

RULES OF
ORDER AND PROCEDURE
FOR
FREEPORT TOWN COUNCIL

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RULES OF ORDER AND PROCEDURE FOR THE FREEPORT TOWN COUNCIL

1. Regular Council Meetings: The Council shall meet in regular sessions at a designated Council Room within the Town of Freeport, Maine at 6:30 p.m. on Tuesdays as determined by a majority of the Council. If the meeting day falls on a holiday or on an election day, the meeting shall be held on the following day unless otherwise specified by a majority vote of the Council. Workshops when necessary will precede Regular Council Meetings and begin at 6:00 p.m. unless otherwise determined by a majority of the Council.
2. Council Meeting Agenda: All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall be delivered to the Town Manager or Council Chairperson by 12:00 p.m. on the Tuesday prior to the regular Tuesday meeting if they are to have consideration for that meeting agenda. Matters which are not on the agenda may be brought before the Council during public comment period by interested residents for discussion only, to be placed on the agenda of the next regular meeting if the Council so desires. Agenda items must state clearly the scope and intent of the action to be taken.
3. Special Meeting: Special meetings may be held on the call of the Chairperson or of four (4) or more members by causing a notification to be given in hand and or left at the usual dwelling place of each Council Member. If practicable, such notice shall be given not less than twelve (12) hours before the special meeting and shall be published in a paper having general circulation in the Town. All meetings shall be public.

Certain special meetings and portions of other special or regular meetings may be designated as workshops, the purpose of which is to allow Council to discuss issues in depth or detail, to gather information, and to meet with invited individuals, entities, groups, or committees to discuss issues of mutual interest. Workshops shall be called, and their agendas established by the Council Chairperson or four (4) or more members of the Council.

Established Rules of Order and Procedure shall apply except:

- a. Only information relevant to the workshop may be presented at the workshop;
- b. There shall be no public comment period;
- c. No votes shall be taken except on procedural items relevant to the workshop items under discussion;
- d. Public comment regarding issues under discussion may be allowed upon specific request of any Councilor or by initiative of the Presiding Officer;
- e. Council Secretary shall be designated by the Presiding Officer.

Workshops are Special Meetings of the Council and all notices and other requirements of regular Council meetings shall be observed.

4. Adjourned Sessions: Any session of the Council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.
5. Executive Session: The Council may recess into a closed or executive session provided that the general subject matter for consideration is expressed in the motion for such session and that final action thereon shall not be taken by the Council until the matter is placed on the agenda. State of Maine Law regarding the proper procedure for Executive Sessions shall prevail.
6. Presiding Officer: At its first meeting following the annual election, the Council shall elect from among its members, officers of the Town who shall have the titles of Chairperson and Vice Chairperson each of whom shall serve at the pleasure of the Council. At the first meeting following the annual election, the only order of business may be to elect officers and the recognition of outgoing Councilors and Officers. The Chairperson shall preside at meetings of the Council, shall be entitled to vote on all questions and shall be recognized as head of the town government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no administrative duties. The Vice Chairperson shall act as Chairperson during the absence or disability of the Chairperson. The Chairperson shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and , a quorum being present, shall proceed in the following order, unless the Council changes the order:
 1. Pledge of Allegiance
 2. Minutes of the preceding meeting.
 3. Announcements
 4. Information Exchange
 5. Town Manager Report
 6. Public Comment Period – persons wishing to address the Council on non-agenda items.
 7. Consent Agenda.
 8. Hearings.
 9. New Business.
 10. Tabled Matters.
 11. Executive Sessions.

At each meeting, the minutes of the preceding meeting shall be read, unless the reading is dispensed with by consent of the Council. If no objection is made to the minutes, the Chairperson shall declare them approved.

7. Temporary Chairperson: In case of the absence of the Chairperson and Vice Chairperson, the Secretary shall call the Council to order and call the roll of members. If a quorum is found to be present, the Council shall proceed to elect, by a majority vote of those present, a Chairperson of the meeting, to act until the Chairperson or Vice Chairperson appears.

8. Decorum and Order: The presiding officer shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Council.
 - a. When a member is about to speak, he/she shall respectfully address the Chairperson, confine comments to the question under debate, and avoid personalities. No member speaking will be interrupted by another but by a call to order or to correct a mistake. If a Councilor is called to order while he/she is speaking, he/she shall cease speaking immediately until the question of order is determined. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with rules of the Council.
 - b. Persons attending Council meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room by a police officer if so directed by the presiding officer.
 - c. Persons wishing to address the Council on an item which appears on the agenda shall wait until the presiding officer announces the consideration of such item, at which time they may address the Council on that particular item. Any person desiring to address the Council shall be recognized by the chair, shall state their name and address in an audible tone for record, and shall limit their remarks to the question under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual member thereof. All remarks and questions addressed to the administration of the Town shall be addressed to the Town Manager and not to any individual Town employee. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without the permission of the presiding officer.
9. Quorum: A majority of the Council constitutes a quorum. If less than a quorum convenes at any meeting, the majority of those present may send a police officer or other person for any or all of the absent members, as the majority of members agree. If a quorum cannot be obtained, the meeting may be adjourned as provided by Rule 4.
10. Town Manager: The Town Manager shall attend Council meetings and shall have the right to take part in discussions but may not vote.
11. Council Secretary: The Council shall appoint a Secretary to the Council and shall fix his/her compensation. The Secretary to the Council shall give notice of Council meetings to its members and the public, keep the journal and record verbatim all Council meetings and perform such other duties as are assigned to him/her by the Charter of the Town of Freeport. Within ten (10) days after the meeting, the Secretary shall furnish each Councilor with a copy of the minutes of the preceding meeting.

