

**RULES OF ORDER AND PROCEDURE FOR  
MECHANIC FALLS TOWN COUNCIL**

**Adopted November 5, 2012**

**Amended ~~DATE~~ March 2, 2020**

**1. COUNCIL MEETINGS**

- 1.1. **Regular Council Meetings:** The Council shall meet in regular session in the Council's chambers at the Town Offices located at the Town Office, 108 Lewiston Street at ~~7:00~~6:30 p.m. on first Monday of each month or any other location and time which has been designated with the requisite advance notice. From time to time, the Council may conduct meetings or workshops as is deemed necessary. Council meetings schedule for a Monday that is an observed holiday will cause the meeting to be moved to the Tuesday after the holiday. The Council does not meet in the month of July.
- 1.2. **Council Meeting Agenda:** All reports, communications, resolutions, documents or other matter to be submitted to the Council shall be delivered to the Town Clerk's office by the end of business on the ~~Wednesday~~Tuesday before the regular meeting if they are to be considered for placement on the agenda for that meeting. The Town Manager will draft the agenda. Matters which are not on the agenda may be brought before the Council only when the Council votes to suspend the rules of procedure and add that matter to the agenda. Agenda items should state clearly the scope and intent of the action to be taken. The agenda will be delivered to the Council and posted by the Town Manager by the end of business on the ~~Friday~~Wednesday before the next regularly scheduled Council meeting.
- 1.3. **Special Meetings:** Special meetings may be called by the Chair of the Council, by the Vice Chair in the absence, or by a majority of the Council after having attempted to contact all members of the Council. The Town Manager will draft the agenda for said meeting. Notice of these meetings stating the date, the hour, and the purpose shall be served to the Council no less than 5 days prior, ~~if possible, at least 24 hours before the specified meeting time~~ and posted as per public notification requirements.
- 1.4. **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 extended beyond the next regular meeting. Notice of adjournment and continuation of the regular meeting will be posted as per public notification requirements.
- 1.5. **Executive Session:** An executive session may be called only by a majority vote of the Council. No orders, rules, resolutions, regulations, contracts, appointments, or other official action shall be finally approved at an executive session. All matters discussed during executive session shall be held in strictest confidence by the Council and shall not be discussed with or divulged to any person other than a fellow Council or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office. An executive session shall comply with the requirements of M.R.S.A., Sec. 401, et seq.

and shall not be used to defeat the purpose of [Title 1 M.R.S.A, Sec. 401](#) which reads as follows: "The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that their deliberations be conducted openly."

## 2. PRESIDING INSTRUCTIONS

- 2.1. **Chair:** The Chair of the Council, or if absent, the Vice Chair, shall take the chair at the hour appointed for the Council to meet and shall call the members to order as the presiding officer. The roll shall be called by the presiding officer. The recording secretary shall enter in the minutes of the meetings the names of the members present.
- 2.2. **Vice Chair:** The Vice Chair shall serve as Chair during the absence or disability of the Chair and, in case of vacancy in the position of the Chair, pending the election of a successor.
- 2.3. **Council Privileges:** The presiding officer may move, second, declare by unanimous consent, and debate from the chair, subject to only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any rights or privileges of a Council by virtue of acting as the presiding officer.
- 2.4. **Recording Secretary:** The [Town Clerk will serve as the](#) recording secretary [and](#) shall be responsible for the taking and transcribing of official Council minutes. [At a minimum the minutes shall include record of any motions made and names of individual Councilors voting in opposition to a motion. All Council meetings will be video recorded and uploaded onto the Town website.](#)
- 2.5. **Temporary Chair:** In case of the absence of the Chair and Vice Chair, the Town Manager shall call the Council to order and call the roll of the members. If a quorum is found to be present, the Council shall proceed to elect, by a majority vote of those present, a chair of the meeting to act until the Chair or Vice Chair appears.
- [2.6.](#) **Decorum and Order:** The presiding officer shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Council. Council during Council meetings 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 presiding officer or the rules of the Council. Every Council member desiring to speak shall address the chair by raising his or her hand and upon recognition by the presiding officer, shall confine comments to the questions under debate and shall avoid all personalities and inflammatory language. A Council member once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member.

If a Council member is called to order while speaking, the Council member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the speaker shall

be permitted to proceed. If ruled to be not in order, the speaker shall remain silent or shall alter remarks so as to comply with rules of the Council. All members of the Council shall accord the utmost courtesy with each other, to Town Employees and to the public appearing before the Council and shall refrain at all times from any rude and derogatory remarks, reflections, or abusive comments. Council members shall confine questions as to the particular matters before the assembly and in debate shall confine remarks to the issues before the Council.

