

## Appendix B Council Rules

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## **APPENDIX B COUNCIL RULES**

### **SEC. 1. Regular Meetings**

The regular meetings of the Town Council shall be held in the Town Office Council Chamber, or a place to be announced, at 7:00 P.M. current time on the second and fourth Thursday of each calendar month. When said day falls on a holiday or an election day, the regular meeting shall be held on the following Thursday at the same time and place.

The date of any regular meetings may be changed by an order or resolve passed at the previous meeting upon the vote of a majority of the Town Council, provided, however, that said change in date will provide for one regular meeting in each month.

### **SEC. 2. Special Meetings**

Special meetings may be called by the Chair and in case of his/her absence, disability, or refusal may be called by three (3) members of the Town Council. Notice of such meeting shall be served in person or left at the residence of each member of the Town Council at least twelve (12) hours before the time for holding said special meeting, unless all members of the Town Council sign a waiver of said notice. Local media shall also be notified of the meeting. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be considered at such special meeting.

### **SEC. 3 Workshops**

The Town Council may meet in workshop session to discuss any matter. A workshop session is open to the public and news media. At the discretion of the Chair or the Town Council, public input may be allowed. No binding vote shall be taken on any matter under discussion, but a non-binding vote on any matter under discussion may be taken.

### **SEC. 4 Executive Sessions**

An executive session may be called only by a vote of three fifths of the members of the Town Council present and voting. No ordinances, orders, rules, resolutions, contracts, appointments, or other official action shall be finally approved at an executive session. An executive session shall not be used to defeat the purpose of 1 M.R.S.A. Sec 401.

### **SEC. 5 Quorum**

A majority of the members of the Town Council shall constitute a quorum for the transaction of business.

**SEC. 6 Enactment Form**

The Town Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves shall be confined to one subject, which shall be clearly expressed in the title.

**SEC. 7 Ordinance Style**

All by-laws passed by the Town Council shall be termed “ordinances” and the enacting style shall be: “Be it ordained by the Town Council of the Town of Bucksport, Maine, in Town Council assembled.”

**SEC. 8 Order and Resolve: Style**

In all votes of command, the form of expression shall be “ordered;” and of opinions, principles, facts, or purposes, the form shall be “resolved.”

**SEC. 9 First Reading:**

Every ordinance, order or resolve shall be introduced by title only, unless by a majority vote of those present, a full reading is requested

**SEC.10 Yeas and Nays Taken: When**

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. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of four (4) members of the Town Council. In case of a tie in votes on any item, the item shall be declared lost.

**SEC. 11 Ordinances: Effective Date**

No ordinance shall take effect and be in full force until seven (7) days after adoption by the Town Council unless deemed to be an emergency ordinance or unless a different effective date is required by law or by ordinance.

**SEC. 12 Order, Resolve: Effective Date**

Orders or resolves shall take effect immediately upon passage.

**SEC.13 Agenda Items**

A detailed agenda shall be prepared by the Town Manager, approved by the Town Council Chair/or in his/her absence the Chair of the Ordinance Committee and distributed by the Town Clerk for each meeting. Item(s) of business may be placed on the agenda by any member of the Town Council by contacting the Town Clerk or Town Manager and indicating the item or items to be placed on the next scheduled meeting agenda. If the agenda has been released, the item may be discussed under Discussion Items, but no action may be taken by the Town Council, but the item shall be referred to the next scheduled Town Council meeting for consideration. Any citizen may place an item on a meeting agenda by making a written request to the Town Manager or Town Clerk noting the item of business to be included. The item will be placed on the next scheduled Town

Council agenda upon approval by the Town Council Chair or in his/her absence by the Ordinance Committee Chair. The item will be placed on the agenda only if it is deemed by the Chair to be appropriate for Town Council business, but the Town Council's decision will be final.

