

## **HERMON TOWN COUNCIL RULES**

The Hermon Town Council adopts the following rules to maintain productivity and consistency in Council Meetings. These rules shall be administered by the Chairperson and enforced by the Council as a whole. If any section of these rules is found to be in conflict with any Federal Laws, State Laws, or the Charter of the Town of Hermon that section is voided while leaving the remainder of the rules in full force and effect. Roberts Rules of Order is utilized as a guideline for all Council Meetings but is not formally adopted as the Rules of the Council.

The Hermon Town Council further states, "It is the policy of the Town of Hermon to uphold, promote, and demand the highest standards of ethics and conduct from all of its employees and officials, whether elected, appointed, or hired. The Town Councilors, all Town employees, and all members of Town boards, commissions, and committees shall maintain the highest standards of personal integrity, truthfulness, honesty, and fairness in discharging their public duties."

### **SECTION 1 REGULAR COUNCIL MEETINGS**

The Town Council shall adopt a regular meeting schedule at the first meeting in July of every fiscal year. The schedule will be through to, and including, the first meeting in July of the next fiscal year. The date of a regular council meeting may be changed by an order or resolve passed at a regular council meeting with approval of at least four councilors. The Schedule, in as much as possible, is the first and third Thursdays of each month; the first meeting is intended for action without workshops and the second meeting is primarily intended for workshops. It is understood that the business of the Town will be conducted at both meetings.

#### **Workshop Meetings:**

The purpose of a workshop meeting is primarily for council dialogue involving reports and proposals from council members, committees and staff that may be considered at later Town Council meetings. The Town Council may give guidance to the Town Manager and to staff at workshop meetings but no decisions may be made that require formal votes without waiving the rules.

### **SECTION 2 SPECIAL COUNCIL MEETINGS**

Special Meetings may be called by the Chairperson, and in case of his/her absence, disability, or refusal may be called by the Vice-Chairperson. Notice of such meeting shall be served in no less than 24 hours to each member of the Council, by the Town Manager or his / her designee unless all members of the Council sign a waiver of said notice. The call for said Special Meeting shall set forth the matters to be acted upon at said Special Meeting, and nothing else shall be considered at such Special Meeting.

### **SECTION 3 TOWN CLERK**

The Town Clerk, or a designee, is responsible for recording meetings, motions, and votes. During the course of discussion or voting the Clerk or Town Manager on his / her behalf

may interrupt debate to clarify a statement or verify any aspect of the meeting as it relates to the duties of recording the meeting.

#### **SECTION 4 QUORUM**

A majority of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn a meeting or may compel attendance of absent members in the manner prescribed by the rules of the Council. At least twenty-four hours notice of time and place of holding such adjourned meeting shall be served on all members who were not present at the meeting from which adjournment was taken.

#### **SECTION 5 COUNCILOR RESIGNATION**

Any Councilor resigning must present, in writing, to the Town Manager or in his/her absence the Town Clerk a signed letter with an effective date of the resignation. The resignation will then be presented to the Council on the Consent Calendar at the next scheduled Council meeting.

#### **SECTION 6 FIRST READING**

Every ordinance, order, or resolve shall have a first reading if requested by one (1) councilor and is not subject to discussion. If no request is made, the first reading shall be dispensed with and shall be by title only. All agendas shall designate or signify an item that is a first reading.

#### **SECTION 7 AGENDA**

The agenda shall be prepared by the Town Manager and/or Town Clerk, and shall contain orders, ordinances, and resolutions submitted by the Town Manager, members of the Council, Town employee, and/or any citizen of the Town of Hermon. No item which has been voted upon by the Council shall be placed on the agenda, in the same form or containing substantially the same content and/or request, as determined by the Chairperson, for reconsideration, if that item has been once reconsidered, for a period of ninety (90) days after any such vote to reconsider, except by a two-thirds (2/3) vote. Said ordinance shall follow the form designated by the Charter and rules of the Council. All items to be placed on the agenda shall be submitted to the Town Clerk, in writing, a minimum of eight (8) days before the Council meeting. The agenda shall be emailed or faxed to the Council six (6) days prior to the meeting and the packets will be available, placed in the mail, or placed in Council mailboxes in the Council Meeting Room at the same time. Any additions to the packets that require immediate attention will be placed in a Table Package that is presented at the time of the meeting. Items will only be discussed in the sequence as they appear on the agenda, unless the Council, by consensus, agrees to change the order. Items may be added to the agenda at any meeting with the unanimous vote of Council members present. The Council also acknowledges that the only requirement, in State Law, is that the agenda indicates the date, time, and place of the meeting.

