

EXHIBIT A – ORDINANCE NO. 20-06

Village of Waterville
SECTION 121.02 RULES OF COUNCIL

I. Effective immediately following adoption of these rules by the Village Council, the following rules, regulations, and by-laws will be adhered to. They shall remain in effect unless otherwise changed by the Village Council. Such action is in keeping with Section 3.07 POWERS OF COUNCIL of the Charter of Village of Waterville (“Charter”) which states that the Council shall adopt its own rules and regulations, or by-laws

A. **MEETINGS** - Two types of meetings are recognized:

1. **Regular Meetings** will be held in accordance with Section 3.08 of the Charter and with the provisions of this Chapter.
2. **Special Meetings** may be held in accordance with Section 3.13 of the Charter.

B. **AGENDA** - the following stipulations relate to the Agenda for Meetings of the Council.

1. All Council members may submit agenda items. An item must be received at the Administrator’s office at the Municipal Building by 4:30 P.M. two (2) working days prior to the day of a Regular Meeting in order to be included in the agenda for that meeting. Council Members shall be advised of any item requested but not appearing on the agenda. Such items may be taken up for discussion as a matter of Council business during a Regular Meeting. If the matter is of an emergency nature and comes to the Village’s attention too late to appear on the agenda, through an expression of a majority will of the Council Members it shall be considered for action at that meeting.

Any member of the Village staff wishing to have an item placed on the agenda shall submit that item to the Municipal Administrator’s office for approval two (2) working days prior to the day of a Regular Meeting. The Municipal Administrator may establish procedures for submission of routine items without his approval.

2. The agenda packets for all Regular Meetings will be prepared and will be delivered to the Council Members at least three calendar days prior to the day of the meeting.
3. The Municipal Administrator’s office will assume responsibility for posting a copy of the agenda at the designated public sites not less than 24 hours preceding the time of the meeting.
4. At any Special Meeting called pursuant to Section A.2. above, Council shall restrict its discussion and action solely to the item or items contained on the agenda for that meeting.
5. The routine order of business for Regular Meetings shall be as follows:

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1. Call to Order
 - A. Prayer
 - B. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes
4. Citizen Comments
5. Staff Reports
 - A. Administrator
 - B. Solicitor
 - C. Finance Director
 - D. Treasurer
 - E. Police Chief (First Meeting of Month only)
 - F. Fire Chief (First Meeting of Month only)
 - G. Public Works Director (First Meeting of Month only)
6. Communications from Council Members/Committees
7. Old Business
8. New Business
9. Other Information/Unscheduled Business
10. Adjournment

6. The Presiding Officer may alter the order of business at any meeting at their sole discretion.

C. COUNCIL PROCEEDINGS

These procedures shall apply to all meetings of the Village Council.

1. **Chair** - The Mayor shall be the Presiding Officer at all meetings of the Village Council and have a voice in all of its proceedings. In the event of the absence of the Mayor, the Vice-Mayor, shall be the Presiding Officer. In the event of the absence of the Mayor and Vice-Mayor, the meeting shall be rescheduled.
2. **Roll Call** - The Presiding Officer shall take the Chair at the hour appointed for Council to meet, and immediately shall call the Council to order. The roll shall then be called by the Clerk, who shall enter in the journal of each meeting the names of members present. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote, take a recess or recesses and cause the Clerk to procure the attendance of the absent members.
3. **Addressing the Chair** - Council Members shall speak in the Council Meeting only upon being recognized by the Presiding Officer whose recognition shall not be unreasonably withheld.
4. **Voting** - Every member present when a question is put shall vote on same unless Council shall for special reasons excuse him/her from voting. Said excuse shall be granted only if the members present accept the special reasons. There shall be no debate upon this question.

At any meeting at which a quorum is present, any action may be taken by the affirmative vote of a majority of the members of Council present, unless a larger number is required by the provisions of the Charter or the laws of the State not in conflict therewith.