12. Town Attorney: The Town Attorney shall attend meetings at the request of the Council. The Council, the Chairperson, or the Town Manager may, at any time, call upon the Town Attorney for an oral or written opinion to decide any question of law. He/she may be asked to state his/her opinion upon any rule of parliamentary procedure, which opinion shall not be binding on the Council. Any other elected or appointed official who wishes to communicate with the Town Attorney may do so only with the knowledge and consent of the Council Chairperson.
13. Seating Arrangement: Members shall occupy the respective seats in the Council Chambers assigned to them by the Chairperson, but any two or more members may exchange seats by joining in a written notice to the Chairperson to that effect.
14. Right of Appeal: Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state their reason for it and the presiding officer may briefly explain his/her ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "yes", the ruling of the chair is sustained; otherwise it is overruled.
15. Voting: Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal.
16. Excusal from Attendance: The Council Chairperson may excuse a member from attendance who has a valid reason, but having done so, must read that fact into the record at the time of the roll call of the meeting from which the member is excused.
17. Excusal During Meeting: No member may leave the Council Chambers while in regular session without permission from the presiding officer.
18. Appointments to Municipal Boards and Committees: All appointments to Town boards and commissions shall be made in accordance with the statutes and the Town Charter.
19. Documents Prepared by Manager: The Manager shall have copies of all ordinances, resolutions, and documents ready for delivery to the Council by 12:00 a.m. of the day prior to the day on which they are to come before the Council for consideration.
20. Procedure of Motions: In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts, or purposes, the form shall be "resolved". All orders or resolves shall take effect after passage.

21. Motions To Be Stated By Chair – Withdrawal: When a motion is made and seconded, a second reading shall not be required. A motion may not be withdrawn by the mover without the consent of the member seconding it.
22. Motions Out of Order: The Council may at any time permit a member to introduce an ordinance, resolution, or motion out of the regular order.
23. Motions When a Question is Under Debate- When in Order- When Not Debatable: When a question is under debate, the Chairperson shall receive no motions except the following and the motions shall be debatable (D) or not debatable (N) as signified:
 - a. to adjourn (N),
 - b. for the previous question (N),
 - c. to lay on the table or take from the table (N),
 - c. to postpone to a day certain (D), or
 - d. to defer to a committee or some administrative official (D).Such motions shall be given preference in the order they were made.

The Chairperson shall consider a motion to adjourn as always in order except if advanced on immediate repetition.
24. Motion for the Previous Question: When a motion for the previous question is made and seconded, there shall be no further amendment or debate but pending amendments shall be decided before the main question is voted on. If a motion for previous question fails, the main question and any pending amendments remain open for debate.
25. Motions to Table: Motions to table except such motions to table indefinitely may be amended as to time. If a motion to table indefinitely carries, the main motion is lost.
26. Procedure in Absence of Rule: In the absence of a rule to govern a point of procedure, it shall be determined by the Council.
27. Tie Vote: In case of a tie in votes on any proposal, the proposal shall be declared lost.
28. Ordinances: Ordinances shall be acted upon in the manner prescribed by Sections 2.13, 2.14, and 2.15 of the Freeport Town Charter.
29. Suspension of Rules: Any provision of these rules not governed by this Charter or code may be temporarily suspended at any meeting of the Council by majority vote. The vote on the suspension shall be taken by yeas and nays and entered upon the record.
30. To Amend Rules: These rules may be amended or new rules adopted by majority vote of the Council. An amendment must be submitted in writing and shall be

placed on the agenda of the next regular meeting under the order of new business.

31. Council Committees: At the seating of the new Council, or as soon thereafter as possible, there shall be chosen by the Council Chairperson the following committees comprised of not less than three (3) Council members:

- (1) Committee of Municipal Facilities;
- (2) Committee of Appointments;
- (3) Committee of Ordinance;
- (4) Special Projects Committee.

Committee Chairperson shall attempt to contact each committee member prior to establishing meeting dates and provide a five day notice of meetings when possible.