**SEC. 14 Agenda Order**

The order of the agenda for meetings shall be as follows:

- a. Chair calls meeting to order
- b. Roll Call by the Town Clerk
- c. Presentations of any Town Council Recognitions
- d. Consider Minutes of the Previous Meeting(s)
- e. Reports, Documents and Correspondence to the Town Council
- f. Public Hearings
- g. New Ordinances to Consider
- h. Agenda Items
- i. Town Manager's Report
- j. Discussions of Items Not on the Agenda for Council and Public
- k. Agenda Items Requiring Executive Sessions
- l. Adjournment

**SEC. 15 Chair Calling Meeting to Order**

Immediately after the call to order, the Chair will welcome the public and provide instruction on decorum as well as to let the public know if the meeting is being recorded.

**SEC. 16 Dispensing with Agenda Items or Ordinances**

- a. The Chair will read the title of the agenda item or ordinance being considered. A majority of the Town Council may request that the resolve, order or ordinance be read in its entirety.
- b. Once the agenda item has been read, any Town Council member who has or may have a conflict of interest or may want the Chair to determine whether a conflict of interest exists, will so state. The Chair will dispense with any item of conflict unless appealed to the full Council.
- c. The Chair will then direct the Town Manager, Committee Chair or other appropriate designee to provide information regarding the agenda item or ordinance under consideration.
- d. Upon receiving information, the Chair will allow members of the Town Council to ask questions relating to the agenda item or proposed ordinance.
- e. Once the agenda item or proposed ordinance has been explained and questions from the Town Council have been addressed, the Chair will seek a motion and second. The agenda item or ordinance will fail for lack of a motion and second.
- f. Once a motion and second has been received, the Chair will open the item for public comment.

- g.** Once all public comments are received, the Chair will open the item for discussion by Town Council members.
- h.** Once Town Council discussion has been completed, a vote by the Town Council will be taken.

**SEC. 17 Chair**

At its first meeting in January of each year, or as soon as practicable thereafter, the Town Council shall proceed to elect, by majority vote of the Council membership, a Chair of the meeting who shall preside at the hour appointed for the Town Council to meet, and shall immediately call the members to order.

The process to elect the Chair will require nomination by a member of the Town Council, and majority vote by those present. In the case when there is more than one nominee, the members present will cast their ballots until one nominee is selected by the majority.

The roll shall then be recorded by the Clerk, who shall enter in the minutes of the meeting the names of the members present. Once the roll call has been recorded, the Chair will determine whether there is a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

**SEC. 18 Deputy Chair**

At its first meeting in January of each year, or as soon as practicable thereafter, the Town Council shall proceed to elect, by majority vote of the Council membership, a Deputy Chair of the meeting who shall preside in the absence of the Chair at the hour appointed for the Town Council to meet, and shall immediately call the members to order.

The process to elect the Deputy Chair will require nomination by a member of the Town Council, and majority vote by those present. In the case when there is more than one nominee, the members present will cast their ballots until one nominee is selected by the majority.

The roll shall then be recorded by the Clerk, who shall enter in the minutes of the meeting the names of the members present. Once the roll call has been recorded, the Chair will determine whether there is a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

**SEC. 19 Town Council Privileges**

The Chair may move, second, declare by unanimous consent, and debate from the Chair; subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilor by reason of acting as the Chair.

**SEC. 20 Preserve Order; Decide All Questions of Order**

The conduct of any Town Council meeting is not bound by formal rules of parliamentary procedure, such as those identified in Robert's Rules of Order. The Chair may address any question of procedure that is not otherwise addressed in these rules by invoking a rule of parliamentary procedure, or by taking any other reasonable course of action. Members of the Town Council may question a procedural ruling by the Chair, and the decision of the majority members of the Town Council on the matter shall be final.

