STANDISH TOWN COUNCIL

RULES OF PROCEDURE

Adopted: August 2001
Amended: April 2002, September 2002, April 2003, June 2007, December 2007, June 2008, November 2011, March 2015, May 2015, April 2016

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RULES OF PROCEDURE
STANDISH TOWN COUNCIL

SECTION 1 CHAIR

1.1 Chair to be presiding officer

The Chair shall take the chair at the time appointed for the meeting, call the Council to order, cause the roll to be called, and, a quorum bring present, shall proceed with the order of business.

1.2 Preserve order, decide all questions of order

The Chair shall preserve decorum and order, may speak to points of order in preference to other Councilors, and shall decide all questions of order subject to an appeal to the Council any motion regularly seconded, and no other business shall be in order until the question of appeal is decided.

1.3 Declare votes

The Chair shall declare all votes, but if any Councilor doubts a vote, the Chair shall cause a return of the Councilors voting in the affirmative and in the negative without debate.

1.4 The Chair shall appoint committees and their Chair subject to approval of a majority of the Council, each committee to have no more than three Councilors.

1.5 Voting and Speaking

The Chair shall be entitled to speak and vote on all matters.

1.6 Seated

The Chair may be seated during the Council meeting.

SECTION 2 VICE CHAIR

2.1 Role of

The Vice-Chair shall exercise the powers and duties of the Chair in the temporary absence or disability of the Chair.

2.2 Absence of both the Chair and Vice Chair

At any meeting at which a quorum is present but the Chair and Vice Chair are absent any Councilor may call the meeting to order to elect a Chair Pro-Tempore from among its members who shall exercise all powers of Chair during the meeting except to appoint committee members.

SECTION 3 VOTING

3.1 Excused from voting

Every Councilor present when a question is called shall vote unless the Council for special reasons shall excuse the Councilor. Application to be so excused must be made before the Council is divided or before the calling of the yeas and nays and shall be decided without debate.

3.2 Conflict of interest

No Councilor shall participate in the debate or vote on any matter before the Council in which the Councilor has a conflict of interest.

The question of whether a Councilor has a conflict of interest in any question or contract on which the Council is voting shall be answered by referring to 30M.S.R.A. Section 2251.

No Councilor shall participate directly by means of deliberation, approval, disapproval or recommendation in the purchase of goods and services for the Town and the award of any contracts with the Town, except that the Councilor may be allowed to submit bids for the same in accordance with the laws of the State of Maine, where the Councilor's knowledge there is a financial interest or special interest other than that possessed by the public generally in such purchase or award, held by:

(1) The Councilor or a member of the Councilor's immediate family,

(2) A business which the Councilor or a member of the Councilor's immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position, or

(3) Any other person or business with whom the Councilor or a member of the Councilor's immediate family is in business or

negotiating or has an arrangement concerning future employment.

No Councilor shall participate by means of deliberation, approval, or disapproval or recommendation in the decision to hire, promote, discipline or lay off or to take any other personnel action in respect to any applicant for employee or employee, as the case may be, where the applicant or employee is:

(1) A member of the Councilor's immediate family; or

(2) A person with whom either the Councilor or a member or the Councilor's immediate family is in business.

3.3 Not to leave seat

Whenever a matter is put to the vote, no Councilor shall leave the meeting until the vote is taken.

3.4 Vote doubted

When a vote is doubted, Councilors for and against the motion shall rise when called upon by the Chair and remains standing in their places until counted, but a call for the yeas and nays shall be in order at any time before such vote is made certain and declared.

SECTION 4 MEETINGS

4.1 Regular

Regular meetings of the Council shall be held at the Standish Municipal Center at 7:00 p.m., current time, on the second Tuesday of each calendar month. When said day falls on a holiday or an election day, the regular meeting shall be held on the first Tuesday at the same time and place. The date of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five Councilors, provided, however, that said change in date will still provide for one regular meeting in each month. Any Council meeting may be continued to another location.

4.2 Special

Special meetings of the Council may be called by the Chair, and in the case of the Chair's absence, disability or refusal by three Councilors. Notice of such meeting and the meeting agenda shall be available at least twenty–four hours before the time for

holding such special meeting, unless all Councilors sign a waiver of said notice. Such notice may be telephoned or mailed to each Councilor. Mailed notice shall be postmarked in Standish at least two mail delivery days proceeding the date of such special meeting. The call for a special meeting shall set forth the matters to be acted upon at such special meeting. The agenda for that special meeting shall include only the orders of business for that meeting.

