

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

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  - \*\*\*\* ***SEPARATE DOCUMENT - Re-classified as a separate document***
  - Section 602.20 – Town Council, Committees & Affiliations Policy*
- Section 602.42 to Section 602.49 - **(Reserved)**
- Section 602.50 - Severance Clause

## **OPERATIONAL RULES**

### **SECTION 602.01 - REGULAR MEETING (AMENDED AUGUST 3, 2010, AMENDED FEBRUARY 1, 2011, OCTOBER 3, 2017)**

- A. The regular meetings of the Town Council:
1. Shall be held at Henry Pennell Municipal Complex at 7:00 p.m., current time,
  2. On the first and third Tuesday of each month, except that in July, August and November, the Town Council shall meet only on the first Tuesday of the month.
  3. When said days falls on a holiday or on an election day, the regular meeting shall be held on the following Tuesday, at the same time and place.
  4. 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, however, that said change in date will still provide for two regular meetings in each month provided, there are enough days left in the month to do so.
  5. In case of inclement weather or other public hazard, the Chair may decide, on the day of any regular Council meeting, to postpone that meeting seven days later 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, where Town business is discussed, but not to be voted on, shall be held from time to time as determined necessary by the Town Council.
- B. Special meetings:
1. May be called by the Chair.
  2. In case of his/her absence, disability or refusal may be called by three (3) or more members of the Town Council.
  3. Notice of such meeting 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 said special meeting, unless all members of the Council sign a waiver of said notice.
  4. The call for said special meeting shall set forth the matter(s) to be acted upon at said meeting, and nothing else shall be considered at such special meeting.
  5. All special meetings shall be held in compliance with the Maine Freedom of Access law, 1 M.R.S.A. Sec. 406, as amended.

### **SECTION 602.03 - COUNCIL MEETINGS AND WORKSHOP AGENDAS**

- 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 that is 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. When it is anticipated there will be an unusually large volume of background materials to be submitted by proponents, or opponents of an issue, the Chairperson may require submissions to be made at least two weeks, or more in advance.
- B. Workshop Meeting Agendas:
1. No item shall be put on a workshop agenda unless at least two Councilors request it.
  2. Suspending the Rule

### **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 solely of those members physically present together in the assembly.
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 each be separately numbered, consecutively, by date of introduction.

#### **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 electronic 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 - YEAS AND NAYS TAKEN: WHEN**

- A. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the Town Council by the Clerk:
1. These yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council.
  2. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of at least three (3) members of the Town Council.

#### **SECTION 602.10 - ORDINANCES EFFECTIVE: WHEN**

- A. No ordinance shall take effect and be in full force:
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 - ORDERS & RESOLVES: EFFECTIVE**

A. Unless a later date is expressly provided for:

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

## **SECTION 602.12 - CHAIR AND VICE-CHAIR 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. The Chair shall take the Chair at the time appointed for the meeting,
2. Call the members to order,
3. Cause 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 in performances of other members and shall decide all questions or order subject to appeal of the Council by motion regularly seconded, and 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 his or her seat
3. Eject any person from the meeting place who, after being ruled out of order, remains disorderly.
4. In case of disorder, declare the meeting recessed until order is restored. In the event of 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 his or her opinion, dangerous to delay for a vote.
5. A person wishing to address the Council shall raise his or her hand;
  - a) be recognized by the Chairperson,
  - b) give his or her name and address
  - c) \*\*sign in on a roster provided for that purpose.
6. All comments shall be confined to the question under debate and shall avoid personalities.
7. No person speaking may be interrupted, except by the Chair, or to raise a point of order, or to correct an error.

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

C. Declaration of Votes:

1. The Chairperson shall declare all votes, but if any member questions a vote, the Chairperson 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.

## SECTION 602.13 RULES OF DEBATE

### A. Motions:

#### 1. To make a motion:

- (a) The Chairperson shall request from Council members a motion to place on the floor for discussion and subsequent action any ordinances, orders, or resolves.
- (b) Any ordinance, order, or resolve must be moved and seconded to be discussed or acted upon.
- (c) If the Chairperson receives no motion or second from a member, the Chairperson may make the motion or second the motion, provided that no member of the Council may second his or her own motion.
- (d) The Chairperson shall consider a motion to adjourn as always in order except on immediate repetition.
- (e) A motion to adjourn, lay on the table, or to take from the table, shall be decided without debate.
- (f) 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.
- (g) Motions for the Previous Question (to close debate) shall be handled according to Robert's Rules of Order, most recent edition.
- (h) Any motion shall be reduced to writing if directed by the Chairperson.
- (i) 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.

### B. When a question is under debate:

#### 1. The Chairperson shall receive no motion but:

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To postpone to a date certain.
- (e) To refer to committee, administrative official, or legal representative.
- (f) To amend
- (g) To postpone indefinitely, provided that several motions shall have precedence in the order in which they stand arranged
- (h) To divide the question in wording for separate debate.

### C. Priority of Business:

1. All questions relating to priority of business to be acted upon shall be decided without debate, and all subsidiary, incidental, and privileged motions shall be decided before debate and action on the main question may resume.

### D. 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 Chairperson 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.
4. Council Rules may not be dispensed with or suspended unless at least four fifths (4/5) of the members consent thereto.

E. Parliamentary procedure:

1. if a question or situation arises that is not addressed in the Town Charter or ordinances, or these Rules, the Chairperson shall refer to Robert's Rules of Order, most recent edition, to resolve the matter, subject to a vote of the full Town Council then present and voting.

**SECTION 602.14 – BREACH OF COUNCIL RULES OR ORDERS**

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

1. He/she may, on motion passed by the rest of the Council, be required to make satisfaction therefor and shall not be allowed to vote, or speak, except by way of excuse, until he/she has done so.

**SECTION 602.15 – STANDING AND SPECIAL COMMITTEES**

A. The Town Council shall create such standing committees as are required by law and may create such special committees as it deems necessary.

1. A separate list of both types of committees shall be maintained by the Town Manager, or his/her designee, separate from the Town Council rules, and kept up to date by him/her.
2. Amendments to such list may be made by the Town Council, from time to time, 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 such 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. 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 – COUNCILOR REQUESTS FOR STAFF TIME AND LEGAL OPINIONS**

Councilor requests for information may require significant involvement from staff or the town’s legal team in order to be resolved.

- A. When it will involve more than one (1) hour, requests will be resolved as follows:
  - 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.
- B. 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.

#### **602.42TO 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.