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

- a. During the Town Council meetings, Councilors shall preserve Order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the Chair or the rules of the Town Council. Town Councilors desiring to speak shall address the Chair, and upon recognition by the Chair, shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a Town Councilor is called to order while speaking, the Town Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Town Councilor shall be permitted to proceed. If ruled to be not in order, the Town Councilor shall remain silent or shall alter the remarks so as to comply with rules of the Town Council. All members of the Town Council shall accord the utmost courtesy to each other, to Town employees and to public members appearing before the Town Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Town Councilors shall confine their questions as to the particular matters before the assembly and in debate shall confine their remarks to the issues before the Town Council. Members shall be removed from the meeting for failure to comply with decisions of the Chair or for continued violations of the rules of the Town Council. If the Chair fails to act, any member may move to require the Chair to enforce the rules and the affirmative vote of a majority of the Town Council shall require the Chair to act.
- b. Public members attending Town Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council meeting may be removed from the premises if a police officer is so directed by the Chair, and such person shall be barred from further audience before the Town Council for the duration of the meeting.

Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Chair, who may direct a police officer to remove such offenders from the premises. Aggravated cases shall be persecuted on appropriate complaint signed by the Chair. In case the Chair shall fail to act, any member of the Town Council may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Town Council shall require the Chair to act.

**SEC. 21 Declare Votes: Cause Return of Votes**

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

**SEC. 22 Debate: Rules of**

When a question is under debate, the Chair shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a day certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

**SEC. 23 Motion to Adjourn: Lay on Table**

The Chair shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, shall be decided without debate.

**SEC. 24 Reconsideration**

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move for reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

**SEC. 25 Motion for Previous Question**

Upon the motion for the previous question being made and seconded, the Chair shall put the question in the following form: "Shall the main question be now put?" and all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Town Council shall be forthwith taken upon all pending amendments, and then upon the main question.

**SEC. 26 Not to Be Debated or Amended**

No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Chair or not.



**SEC. 27 Manner of speaking**

When a member is about to speak, he/she shall respectfully address the Chair confine himself/herself to the question under debate, and avoid personalities.

**SEC. 28 Not to Interrupt**

No member speaking shall be interrupted by another, but by a call to order to correct a mistake.

**SEC. 29 Breach of Rules and Order**

When any member shall be guilty of breach of any of the rules or orders of the Town Council, he/she may, on motion, be required to make satisfaction therefore, and shall not be allowed to vote, or speak, except by way of excuse, until he/she has done so.

**SEC. 30 Member Excused from Voting: When**

Every member present when a question is put shall give his/her vote, unless the Town Council, for special reasons, shall excuse him/her. Application to be so excused must be made before the Town Council is divided, or before the calling of the yeas and nays, and decided without debate.

**SEC. 31 Motion to Be Reduced to Writing: When**

Every motion shall be reduced to writing, if the Chair shall so direct.

**SEC. 32 Division of Question**

Any member may require the division of a question when the sense will admit it.

**SEC. 33 Motion for Referral**

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

**SEC. 34 Priority of Business**

All questions relating to priority of business to be acted upon shall be decided without debate.

**SEC. 35 Suspension of Rules: Amendment or Repeal**

The rules shall not be dispensed with or suspended unless five (5) of the members of the Town Council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

**SEC. 36 Procedure for Addressing Council**

Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedures:

1. Persons wishing to address the Town Council on an item which appears on the agenda shall wait for Town Council consideration and deliberation of such item. Prior to vote by the Town Council on the matter, discussion from the general public will be allowed. The Town Council may re-

- deliberate the item and then vote. No person shall be permitted to address the Town Council during the final deliberation and vote.
2. Persons wishing to address the Town Council on an item not appearing on the agenda shall do so only after disposing of all items appearing on the agenda.
  3. Any person wishing to address the Town Council shall signify his desire by raising his/her hand and, when recognized by the Chair, such person shall thereupon request permission to address the Town Council, giving his/her name and address, then designating the subject matter on which he/she desires to address the Town Council.
  4. Persons present at Town Council meeting are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