4.3 Quorum and adjourned meetings

A majority of the Councilors shall constitute a quorum for the transaction of business. A smaller number may adjourn from time to time. At least twenty-four hours of notice of the time and place of holding such adjourned meeting shall be given to all Councilor's who are not present at the meeting from which the adjournment is taken unless such Councilors sign a waiver of said notice.

4.4 Agenda

Each regular meeting shall have an agenda which shall be prepared by the Clerk with the assistance of the Town Manager and the Chair. The agenda shall be made available to the Council at least seventy-two hours prior to the meeting and posted in one or more conspicuous places within the Town. No further orders or resolves shall be added to the agenda except by unanimous consent. Each ordinance, order, resolve or communication on the agenda shall be in written form and shall contain the name of the sponsor.

4.5 Deadline for filing agenda items. Sponsored by.

No ordinance, other than emergency ordinances, order or resolution shall be in order for action at any regular Council meeting unless such item shall be filed in the office of the Clerk and/or Manager on/or before 12:00 p.m. on the Thursday or on the next to the last business day of the week prior to the regular meeting. Any agenda item must be sponsored by a Councilor.

4.6 Order of Business

Council meeting order of business shall be as follows:

(1) Call to Order
(2) Roll Call
(3) Minutes of previous meeting(s)
(4) Petitions and Communications
(5) Report of the Town Manager

(6) Public Hearings
(7) Committee Reports
(8) Consent Calendar
(9) Unfinished Business
(10)New Business
(11)Public Items
(12)Announcements
(13)Executive Session (if needed)
(14)Adjourn

SECTION 5 ORDINANCES, ORDERS OR RESOLVES

5.1 Enactment form. Wording and Required Majority.

The Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves except those pertaining to appropriations shall be confined to one subject which shall be clearly expressed in the title. The appropriation item shall be confined to subject of appropriations. When the Council expresses anything by way of command, the form of expression shall be "Ordered". When it expresses opinions, principles, facts or propositions, the form shall be "Resolved".

At least four (4) votes shall be registered in favor of passage of any ordinance, order or resolution. In the case of a tie vote the item of business shall be laid on the table at the meeting and become the first item of unfinished business at the next regular meeting.

The Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves except those pertaining to appropriations shall be confined to one subject which shall be clearly expressed in the title. The appropriation item shall be confined to subject of appropriations. When the Council expresses anything by way of command, the form of expression shall be "Ordered". When it expresses opinions, principles, facts or propositions, the form shall be "Resolved".

5.2 Full reading waiver

Every ordinance or resolve shall have a full reading unless the reading is dispensed with by the unanimous vote of those Councilors present in which case it shall by title only.

5.3. Ordinances, First Reading, publication

Every ordinance shall be introduced in writing, and after passage on first reading shall be published at least once, together with a notice of the time and place of the regular Council meeting where it will be given a public hearing and be considered for final passage. The first publication shall be within two weeks after the first reading. The public hearing shall be at a regular Council meeting to be held within three weeks of the date of publication. If the proposed ordinance exceeds one thousand words, a summary only may be published. Whenever the Council does not set the date for the hearing on any ordinance at the meeting when the ordinance is passed in first reading, the Chair shall set the date which shall not be later then thirty-five days following the meeting at which the ordinance was passed in first reading.

5.4 Ordinance, public hearing

At the time and place so advertised, or at any time and place which a hearing shall from time to time be adjourned, all persons interested shall be given an opportunity to be heard.

5.5 Ordinances, final passage

The Council may finally pass the ordinance with or without amendment after the hearing. Second passage of any ordinance shall be final with no further passage required.

5.6 Ordinances, effective date

Unless otherwise specified in the ordinance, an ordinance shall take effect thirty days following enactment except as otherwise provided herein for emergency ordinances.

5.7 Orders and Resolves, effective date

Orders and resolves shall take effect upon passage unless otherwise specified.

5.8 Emergency Ordinances

The Council may by vote of five Councilors pass emergency ordinances to take effect at the time indicated therein, but such ordinances shall contain a section in which the emergency is set forth and defined provided however that the declaration of such emergency by the Council shall be conclusive.

5.9 Satisfactory wording

The Chair shall be satisfied that the item and amendments thereto are properly worded before the Council votes upon them.

