactments:

1. The Town Council shall act only by ordinance, order or resolve.
2. All ordinances, orders and resolves shall be confined to one subject, which shall be clearly expressed in the title and shall be put in writing on forms designed for that purpose in advance of the Council meeting.
3. Ordinances, orders and resolves shall contain the date created or revised and be separately numbered.

SECTION 602.06 – ORDINANCE STYLE

A. The enacting style for an ordinance shall be:

1. "Be it ordained by the Town Council of the Town of Gray, Maine in Town Council assembled," followed by the proposed ordinance.

SECTION 602.07 – ORDER AND RESOLVE STYLE

A. In all votes of command:

1. The form of expression shall be "Ordered".

B. All votes regarding opinions, principles, factors or purposes:

1. The form shall be "Resolved".

SECTION 602.08 – FULL READING

A. As per Article II, Section 14.B of the Town Charter:

1. After passage on first reading, every proposed ordinance or a summary there of shall be posted in the municipal building and on the Town's website for at least seven (7) days prior to the next regular meeting of the Council.
2. At least one public hearing shall be held by the Council before any ordinance shall be passed, but nothing herein shall be deemed to require publication of the ordinance itself.
3. Every ordinance shall be in order for public hearing and the first reading of same but all ordinances may, at the discretion of said Council, be tabled from time to time.

SECTION 602.09 – RECORDING VOTES

A. The yeas and nays shall be entered into the record of the proceedings of the Town Council by the Clerk:

1. The yeas and nays shall be taken on the passage of an ordinance, order or resolve when called for by any member of the Town Council.

SECTION 602.10 – WHEN ORDINANCES TAKE EFFECT

A. No ordinance shall take effect and be in full force (except for emergencies):

1. Until thirty (30) days from and after it shall have been enacted as required by Article II, Section 14.C of the Charter.

SECTION 602.11 – WHEN ORDERS & RESOLVES TAKE EFFECT

A. Unless a later date is expressly provided for:

1. All orders and resolves shall take effect immediately, upon passage.

SECTION 602.12 – COUNCILOR DUTIES

Beyond those outlined here, the Chair and Vice-Chair have no more authority or responsibility than any other Town Councilor. The Chair and/or Town Manager shall meet with the Vice Chair to review planned meeting agendas, as necessary, to ensure continuity of Town business.

A. The Chair is to be Presiding Officer:

1. At the time appointed for the meeting,
2. Call the members to order,
3. Caused the roll to be called and,
4. If a quorum be present, call for the approval of the minutes of the preceding meeting

as presented and proceed to business.

5. Shall conduct the meetings in a manner as described below and shall be the arbiter in all matters of meeting protocols, subject to a vote of the full Council.

B. The Chair shall preserve decorum and order. The Chair may;

1. Speak to points of order raised during the meeting and shall decide all questions or order, subject to appeal of a Councilor when a motion is made and seconded. No other business shall be in order until the question on appeal is decided.
2. Rule any person out of order and require a speaker to take their seat.
3. Eject any person from the meeting place who, after being ruled out of order, remains disorderly.
4. In the case of disorder, declare the meeting recessed until order is restored. In the event of a serious disorder or emergency, declare the assembly adjourned to some other time (and place if necessary), if it is impracticable to take a vote, or in their opinion, dangerous to delay for a vote.

C. Declaration of Votes:

1. The Chair shall declare all votes, but if any member questions a vote, the Chair shall cause a recount of the members voting in the affirmative and in the negative without debate.

D. Vice-Chair Responsibilities:

1. The Vice Chair will assume the role and responsibilities of the Chair whenever the Chair is absent or unable to fulfill their role.

E. All Town Councilors:

1. Will participate in reviewing and signing the bi-weekly payroll and accounts payable financial warrants on a rotating schedule; to be determined at the first Council meeting following the June election.

SECTION 602.13 – RULES OF DEBATE

All Town Councilors shall conduct themselves such as to serve as role models of leadership and civility to the community, as well as acting in such ways as to inspire public confidence in the municipal government they represent. Councilors shall accord the utmost courtesy to each other, Town employees, and to the Public appearing before the Town Council. Councilors shall refrain at all times from rude and derogatory remarks, reflections as to integrity of others, abusive comments, and statements regarding motives and personalities.

Members of the Public and Town Staff attending Town Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council.

A. To make a motion:

1. The Chair shall request from Council members a motion to place a topic on the floor for discussion and subsequent action (any ordinances, orders, or resolves).
2. Any ordinance, order, or resolve must be moved and seconded to be discussed or acted upon.
3. If the Chair receives no motion or second from a member, the Chair may make the motion or second the motion, provided that no member of the Council may second their own motion.
4. The Chair shall consider a motion to adjourn as always in order except on immediate repetition.
5. A motion to adjourn, lay on the table, or to take from the table, shall be decided without debate.
6. Any member voting in the majority, or in the negative in a tie vote, may make a motion to reconsider, provided that the motion is made at the same, or the next scheduled meeting.
7. Motions for the Previous Question (to close debate) shall be handled according to the edition of Robert's Rules of Order currently in use.
8. Any motion shall be reduced to writing if directed by the Chair.
9. For the purposes of interpreting rules of order, a Council "session" lasts from the first Council meeting after each June election through the last Council meeting before the next June election. The general rule of order against renewal of motion during the same session applies to this period unless 4/5ths of the Council's votes in favor of revisiting the issue.