32. Council Attire: Council attire shall be at the discretion of the Council Chairperson.

33. Public Comment Period Policy:

- a. Each regular Council meeting shall begin with a public comment period;
- b. The comment period will be no longer than 30 minutes per meeting. With a majority vote of the Council, the time period can be extended;
- c. Each individual wishing to speak during the comment period will be limited to three (3) minutes. Extensions may be granted by the Council;
- d. There shall be no presumption that answers to questions asked during the comment periods will be provided at the public comment period;
- e. The appropriateness of issues raised during the comment period shall be determined by the full Council by point of order rules;
- f. The Council Chairperson shall identify the number of individuals that wish to speak prior to opening the comment period. Individuals wishing to speak shall identify themselves and speak at the podium provided;
- g. Issues eligible for executive sessions shall be excluded from the public comment period.

34. Public Hearings: Councilors shall not make comments or debate the public until everyone in the public has had an opportunity to speak. Councilors may ask speakers questions of clarification.

35. Consent Agenda: In addition to the Regular Council Agenda, a Consent Agenda shall be published and posted. The consent agenda shall qualify as a regular agenda item and be placed on the regular agenda for adoption. Items eligible for the consent agenda include:

- Board, Committee and Commission Appointments;
- Donations;
- Victualer Licenses;

- Waste Hauling Licenses;
- Municipal Release Deeds for payment of taxes;
- Peddler Licenses;
- Pinball/Video Machine Licenses;
- Passenger Vessel Licenses;
- Requests to use Municipal Properties;
- Trust Fund/Scholarship Awards;
- Parking Space Leases; and
- Other items of a routine nature.

Any member of the Council can remove items from the consent agenda for placement on regular agenda.

36. Requests for Public Documentation: The purpose of this rule is to recognize that, while Councilors have the same right of access to public document or information as does the general public, that access must not be disruptive to staff or used to surprise other Council members.

Councilors requesting copies of public documents or public information shall request it of the Town Manager or fill out a “Request for Public Documents/Information Form” provided by the Town Clerk’s or Town Manager’s office. Staff shall provide the information in the same time frame it would be provided to a member of the public, but shall be allowed up to five (5) working days to provide the information. If the information cannot be provided, staff shall state the reasons in writing within the same five (5) working days. All information or documents requested shall be available to all Town Councilors by the staff person(s) responding to the request.

37. Motions to Reconsider: Any Councilor on the prevailing side of an action taken by the Town Council, can move to reconsider a motion at the same meeting or the next regular Town Council Meeting following the meeting when action was taken. The motion to reconsider shall require a majority vote of all members of the Council. A motion to reconsider shall not be in order more than once on the same questions.

38. Town Council Email: This policy is intended to provide guidelines for the use of electronic mail (Email) regarding Town business by elected members of the Freeport Town Council. Email correspondence provides a convenient and effective way to communicate with councilors, Town employees, board and committee members, the public, vendors and other governmental agencies.

Under Maine’s Freedom of Access Act, all Email and Email attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are public records which may be inspected by any person upon request, unless otherwise made confidential by law. All Email sent and received at a Town-issued address, or any address when in an official capacity, should be considered a public record subject to public inspection

under the Freedom of Access Act, legal discovery and record retention requirements.

It is the policy of the Town council that each elected member of the council be issued a Town Email address for the exchange of Emails related to Town business. The Town issued Email address for each Town councilor shall be the sole address posted in council contact information. All Email sent from or received by a Town councilor at any other Email address other than the Town issued Email address, when in an official capacity related to Town business, should be forwarded by the individual Town councilor upon receipt to the Town issued Email address for record retention. Doing so will make the public record easily accessible to the public and will protect the individual Town Councilor from having his or her personal computer subject to public inspection under the Freedom of Access Act.

Effective January 25, 2011, the Freeport Town council has a policy of archiving all Email sent and received by individual members of the council on the Town Email system for a period of 7 years or such longer period as may be required by law (the "retention period"). No Email sent or received which is related to Town business may be deleted by any Town councilor or any other Town IT staff until the retention period has expired. When an individual Town councilor ceases to be an elected official of the Town of Freeport the Town issued Email address will be discontinued and all contents of the .pst files contained therein will be saved in a secure location on the Town server for access, as necessary in accordance the Freedom of Access Act and the Town's record retention schedule outlined above. All Emails related to Town business are public records of the Town of Freeport and as such may be inspected at any time per the guidelines of the Freedom Access Act. Except in response to a Freedom of Access Act concern, no access to individual Town councilor Email accounts, past or present, may be conducted by any Town staff without providing written notification to the individual Town Councilor stating the purpose for the required access.

All votes on Town matters must be taken at an open meeting, with a quorum of councilors present. Participants in an Email exchange should limit their discussion to personal opinion or comment and no attempt should be made by an individual in an Email exchange to influence a potential vote of the Town Council or to build consensus toward such vote, and no consensus may be achieved in an Email exchange. Council members may not use Email to engage in a deliberation, which involves a quorum of members. Matters of substance pending before the Town council should not be discussed in an Email to a quorum of councilors regardless of whether the Email is sent simultaneously or serially. Certain types of "housekeeping" matters may be communicated via-Email, such as the distribution of materials, correspondence, agendas and reports.