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The Clerk shall alternate the rotation of the members of Council when conducting roll call votes.

5. **Excusal from Attendance** - No member shall be excused from attendance at a Council meeting except by a vote of a majority of the members present.
6. **Excusal During Meeting** - No member shall be excused while Council is in session except upon permission of the Chair.

D. **PARLIAMENTARY PROCEDURE**

In Regular and Special Meetings, Robert’s Rules of Order will be followed. The following commonly used procedures shall be followed:

PARLIAMENTARY QUESTIONS, MOTIONS AND THEIR PRECEDENCE				
		Debatable	Amendable	A Majority Vote (of those present)
1.	To adjourn	No	No	Yes
2.	To take a recess	No	Yes	Yes
3.	For the previous question	No	No	Yes
4.	To continue to a time certain	Yes	Yes	Yes
5.	To commit, refer or recommit	Yes	Yes	Yes
6.	To amend	Yes	Yes	Yes
7.	To amend an amendment	Yes	No	Yes
8.	To offer a substitute amendment	Yes	Yes	Yes
9.	To amend a substitute amendment	Yes	No	Yes
10.	To postpone indefinitely	Yes	No	Yes
11.	Take under advisement	Yes	No	Yes
12.	For the original question	No	No	Yes
13.	To table	Yes	No	Yes
14.	To adjourn to Executive Session	Yes	Yes	Yes
15.	To reconvene to Regular Session after Executive Session	No	Yes	Yes

1. **Handling a Motion** (Section 4) - “The three steps by which a motion is normally brought before the assembly are as follows: (1) A member makes the motion. (2) Another member seconds the motion. (3) The chair states the question on the motion. . .”

“Neither the making nor the seconding of a motion places it before the assembly; only the chair can do that, by the third step. When the chair has stated the question, the motion is pending. It is then open to debate (the parliamentary name given to any form of discussion of the merits of a motion).”

“As soon as a member has made a motion, he resumes his (place). He will have the right to speak first in debate, if he wishes, after the chair has stated the question.”

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2. **Close Debate to Vote** - Any Council Member may call for the question on any issue, and upon seconding by another Council Member, the issue shall immediately be put to vote. This shall be done by the member calling for the previous question. Passage of the motion to address the previous question shall terminate debate on the motion, amendment, or amend motion, and the matter shall move on immediately.
3. **Reconsider** (Section 36) - “Reconsider . . . enables a majority in an assembly, within a limited time and without notice, to bring back for further consideration a motion that has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.”

“ . . . , the motion to Reconsider has the following unique characteristics:

- a) It can be made only by a member who voted with the prevailing side. In other words, a reconsideration can be moved only by one who voted **aye** if the motion involved was adopted, or **no** if the motion was lost.
- b) . . . In a session of one day - such as an ordinary meeting . . . - the motion to Reconsider can be made only on the same day the vote to be reconsidered was taken.”

E. **DEBATE**

1. **Limit Debate** - The Council may agree to limit debate on any business before it. That agreement may be formalized by a majority of the Council on a roll call vote.
2. **Assignment of the Floor: Debate** (Section 41) When a measure is present for consideration by the Council, the Presiding Officer shall recognize the appropriate individual to present the case. “If the member who made the motion that is immediately pending claims the floor and has not already spoken on the question, he is entitled to be recognized in preference to other members.” When two or more members wish to speak, the Presiding Officer shall name the member who is to speak first. “Except by unanimous consent, a motion can be made only by one who has been recognized by the chair as having the floor.”
3. The Presiding Officer shall not be obligated to recognize any Council Member for a second comment on the subject or amendment until every Council Member wishing to speak has been allowed a first comment. Council Members shall also have the right to yield a portion of time to another member.

“No member who has already had the floor in debate on the immediately pending question is entitled to it again . . . on the same question so long as any member who has not spoken on that question claims the floor.”