**SEC. 37 Conflict of Interest-**

- a. Financial Interest: A member who has a financial interest in any contract with the Town or in the sale, purchase or lease of any land, material, supplies or services to or from the Town, shall disclose the interest and abstain from negotiating, voting upon or otherwise participating in decisions involving such contract, sale, purchase or lease unless the contract, lease or sale is awarded through a competitive bidding process. Similarly, a member who has a financial interest in any matter before the Town Council shall disclose the interest and abstain from voting on any matter involving the interest. A copy of the disclosure and the abstention shall be recorded with the Town Clerk. A member has a “financial interest” within the meaning of this section if the member has a “financial interest” within the meaning of this section if the member owns at least a ten percent interest in the business or economic entity or ten percent or more of the stock of the corporation involved in the pending transaction or matter.
- b. Relationship: A member is disqualified in any quasi-judicial matter before the Town Council, if the member is related to any of the parties within the sixth degree (second cousin). The member shall disclose the interest and abstain from voting unless all parties waive the disqualification in writing.
- c. Appearance of Conflict: A member shall avoid the appearance of a conflict of interest, whether there is a technical conflict or not, by disclosure of the facts underlying the potential conflict, and where appropriate, by abstaining from voting on the matter. If, after disclosure, the member believes the interest will affect the member’s ability to make a fair and impartial decision faithful to the public interest, the member shall abstain from voting.
- d. Participation: An abstaining member may but need not remain in the Town Council Chamber during debate or votes on that issue. An abstaining member who wishes to be heard on a matter may join other members of the public and speak as a member of the public during that portion of the meeting when the public is being heard. In no case shall an

abstaining member participate in Town Council discussion or deliberation or otherwise act in an official capacity in the matter as to which the Councilor has abstained.

- e. **Judgment of Qualifications:** If there is any doubt as to whether a Councilor has a conflict of interest in any matter, the Chair shall determine the qualification of the challenged member. The decision of the Town Council shall be final.

### **SEC. 38 Right of Appeal**

Any member may appeal to the Town Council from a ruling of the Chair, if that appeal is seconded. The member making the appeal may briefly state the reason for the appeal, and the Chair may briefly explain the ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?"; If a majority of the member present vote "Yes", the ruling of the Chair is sustained; otherwise, it is overruled.

### **SEC. 39 Forfeiture of Office**

A member will forfeit his/her office of member in addition to reasons noted in Section 2.07 of the Town Charter for failing to attend three consecutive regular meetings of the Town Council without being excused by the Town Council.

### **SEC. 40 Residency Requirement**

A member will forfeit his/her office of member if not a resident of the Town of Bucksport. For the purpose of this section resident refers to the individual's place of domicile as defined by (M.R.S.A. 30-A Section 2001 Subsection 16). Any Town Council member who is not a resident of the Town of Bucksport is required to report his/her relocation to the Town Council at the next regularly scheduled town council meeting.

### **SEC. 41 Committees**

At the commencement of the council year, or as soon thereafter as possible, there shall be chosen the following committees, each Committee to consist of three (3) or four (4) members of the Council as the Mayor may designate, or upon a motion, the Council may ballot:

- a. **Finance & Investments Committee** – The purpose of the Finance & Investments Committee shall be to review all items related to budgets, bonds, investments, funds, grants, loans, TIF's, donations, Capital Improvement Planning, audits, major expenditures.
- b. **Services Committee** – The purpose of the Services Committee shall be to review all matters related to administration, department functions, social & community services, technology, appointments, employment, and negotiations.