**Consent Calendar:** Those items, which in the opinion of the Chair, are considered routine matters not requiring debate may be included on the Agenda as a consent item. Any Councilor wishing to have any item so marked removed from the consent agenda shall have the unlimited right to do so at any time prior to the vote by Council on the consent agenda. If such an item is removed from the consent agenda, it shall be considered within the normal course of the Agenda.

**Agenda Order:**

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

1. Call to Order by the Chairperson
2. Pledge of Allegiance to the Flag of the United States
3. Roll Call
4. Consent Calendar
5. Sign Warrants
6. News, Presentations, and Recognitions
7. Public Items or Comment (Items Not Already on the Agenda)
8. Public Hearings
9. Committee Reports
10. Scheduled Agenda Items
  - a. Old or Incomplete business
  - b. New Business
  - c. Other items from Table Packet (time sensitive material only)
11. Appointments
12. Manager Status reports
13. Final Public items or comment (Items Not already on the Agenda)
14. Council Items
15. Executive Session
16. Adjournment

**SECTION 8 CHAIRPERSON'S DUTIES**

The Chairperson shall preserve the 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 Council by motion regularly seconded; no other business shall be in order until the question on appeal is decided.

Election of the Chairperson shall occur as the last agenda item at the first meeting of the fiscal year, unless the position is vacant. If the position is vacant the Council should not conduct any business until a Chairperson is selected.

A. Chairperson to be Presiding Officer:

The Chairperson shall take the Chair at the time appointed for the meeting, verify quorum, and conduct the meeting pursuant to the agenda. The Chairperson shall

conduct the meetings in a manner as described below and shall be the arbiter in all matters of meeting protocols.

B. The Chairperson shall be responsible to preserve Decorum and order:

**Decorum** Persons present at council meetings and workshop meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at meetings may only address the Town Council after being recognized by the Chairperson and only at the lectern.

1. May speak to points of order in performances of other members, and shall decide all questions or orders subject to appeal of the Council by motion regularly seconded. No other business shall be in order until the question on appeal is decided.
2. May rule any person out of order and require a speaker to take his or her seat.
3. May eject any person from the meeting place who, after being ruled out of order, remains disorderly.
4. May, in case of disorder, declare the meeting recessed until order is restored.
5. May, in case 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.
6. May recognize a person wishing to address the Council who has raised his or her hand to be recognized by the Chairperson.
7. Shall insure that all comments be confined to the question under debate, and shall avoid personalities.
8. Shall promote open discussion and assure that no person speaking is interrupted, except by the Chairperson, or to raise a point of order, or to correct an error.

C. Declaration of Votes:

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.

## **SECTION 9 DEBATE ON A MOTION**

The Chairperson presides over all meetings of the Town Council. Debate of Motions shall follow the rules as outlined in the Chairperson's Duties (Section 8).

Motions shall follow the following guidelines:

### A. Motions:

1. The Chairperson or a designee of the Chairperson shall summarize every item on the agenda following its reading by title.
2. Every motion shall be reduced to writing, if the Chairperson shall so direct.
3. To make a motion: (all orderly motions shall start with the words "I Move")
4. The Chairperson shall request from Council members, a motion to place on the floor for discussion and subsequent action, any Ordinances, Orders, or Resolves.
5. Any Ordinance, Order, or Resolve must be moved and seconded to be discussed or acted upon.
6. 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.
7. The Chairperson shall consider a motion to adjourn as always in order except on immediate repetition.
8. A motion to adjourn, place on the table, or to take from the table, shall be decided without debate.
9. 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.
10. Motions for the Previous Question (to close debate) shall be handled according to parliamentary procedures and/or Robert's Rules of Order.
11. For the purposes of interpreting rules of order, a Council "session" lasts from the first July 1<sup>st</sup> of the fiscal year through June 30<sup>th</sup> of the fiscal year. The general rule of order against renewal of motion during the same session applies to this period.

### B. When a question is under debate, the Chairperson shall receive no motion but:

1. To adjourn;
2. To place on the table;

3. For the previous question;
4. To postpone to a date certain;
5. To refer to committee, administrative official, or legal representative;
6. To amend;
7. To postpone indefinitely, provided that several motions shall have precedence in the order in which they stand arranged;
8. To divide the question in wording for separate debate.

Motions shall have precedence in the order written above.

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

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

In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Robert's Rules of Order", latest edition, shall be taken as authority to decide the course of proceedings.