4. No member shall speak more than five minutes on any amendment to the question except as further provided in this rule. No member shall speak more than the time limits provided herein on any subject or amendment, and such member may use his/her time in any combination, in separate speech or comments totaling the number of minutes permitted.

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Any member deciding to speak more than five minutes on any question or more than five minutes on any amendment to the question shall be accorded the privilege without objection or upon motion supported by two-thirds of the Council.

5. “When assigned the floor, a member may use it for any purpose, or combination of purposes; for example, although a member began by debating a pending motion, he may conclude by moving any secondary motion which is in order at the time.”
6. No member of the Council shall interrupt another while speaking except to make a point of order or to make a point of personal privilege. “When a member has been assigned the floor and has begun to speak he cannot be interrupted (unless he begins to discuss a subject when no motion is pending or speaks longer in debate than the rules of the assembly allow) by another member or the chair except for one of the following purposes, and then only when the urgency of the situation justifies it:
 - a) a Call for the Orders of the day (requiring the assembly to conform to its agenda),
 - b) raising a question of privilege,
 - c) a Point of Order (calling of failure to observe rules of speaking),
 - d) a call for a separate vote on one or more of a set of independent resolutions . . . ,
 - e) an . . . inquiry that requires and immediate response.”

F. DECORUM

1. **Dilatory & Improper Motions** (Section 38) - “A motion is dilatory if it seeks to obstruct or thwart the will of the assembly as clearly indicated by the existing parliamentary situation.” “Parliamentary forms are designed to assist in the transaction of business. Even without adopting a rule on the subject, every deliberative assembly has the right to protect itself from the use of these forms for the opposite purpose. It is the duty of the Presiding Officer to prevent members from misusing the legitimate motions, merrily to obstruct business.”

“Whenever the chair becomes convinced that one or more members are using parliamentary forms for obstructive purposes, he should either not recognize these members or he should rule that such motions are out of order . . .”
2. No Council Member shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation, or use language tending to hold a member of the Village Council up to contempt.
3. If a member is speaking or otherwise transgressing the rules of the Council, the Presiding Officer shall or any Council Member may call him or her to order in which case he or she shall immediately be quiet unless permitted to explain. The Council, shall if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but not otherwise, and if the case occurs that he/she shall be liable to censure or thereto such punishment as the Council deem proper consistent with Village Ordinances and Charter.

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G. CITIZEN PARTICIPATION AT MEETINGS

GENERAL

1. All citizens or visitors attending any Regular or Special Council meeting will be asked to sign the roster or sign-in sheet as provided. The Clerk of Council, as a matter of record, will add their names to the minutes of said meeting.
2. In the best interests of the Village, the Presiding Officer of the meeting may choose to alter some or all of these rules governing “Citizen Participation”, if deemed necessary to exact the appropriate information for consideration.

AGENDA

3. Citizens may, at the discretion of the Presiding Officer of the meeting, participate in the discussion of any item of business as listed upon the meeting agenda. To maintain decorum, the Presiding Officer at said meeting, may ask the citizens present if they wish to speak for or against any item as listed on the meeting agenda. If so, they may be given an opportunity to do so at the proper time and place, when duly recognized by the Presiding Officer of the meeting.
4. Waterville citizens are encouraged to request discussion of any pertinent issue by Village Council through the inclusion of said issues on meeting agendas in the manner discussed herein. It is the expressed desire of the Village of Waterville to specifically address issues that are pertinent to the general good of the community. However, said issues must be brought forward in a proper and constructive manner to assure their appropriate consideration.
5. All citizens and visitors proposing an item for consideration or discussion by Village Council must request the placement of said item on the meeting agenda in accordance with the provisions of Section B-1 of these *Rules of Council*.