- c. **Infrastructure & Properties Committee** – The purpose of the Infrastructure Committee shall be to review all matters pertaining public buildings and land, marina, walkway/trails, streets, sewer, water, gas, power, communications, and property acquisitions and disposal.
- d. **Regulatory Review Committee** – The purpose of this Committee shall be to review all matters related to all ordinances, Town Charter, citizen initiatives, rules, policies, and quasi-judicial matters.
- e. **Community & Economic Development Committee** – The purpose of the Community & Economic Development Committee shall be to review economic matters, comprehensive planning, public events, citizen forums, and public relations. This committee shall consist of three members of the Town Council and no more than eight citizens at large that shall include a representative of RSU 25
- f. **Committee Procedure:**
  - a. All Committees will be required to post an agenda at least 48 hours prior to the Committee meeting and no issue may be voted on unless it is on a posted agenda.
  - b. It shall be the responsibility of the Committee Chair to discuss the development of the agenda with the assigned staff person at least 24 hours before the deadline for posting an agenda.
  - c. The assigned staff person shall prepare and post the agenda.
  - d. Draft minutes of each meeting will be prepared by the Staff member within five (5) business days.
  - e. Committee meeting minutes shall be posted on the Town website following their voted approval by the Committee.
  - f. Non-committee Council members attending a Committee meeting will have voting rights if they have been present for the entire discussion of an issue, providing that at least two of the three appointed members of the committee are present.
  - g. Two appointed members of the Committee shall constitute a quorum.
  - h. The Mayor shall serve as a member of all Committees for quorum purposes.

The Mayor may appoint members of the Council and/or citizens of the Town to special committees as authorized by the Town Council.

In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, “Roberts Rules of Order” shall be taken as authority to decide the course of proceedings.

#### **SEC. 42 Procedures for Treasurer’s Warrants**

The treasurer may disburse money only on the authority of a warrant drawn for the purpose and signed by the Chair, or in the absence of the Chair, by the Chair of the Finance Committee. Copies of all signed treasurer’s warrants will be

provided to all members of the Town Council during regular town council meetings.

**SEC. 43 Resolves for Employee or Citizen Recognitions**

Any member of the Town Council following the procedures outlined by Section 13(Agenda Items) of this article may request recognition of any citizen or council agenda. Such recognition will be presented to the town manager or town clerk in the form of a written resolution. After and only upon favorable vote by the majority members of the Town Council, the Town Clerk will forward a copy of the resolution to the person or persons given the recognition.

**SEC. 44 Process of Filling Vacancies Until Next Election**

If for any reason a council seat is made vacant more than 90 days before a regular election, the process for appointment of an interim councilor to serve until the next regular election is held is as follows:

1. The process to elect the interim councilor will require nomination by a member of the Town Council, and majority vote by those present. In the case when there is more than one nominee, the members present will cast their ballots until one nominee is selected by the majority.

**SEC. 45 Swearing in of Councilors Elected to Fill Unexpired Terms**

Town Councilor(s) elected to complete an unexpired term shall be sworn into office at the first Council meeting following certification of the election results in which the candidate was elected.

*Appendix B Council Rules was adopted in conjunction with the Town Code on March 9, 1978, and amended on the following dates: May 9, 1991; April 24, 1992; July 11, 1996; June 26, 2003.*

*Updated March 16, 2004.*

*Amended December 9, 2010 to replace the existing Appendix B of the Bucksport Town Code for the purposes of clarifying the rules and procedures regarding how, when and where the Town Council will conduct its business, the conditions the members will follow to conduct themselves, and how and when the public will be allowed to participate as the Town Council conducts its business.*

*Amended June 14, 2018 to remove Charter conflicts in Sections 1, 2, 11, 17 and 39, and to amend Section 41 to replace the committee structure.*

*Amended January 9, 2020 to add Sections 44 & 45.*

*Amended October 14, 2021 to revise Section 41(e)*

***Town Clerk notes:*** *Several scrivener errors occurred when the Bucksport Town Code was translated to an electronic format. The following errors were corrected on August 2, 2007:*

*Section 15: A spelling error was corrected. "pervious" was changed to "previous".*

*Section 30: A spelling error was corrected. "Manger" was changed to "Manager".*