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

## **SECTION 10 WORKSHOP GUIDELINES**

Workshop discussion differs from debates of a motion in that workshops are intended to promote interaction and the building of ideas. To enhance discussion the following are the rules of discussion in a workshop:

1. Each person agrees to fully and consistently ***participate in the process unless that person withdraws***. Participants, who are considering withdrawing, agree to explain their reasons for doing so and give others a chance to accommodate their concerns.
2. ***Consensus is reached*** when the participants agree that they can "live with" the package being proposed. The package proposed must be in writing so that all can agree to the format. Some participants may not agree completely with every aspect of the proposal, but they do not disagree enough to warrant opposition.
3. ***Using straw votes*** the following chart shall be used to determine if consensus has been reached.
  - a. Wholeheartedly agree
  - b. Good idea
  - c. Supportive
  - d. Reservations – would like to talk more

- e. Serious concerns – must talk more
  - f. Cannot be part of the decision – must block it
- Consensus is reached if everyone falls between an A and a C. If someone falls in a D to an F they must clearly state their concern and offer a constructive alternative.
4. If **consensus cannot be reached**, the group agrees to document the agreements they have reached, clarify the reasons for disagreeing, and indicate how the remaining disagreement may be resolved.
  5. If no agreement can be reached then the participants will **consider the “fallback” option**. Fallback options are:
    - a. Identifying issues requiring further research and suspending deliberations until that research has been completed;
    - b. Agreeing to switching to a super-majority voting rule (something that is two-thirds or greater);
    - c. Seeking a recommendation from an independent expert regarding possible ways of resolving their remaining disagreements;
    - d. Including a minority report to the final proposal;
    - e. Letting the authorized decision maker (the Town Council) impose a decision.
  6. The Town Council, in attempt to build consensus, agrees to not amend a motion when first presented from a workshop. If the motion presented to the Council is not acceptable it will be referred back to a workshop with comments for further review. Upon a second proposal being presented from a workshop, the Council reserves the right to amend such proposal as they feel appropriate.

## **SECTION 11 COUNCIL & STAFF SPEAKING AT COUNCIL MEETINGS**

### A. MEMBER OF COUNCIL SPEAKING During Council Meetings:

During the Town Council meetings, Councilors shall follow 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 confine themselves to the question under debate and shall avoid all personalities and indecorous language. A Councilor, once recognized, 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 Councilor is called to order while speaking, the Town Councilor shall cease speaking immediately until the question or 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 the 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 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. An affirmative vote of the majority of the Town Council shall require the Chair to act.

B. Staff Speaking During Council Meetings:

Staff members or the Town Manager desiring to address the Town Council shall be recognized by the Chair, shall state their name for the record, and shall limit their remarks to the matter under discussion. All remarks and questions addressed to the Town Council shall be addressed to the Town Council as a whole and not to any individual member thereof. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Chairperson.

Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applicable to the members of the Town Council. While the Chairperson shall have the authority to preserve decorum in meetings as far as staff members and Town employees are concerned, the Town Manager shall also be responsible for the orderly conduct and decorum of all Town employees under the Town Manager's direction and control. The Town Manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by Town employees in Town Council meetings.

**SECTION 12 INDIVIDUALS ADDRESSING THE COUNCIL**

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

**Public Participation at Regular Town Council Meetings**

The public is welcome to participate at Town Council meetings. The participation may take the following forms:

- A. Persons wishing to address the Council on an item which appears on the agenda shall wait until the Chairperson announces the consideration of such item, at which time they address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item, and any person desiring to further address the Council on such item must wait to do so until all items on the agenda have been completed.

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising his or her hand or by approaching the lectern. When recognized by the Chairperson, the speaker shall give his or her full name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to 3 (three) minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items



that are not formally advertised public hearings, the Chairperson or a majority of the Town Council may limit the total time of public comments to 15 (fifteen) minutes per agenda item. This time may be extended by a majority of the Town Council. The Chairperson may decline to recognize any person who has already spoken on the same agenda item. Once the council has begun its deliberations on an item, no person shall be permitted to address the council on such item.

- B. Persons wishing to address the council on an issue or concern local in nature **not** appearing on the agenda may do so during the consideration of Public items and/or after the disposition of all items appearing on the agenda.

Issues raised during the non-agenda item comment period may be immediately responded to with brief answers by the Chairperson or by the Town Manager when directed by the Chairperson. After each comment period, the Chairperson will indicate that each person who did not receive an immediate response will receive a follow-up response and/or updated at the next Council Meeting. Copies of responses will be provided to all Town Council members.

- C. All presentations to the Council are recommended to be 15 (fifteen) minutes.

- D. Participants or speakers are asked to refrain from reiterating points already made by themselves or another speaker.

- E. 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, derogatory, or 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 an officer of the law to remove such offenders from the premises. Aggravated cases shall be prosecuted on appropriate Council Working Rules 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.

### **SECTION 13 BREACH OF THE RULES OR ORDERS**

When any member breaches the rules or orders of the Council, he/she may, on motion, be requested to provide a satisfactory explanation for such behavior.

### **SECTION 14 VOTING BY THE COUNCIL**

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 document.