CITIZEN COMMENTS

6. A “Citizen Comments” section shall be listed upon the meeting agenda to allow for general comments on village issues from its residents. This item will be provided specifically for general comments from residents or citizens of the Village of Waterville. When properly recognized by the Presiding Officer of the meeting under this agenda item, citizens will be limited to two (2) minutes for comments. The maximum time allotted for all “Citizens Comments” at each meeting shall not exceed a total of ten (10) minutes.
7. As a general rule, Council and/or the staff shall not respond to questions or comments submitted under the “Citizens Comments” section of any meeting. Responses to said discussion will be considered for proper reply at an appropriate time. *Citizens are encouraged to submit requests for items of discussion in advance, so that all information germane to the subject they wish to be discussed can be available and considered.*
8. All citizens as defined who wish to address Council shall complete a “Request to Address Council” form as provided prior to the meeting. Upon completion, said forms shall be submitted to either the Clerk of Council or the Presiding Officer of the meeting.

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H. MISCELLANEOUS

1. Approval of Minutes - No member of Council shall edit the minutes as written by the Clerk until the next regularly scheduled Council meeting.
 2. Amending the Rules – These rules may be altered, amended, rescinded, or supplemented by passage of an Ordinance specifying such alterations, amendments, rescissions, or supplements.
 3. Except for the purpose of investigations authorized by the Charter, the Council or its members shall deal with municipal officers and employees who are subject to the direction and supervision of the Municipal Administrator solely through the Administrator.
- II. Effective immediately following adoption of these rules by the Village Council, the following rules, regulations, and by-laws will be adhered to by advisory or study committees formed by the Mayor, Village Council or the Municipal Administrator. They shall remain in effect unless otherwise changed by the Village Council. Such action is in keeping with Section 3.07 POWERS OF COUNCIL of the Charter of Village of Waterville which states that the Council shall adopt its own rules and regulations, or by-laws. This section shall not supersede the rules, regulations, and by-laws of committees, commissions or boards formed by legislation including, but not limited to, the Finance Committee, Tree Commission, Historic District Commission, Municipal Planning Commission, Personnel Board, Board of Zoning and Building Appeals and Municipal Records Commission.

A. FORMATION

The Mayor, Village Council or the Municipal Administrator may recommend forming advisory or study committees (see Conflict of Interest, *Charter, Article X, Section 10.01*). Council approval is required before a committee formally meets.

B. MEMBERS

Advisory or study committees shall have at least three members. Of those members at least two and not more than three shall be members of Council. Village employees will not serve as *voting* members of any committee nor will their presence be included to establish a quorum. Committee members must be Village residents, Village business owners or Village property owners or an authorized representative of a Village property owner or Village business owner.

1. Application and Appointment - Non-Council members and non-employees shall complete a volunteer application, which will be on file at the Municipal Building. Appointment to a committee will be by the Mayor and subject to the approval of Council. The appointment will be announced at a Council meeting.
2. Terms - Committee members shall serve for terms which coincide with seating of a new Council after a municipal general election at two-year intervals beginning January 1, 1998. Members may be reappointed by Council with the member's consent. Mid-term appointments shall be permitted.
3. Removal - With the exception of council members, other members will be removed if they miss more than three regularly scheduled monthly meetings in a calendar year.

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C. CHAIR

The chair of an advisory or study committee must be an elected member of Council. In the absence of the committee chair, only a committee member who is an elected member of Council may chair the meeting.

D. MEETINGS

The committees may designate a day and time for regularly scheduled meetings (example third Thursday of every month at 7:30 p.m.). The Chair or a simple majority of the committee may decide to cancel a meeting. Members are responsible for contacting the Municipal Administrator, or his designee, in advance if they will not attend a meeting.

1. Special Meetings - Special meetings (as opposed to regular schedule) can be held at the direction of the Chair of the Committee, Village Council, or the Municipal Administrator. Special meetings will also be subject to quorum and chair requirements.
2. Quorum - A quorum of members and a chair is required to conduct any business, i.e. approve minutes, make recommendations, etc.

If a quorum is not present, it is not a meeting of a public body. No minutes will be taken and the staff has the option of staying for general discussion or leaving.