5.10 Orders to Authorize Submission of a Grant Application

The Council will consider as a minimum the following items in workshop prior to an order that authorizes submission of a grant application:

Data to justify the need for the grant,

Fiscal impact and any ongoing operational or maintenance expenditures,

Staff impact beyond normal duties (as determined by the Town Manager),

Any full time, temporary or intermittent employee positions that are created,

Any long term obligation after the period of the grant activity, and

A detailed breakdown of grant expenditure by category to include any amount allowed for administrative support.

Orders to authorize submission of a grant application will be considered acceptance of any grant amount unless the conditions of the grant change after the application.

SECTION 6 PARLIAMENTARY PROCEDURE

6.1 Speaking by members

A councilor wishing to speak shall respectfully address the Chair and shall not proceed until recognized by the Chair. The Councilor shall confine the discussion to the pending question and shall avoid intemperate and abusive language.

6.2 Interruption of speaker

No Councilor speaking shall be interrupted by another member except for the purpose of correcting a mistake, calling for the orders of the day making a point of order or propounding a parliamentary inquiry

6.3 Rules, violation of

Any Councilor, upon motion, may be required to make satisfaction therefore and shall not be allowed to vote or speak, except by way of excuse, until he has done so whenever the Councilor shall be guilty of a breach of the Rules of Procedure of the Council.

6.4 Roberts's Rules of Order

All matters of parliamentary procedure not covered in these Rules shall be governed by Robert's Rules of order, latest edition available to the Town Clerk.

6.5 Rules, amendment of

A proposed amendment to, or repeal, of any rules, shall be submitted in writing, and be laid on the table at the meeting to which it is submitted. It shall become the first item of unfinished business at the next regular meeting and become effective upon passage.

6.6 Rules, suspension of

Council rules may be suspended temporally for a special purpose by the vote of five Councilors present.

6.7 Motion in writing

The Chair shall direct every motion to be in writing if so desired.

6.8 Speaking limitation

No Councilor shall speak more than twice or for more than ten continuous minutes to any one question except that one or more additional periods of ten minutes may be granted by unanimous consent.

6.9 Consent Calendar

Any order or resolve, except an order or resolve making an appropriation of money, placed on any meeting agenda for action by the Council may, when in the judgment of the Chair does not seem likely to encounter any opposition, be placed on the Consent Calendar. Item appearing on the Consent Calendar may collectively be passed or adopted by one motion of the Council. An item shall be removed from the Consent Calendar if so requested by a Councilor. This item shall separately be the next

item of business following adoption passage of the Consent Calendar.

SECTION 7 RULES OF DEBATE

7.1 Motions, orders of

The Chair shall entertain only the following motions which shall have precedence in which that stand arranged whenever a question is under debate:

a. Adjourn
b. Recess
c. Question of privilege
d. Previous question
e. Orders of the day
f. Postpone to a time certain
g. Lay on the table
h. Refer to committee or administrative official
i. Amend
j. Postpone indefinitely

7.2 Motion to adjourn

A motion to adjourn is always in order except on immediate repetition.

7.3 Motions without debate

Motions decided without debate shall be:

(1) Adjourn,
(2) Previous question,
(3) Lay on the table, and
(4) Remove from table,

7.4 Motion to table to a time certain, Debate on

Debate on a motion to table shall be limited to the time certain.

7.5 Motion for a previous question. Debate prior to. Amendments

A motion for the previous question shall not be in order if the maker of the motion immediately prior to the motion debated the issue nor shall the motion be subject to amendment.

7.6 Motion to reconsider

A motion to reconsider any item of business shall be in order if moved by a member voting in the majority, at the same meeting

or the next regular meeting but not afterwards. Once a motion to reconsider has been decided, the item shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for reconsideration at the next meeting unless an item to that effect is contained on the agenda for the next meeting, or unless five Councilors consent to such reconsideration.

7.7 Motion or order, withdrawal of

Any motion or order may be withdrawn by the mover with the approval of the Council at any time before a decision or amendment except a motion to reconsider which shall not be withdrawn by consent of the Council.

7.8 Motion, Division

Any Councilor may require the division of a question.

7.9 Motion, referral to committee or administrative official

A motion for referral to committee or administrative official, until decided, shall preclude all amendments to the main question.

7.10 Committee of the whole

The Council may resolve itself into a committee of the whole on any question, and the Chair shall appoint a member who shall occupy the chair.