All orders and resolves shall be numbered and must be signed by all Council members present when the vote was called;

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

**A. Members must vote** Unless a Town Council member shall recuse him or herself from voting for reason of conflict of interest, the Town Council member must vote when the yeas and nays are called. The yeas and nays shall be taken and recorded upon passage on the signed ordinances, orders, and resolutions. Every ordinance, order, and resolve shall require, on final passage, the affirmative vote of four members of the Council.

**B. Conflicts of Interest** The Town Council will adhere to all laws pertaining to Conflicts of Interest and the Town Charter. Each Town Council member shall be responsible to disclose any potential conflict of interest immediately after the Chairperson introduces an item. The council member shall briefly explain their reason why they believe they may have a conflict of interest. The balance of the Town Council members after reviewing applicable statutes shall by majority vote determine if the member has a conflict. If any member of the Town Council believes that another member has a statutory conflict of interest, they may raise a point of order at any time and the Town Council shall immediately suspend business to resolve the issue. If any member discovers part-way into a discussion that they may have a conflict of interest, the council member may raise a point of order and the Town Council shall immediately suspend business to resolve the issue. All resolutions of conflict of interest issues shall be by majority vote of the remaining Town Council members and after citing applicable statutory provisions. If the same issue is to be discussed at subsequent meetings, the recusal need not be revoted. The Chairperson will announce to those present the previous decision to recuse the council member.

**Potential Conflicts may include, but not limited too:**

**A. Financial Interest:** A Town Councilor is prohibited per the Town Charter from having a contract with the Town. Similarly, a Councilor 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 Councilor has a “financial interest” within the meaning of this section if the Councilor, or immediate family 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 Town Councilor is disqualified in any quasi-judicial matter before the Town Council, if the Councilor is related to any of the parties within the sixth degree (second cousin). The Councilor shall disclose the interest and abstain from voting unless all parties waive the disqualification in writing.

**C. Appearance of Conflict.** A Town Councilor 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 Councilor believes the interest will affect the Councilor's ability to make a fair and impartial decision faithful to the public interest, the Councilor shall abstain from voting.

**D. Participation.** An abstaining Councilor may but need not remain in the Town Council Chamber during debate or votes on that issue. An abstaining Councilor who wishes to be heard on the 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 Councilor participate in Council discussions or deliberations or otherwise act in an official capacity in the matter as to which the Councilor has abstained.

**SECTION 15 ACCEPTANCE WITHOUT A ROLL CALL (ACCEPTED UNLESS DOUBTED)**

The Chairperson may accept a question as moved and seconded unless any other councilor, the town manager, or the town clerk opposes. Motions that may not be accepted unless doubted include, but are not limited to, motions with a financial impact, entering executive session, acceptance or rejection of contracts, and setting elections and town meetings.

**SECTION 16 DISPENSING OR WAIVING OF THE RULES**

The rules shall not be dispensed or suspended unless five of the members of the Council consent thereto. No rules or order shall be amended or repealed without notice, in writing, being given at the preceding meeting. Waiving or suspension of the rules is only intended for consideration of an item that may not meet normal Council Rule notification requirements.

**SECTION 17 EXECUTIVE SESSIONS**

An Executive Session may be called only by a majority vote of the Council. No order, ordinance, resolution, rules, regulations, contract, appointments, or other official action, shall be finally voted in an executive session. An Executive Session shall not be used to defeat the purpose of 1964 MRSA TITLE I, SEC. 401. Executive Sessions shall be in accordance with the State Law.

**SECTION 18 MAINE MUNICIPAL ASSOCIATION**

The Town Manager, the Town Clerk, the Tax Assessor, the Code Enforcement Officer, the Fire Chief, the Deputy Sergeant and the Recreation Director, and the Finance Officer are the only representatives of the Town of Hermon authorized to contact Maine Municipal Association. In addition the Chair, Vice Chair or another Council member designated by Council vote have the right to contact Maine Municipal Association.

**ORIGINALLY ADOPTED: 05/29/74**  
**AMENDMENT: 01/02/80**  
**AMENDMENT: 06/20/90**

**AMENDMENT:** 12/05/96; Effective July 1, 1997 (096-97-14)  
**Amended:** 11/3/05; Effective November 20, 2005  
**Amended:** 5/4/06; Effective June 4, 2006  
**Amended:** July 12, 2007; Effective August 12, 2007  
**Amended:** September 3, 2009  
**Amended:** September 15, 2011

**SIGNED** this September 15, 2011 by the Town Council:

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Tim McCluskey

\_\_\_\_\_  
Sharon Nickerson

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Douglas Sinclair

\_\_\_\_\_  
Donna Pulver

\_\_\_\_\_  
Anthony Reynolds

\_\_\_\_\_  
Anne Freeman

\_\_\_\_\_  
William Scott

**Attest Original:** \_\_\_\_\_  
Clerk