B. When a question is under debate:

1. The Chair shall receive no motion but to;
 - (a) adjourn.
 - (b) table.
 - (c) revisit the previous question.
 - (d) postpone to a date certain.
 - (e) refer to committee, administrative official, or legal representative.
 - (f) amend.
 - (g) divide the question in wording for separate debate.
2. Every Councilor shall have the opportunity to speak to an issue once, prior to any Councilor being allowed to contribute a second time.
3. Public members wishing to address the Council shall raise their hand;
 - (a) and wait to be recognized by the Chair,
 - (b) when recognized, proceed to the podium give state their name and address and sign in on a roster provided for that purpose before speaking. **
4. No person speaking may be interrupted, except by the Chair, or to raise a point of order, or to correct an error.

**** The Council strongly recommends that all Town standing or special committees adopt a similar, sign-in rule.**

C. Voting:

1. A simple majority vote shall approve all motions for orders, ordinances, and resolves.
2. All members present shall be required to vote on all questions put forth, except that any member may ask to be excused from voting, for good cause shown, by notifying the Chair prior to the vote.
3. No Council Rule may be amended or repealed unless at least seven (7) days prior notice is given, and the proposed changes as they will appear in the amended document shall be made available for public review, and approved by at least four fifths (4/5) of the members voting in the affirmative.

D. Parliamentary procedure:

1. if a question or situation arises that is not addressed in the Town Charter or ordinances, or these Rules, the Chair shall refer to version of Robert's Rules of Order, currently in use, to resolve the matter.

SECTION 602.14 – BREACH OF COUNCIL RULES OR ORDERS X

A. When any member shall be guilty of a breach of any of the rules or orders of the Council:

1. On a motion passed by the rest of the Council, they be required to make satisfaction therefor and shall not be allowed to vote, or speak, until they have done so.

SECTION 602.15 – STANDING AND SPECIAL COMMITTEES

A. The Council shall create standing committees required by law and may create committees deemed necessary:

1. A separate list of both types of committees shall be maintained by the Town Manager, or their designee, separate from the Town Council rules.
2. Amendments to this list may be made by the Town Council, and any such amendment(s) to the list shall only require a majority vote.

SECTION 602.16 – SOCIAL MEDIA PLATFORMS

Recognizing that citizens and the public increasingly gather information through social media sites, Councilors may find it beneficial to use these platforms to enhance their communication with constituents. If Councilors choose to use social media platforms for communication, it should be noted the Maine Freedom of Access Act (FOAA) requirements would apply to content involving the conduct of government (i.e., Town) business on those platforms.

A. To ensure compliance and clarify communications, Councilors agree to the following:

1. Councilors who choose to use social media for the purpose of communicating with constituents as a Councilor will create a Council-specific account to segregate Town

- Business content from personal communications and will label the account as such.
2. Councilor social media accounts shall be used for purposes of disseminating information and engaging with residents. The content of such accounts and pages shall be limited to general communication regarding Town business and may either report Town Council votes and actions as reflected in the minutes of Town Council meetings or may communicate items that are included on the Town Council agenda. In no event shall social media accounts be utilized for official actions, decisions or meetings, all of which shall occur at Town Council meetings as required by the FOAA.
 3. When posting content to Council specific accounts, Councilors should take care to identify when stating a personal opinion versus an opinion that is reflective of the Council as a whole. All content on the Council account should be limited to Council-related duties and activities and Town business and shall not include personal content
 4. The following disclaimer should be posted on the Council specific account: The content on this account including comments and replies to comments, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Freedom of Access Act (Title 1, Sections 401-521 of the Maine Revised Statutes).
 5. Council accounts shall be limited to posting content on the Councilor's page or responding to content on that page and shall not be used to "like" or comment on other users' posts or comments outside of the Council specific page.
 6. Councilors shall be required to preserve access to accounts such that a copy of all content remains available for inspection or copying upon request as required under FOAA and shall comply with any request from the Town's public access officer to provide the same within a timely manner.
 7. Councilors are responsible to understand what information is considered confidential under the FOAA and shall not post any such confidential information on social media.

Councilors shall not engage with one another on social media in a manner that would be considered a public meeting without notice, i.e., the discussion of Town business by three or more Councilors without advanced notice and opportunity for the public to attend.

SECTION 602.17 – REQUESTS FOR STAFF TIME & LEGAL OPINIONS

Councilor requests for information may require significant involvement from Town Staff or the Town's legal team in order to be resolved. Requests will be evaluated as follows:

A. When making an initial request for information or research from staff:

1. Councilors will always copy the Town Manager.

B. When a request requires more than one (1) hour:

1. The Town Manager will determine if requests for staff or legal team time to research questions, generate reports or gather data will make it difficult or expensive to complete current assignments.
2. If the Manager declines a Councilor's request, the Councilor may ask the Chair to

determine if the majority of Councilors support their request.

3. The Chair must allow enough discussion to clarify a request. If there is not enough time in the agenda for a discussion and vote, the Chair will schedule the discussion and vote for the next available meeting.
4. The Chair will conduct a poll to determine the Council's support.
5. If the majority of Councilors do not support the request, the request fails.

C. A request that fails may be brought up at a future meeting and discussed again if the Chair agrees new information has become available making reconsideration appropriate.

II. COMMITTEES

Section II. Committees has been removed from the Town of Gray Council Rules.

602.42 TO SECTION 602.49 – (RESERVED)

SECTION 602.50 - SEVERANCE CLAUSE

- A. Whenever there is a conflict** between the language contained in these Rules and that of the State statutes, the Town Charter or Ordinances, the Town Charter or Ordinance shall prevail except where the State statute is intended to control.