7.11 Executive Sessions

Executive sessions of the Council shall be conducted pursuant to the Maine Revised Statutes. Consistent with current Town Ord. § 3-16, nothing discussed or shown in any executive session that must by State or federal law remain confidential, such as hearing general assistance applications or certain personnel actions, may be disclosed publicly by the Council or any other Town officials; however, for those matters for which State or federal law authorizes, but does not mandate executive sessions, such as negotiating land purchase contract amounts or settlement of litigation, again consistent with Town Ord. § 3-16, all Councilors, as well as all other Town officials, shall respect the executive session privilege and not disclose any executive session discussions or documents until authorized by the Council.

7.12 Executive sessions, items following

Upon reconvening a Council meeting following an executive session, the Council shall consider no other item other than a motion to adjourn unless the Chair shall have stated otherwise at the time of motion for an executive session.

SECTION 8 PUBLIC PROCEDURES FOR ADDRESSING COUNCIL

8.1 Recognition

Any person wishing to address the Council shall signify desire to do so by rising or raising a hand and when recognized by the Chair, request permission to address the Council and give the speaker's name and address.

8.2 Agenda items

Person wishing to address the Council on an item which appears on the agenda shall wait until the item is properly introduced, read, and the Chair announces the item open for public participation at which time they may address the Council on that particular item. Once the Chair has closed public discussion on the item, the public shall be permitted to address the Council on that item only at the discretion of the Chair, or after all items on the agenda have been completed.

8.3 Non-agenda items

Person wishing to address the Council on an item not appearing on the agenda shall do so only after disposition of all items appearing on the agenda, by a Councilor.

8.4 Proper identification

When in the opinion of the Chair a person's identity is not adequate for those assembled, the Chair may request further information before permitting the person to speak.

8.5 Decorum

Persons present at Council meeting are requested not to applaud or otherwise express approval of any statements made or action taken at such meeting.

8.6 Individual time limits

Persons addressing the Council other than town officials and/or department heads shall be permitted to speak only once when an item is pending and shall be limited to five minutes for discussion except that one or more additional periods of five minutes may be granted by unanimous consent.

8.7 Chair, right to limit public debate and participation

The Chair shall have the right to terminate the public right to speak at any time the Chair determines such public speaking is not germane to the item at hand, is repetitious or disruptive to the proceedings.

SECTION 9 COMMITTEES

9.1 Standing

The following shall be standing committees of the Council:
(1) Committee on Appointments,
(2) Committee on Capital Improvements,
(3) Committee on Finances,
(4) Committee on Ordinances,
(5) Committee on Personnel,
(6) Committee on PWD Steering.
(7) Committee on Economic Development

9.2 Not to bind Council

Action, decisions, conclusions and results reached by the committees are only advisory and not binding to the Council.

9.3 Committee on Appointments, duties

The duties of the Committee on Appointments, in addition to any items assigned to it by the Council, shall be to make recommendations, to various positions and offices which are to be properly filled by the Council except for Council Committees, standing or ad-hoc. The Committee shall recommend persons who have demonstrated sufficient interest and are willing and able to serve in any office or position to be filled. The Committee may designate one nominee per year opening as its recommended candidate, and all others shall be alternates. Spouses shall not serve on the same committee or board. Applications shall be retained for a six-month period from the date submitted. To extend this period, applicants must notify the Town Clerk's Office. Committee seats may be advertised at the signboard at the Standish Municipal Center, through Council meeting

announcements, Cable Television, local media and Municipal Center posting. Appointments shall not be placed on a Council agenda until the Appointments Committee had met to review pending applications.

9.4 Committee on Capital Improvements, duties

The duties of the Committee on Capital Improvements, in addition to any items assigned to it by the Council, shall be to consult with the Town Manager and appropriate department heads regarding all proposed capital improvements for the purchases of equipment for fire, police, public works, administration or other public safety functions and shall serve as an advisory body to the Council and Finance Committee concerning same. The Committee shall refrain from any comment concerning personnel matters.

9.5 Committee on Finances, duties

The duties of the Committee on Finances, in addition to any other items specifically assigned to it by the Council, shall be:

(1) To meet with the Town Manager to review the annual budget,
(2) To make recommendations to the Council on the Budget, and
(3)) To review and advise the Manager on matters of current expenditures within the town's budget and to approve all warrants for the expenditures of town funds for which the signatures of two members of the Committee shall be sufficient authorization for such expenditures.
(4) To review and make recommendations to the Council on the Town of Standish Fee Schedule at least one every three years.

9.6 Committee on Ordinances, duties

The duties of the Committee on Ordinances, in addition to any other items specifically assigned to it by the Council, shall be to review all proposed and existing ordinances, or amendments thereto, and make their recommendations to the Council.

9.7 Committee on Personnel, duties

The duties of the Committee on Personnel, in addition to any item assigned to it by the Council, shall be to make recommendations to the Council regarding employee compensation, benefits and other matters of employment concern.

9.8 Committee on PWD Steering, duties

The duties of the Committee on PWD Steering, in addition to any items assigned to it by the Council, shall be to make recommendations to the Council regarding Portland Water District matters and to maintain an ongoing dialogue and rapport with district trustees and staff.

9.9 Committee on Economic Development, duties

The duties of the Committee on Economic Development in addition to any items assigned to it by the Council shall be to encourage and promote the economic vitality of Standish through planning and development of economic programs including the consideration of regulatory, public health, public safety and financial issues for the benefit of community, businesses, residents and institutions.

SECTION 10 ANNUAL MEETING

10.1 Procedure

Within seven days after the municipal election, the Council shall hold an organizational meeting for the purpose of electing a Chair and Vice Chair. The Clerk will call the meeting to order, swear in the newly elected Councilor and preside over the election of the Chair. The Chair shall preside for the duration of the meeting. The Council Chair will appoint the Council Committees and their chair by the regular meeting in July.

SECTION 11 AMENDMENTS AND REPEAL

11.1 Procedure

These Rules of Procedure may be amended or repealed by a vote of five Councilors at any regular meeting of the council following the meeting at which the proposed amendment was introduced and tabled pursuant to Section 6.5 herein.

SECTION 12 CONFLICT AVOIDANCE PROTOCAL

12.1 Procedure

Except as otherwise provided by law, such as for certain Town employee personnel matters, whenever a Town Councilor, in the exercise of his or her common sense and good judgment, reasonably believes a matter has arisen, is likely to arise, or may reasonably be perceived by the public and/or one or more Town

employees to have arisen, regarding a matter involving the Councilor (or the Councilor's family) in his or her individual capacity as a resident of the Town, then the Councilor shall first meet and consult with the Town Manager before proceeding further individually in an attempt either to resolve the matter (or to have the Manager do so) or to set up an agreed-upon procedural process to permit the Councilor's matter to be addressed lawfully and, hopefully, resolved. If the matter cannot be resolved or an adequate process cannot be established at the Manager's level, the Councilor and the Manager shall ask the then chair of the Town Council, and if the three of them deem it necessary, the vice chair, to assist in the same efforts. Failing that, the chair shall refer the matter to the entire Council for resolution or to set up a procedural process.

Once a resolution, or specific procedure, has been agreed upon, the Manager shall prepare a brief, typewritten memo to the file outlining the same and copy all members of the Council.

In implementing this protocol, the Council and the Manager shall be mindful of the intent of this protocol to avoid conflict with the "non-interference" provision of the Town Charter (Sec. 215), the continuing personal rights of all individual Councilors as residents of the Town, and the Council's and the Manager's obligations as elected and appointed officials to serve the public interest as ably and as fairly as possible and to promote public trust in good government

SECTION 13

13.1 Protocol for seeking a legal opinion.

Requests for legal advice for the Council normally come from a consensus request from the Council members present at a workshop or regularly scheduled meeting or independently from the Chair of the Council who is considered to be speaking on behalf of the Council as a whole. Such requests are in-turn forwarded from the Manager to the Town's attorney for either oral advice, a legal opinion letter or, in some instances, for the attorney to attend a future workshop or regularly scheduled meeting for consultation with the Council as a whole. The response to each request for legal advice or for a legal opinion letter is shared with the Council as a whole.

DISPOSITION LIST

Order number	Adoption Date	Subject
22-02	4/9/2002	Economic Development Committee
172-02	9/10/2002	Grant Submission Procedure
52-03	4/8/2003	Tie Vote, Motion to Reconsider
51-07	6/5/2007	Conflict Avoidance Protocol
147-07	12/11/2007	Protocol for Seeking a Legal Opinion
47-08	06/3/2008	Review of Fee Schedule by Finance Cmt
119-11	11/1/2011	Executive Sessions
12-15	3/10/2015	Enactment form. Wording and Required Majority
35-15	5/12/2015	Full reading waiver
23-16	4/12/2016	Deadline for filing agenda items.