Public members attending Council meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to the members of the Council and Town staff. Members of the Council and/or public will be asked to comply with decisions of the presiding officer and the rules of the Council. Should a member of the Council or public continue to violate, or not adhere to, a decision of the presiding officer or rules of the Council, the Chair may call a recess of the meeting, the length of the recess to be determined by the Chair, and reconvene later to finish conducting the business of the Council. Should the member of the Council or public continue to violate or not adhere to a decision of the presiding officer or rules of the Council, the Chair may unilaterally adjourn the meeting until a later date. Should behavior by any member of the Council or public elevate to a level of disorderly conduct, the Council may request the Town manager or other designee to contact a law enforcement official to intervene.

If the presiding officer fails to act, any member may move to require the enforcement of the rules and the affirmative vote of a majority of the Council shall require the presiding officer to act. Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applicable to members of the Council. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and Town employees are concerned, the Town Manager also shall be responsible for the orderly conduct and decorum of all Town employees. Any staff member or employee desiring to address the Council shall be recognized by the Chair, shall state name and job title for the record, and shall limit remarks to the matter under discussion.

~~2.6.~~ All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any member thereof. No staff member other than the person with the floor shall enter into any discussion either directly or indirectly without the permission of the presiding officer. Aggravated cases of misconduct shall be prosecuted on appropriate complaint signed by the presiding officer. In case the presiding officer should fail to act, any member of the Council may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act. Any public member desiring to address the Council shall be recognized by the Chair, shall approach the lectern, state name and address for the record, and shall limit remarks to the question under discussion. All remarks and questions addressed to the administration of the Town shall be addressed to the Town Manager or the Council through the Chair and not to any municipal 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.

- 2.7. **Quorum:** Three (3) Councilors ~~A majority of the Council~~ constitutes a quorum. If only three (3) members are present it would require an affirmative vote of all three (3) Councilors to approve a motion. If less than a quorum convenes at any meeting, the majority of those present may send for any or all of those members absent. If a quorum cannot be obtained, the meeting may be adjourned as provided by Rule 4. The Council may opt to continue in workshop session as a Committee of the Whole.

### 3. OFFICERS AND EMPLOYEES

- 3.1. **Election of Officers:** At its first regular meeting following the annual election, the Council shall elect one of its members as Chair and another as Vice Chair by majority vote. The Chair or Vice Chair may be removed from such position and a successor may be elected by a majority vote of the Council at a meeting called for such purpose. The call of a meeting for removal or election of a successor shall require the concurrence of at least three (3) members of the Council, and the removal or election meeting shall be scheduled at a reasonable time and with reasonable notice to all Council members.
- 3.2. **Town Manager:** Unless excused, the Town Manager shall attend all meetings of the Council, ~~except when the Town Manager removal is being considered.~~ The Town Manager shall keep the Council full advised monthly as to the financial condition and needs of the Town. The Town Manager may make recommendations to the Council and may take part in discussions on all matters concerning the welfare of the Town but may not vote.
- 3.3. **Town Clerk:** The Town Clerk is the ex-officio clerk of the Council. The Clerk shall keep a minute book in which shall be recorded in chronological order the minutes of all proceedings of the Council.
- 3.4. **Town Attorney:** The Chair of the Council, any Council member or Town Manager may at any time call upon the Town Attorney for an oral or written opinion to decide any question of law. Further, the attorney may be asked to state an opinion upon any rules of parliamentary procedure, which opinion shall not be binding upon the Council. All legal correspondence to an individual Council member shall be given to all Council members.
- 3.5. **Officers and Employees to Attend:** The head of any department, committee chair or municipal official, when requested by the Town Manager or Council Chair, shall attend any regular, adjourned, or special meeting and confer with the Council on matters relating to the Town. Any employee, when requested by the Town Manager, shall attend any regular, adjourned, or special meeting and confer with the Council on matters relating to the Town. Employees who were not directly requested to attend said meetings shall not speak on matters related to municipal business unless designated by their Department Head, whose attendance was requested, to speak on the Department Head's behalf to a specific matter related to their department. Employees who attend who were not requested to attend shall be treated as

members of the public and allowed to speak to issues not directly related to their employment with the Town as allowed under 4.1.6.

#### 4. DUTIES AND PRIVILEGES OF MEMBERS

- 4.1.1. **Right of Appeal:** A ruling of the presiding officer may be appealed by any Council member. If the appeal is seconded, the member making the appeal may briefly state the reason for it, and the presiding officer may briefly explain the 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" to the vote. If a majority of the members present vote yes, the ruling of the chair is sustained, otherwise it is overruled.
- 4.1.2. **Voting:** Every Council member present when a question is put to vote shall vote either "yes", "no" or "abstain" by a show of hands. An abstention shall not count as a vote for purposes of determining the total votes cast. Where a majority is required, it shall not mean a majority of those present and voting, but at least three (3) votes in favor. Council members are encouraged to vote either "yes" or "no" or, in the case of abstention, the member is encouraged to identify the intent and reason for the abstention before the vote.
- 4.1.3. **Dissent and Protest:** Any Council member shall have the right to express dissent from or protest against any action of the Council and have the reason therefor entered into the minutes. Such dissent or protest must be filed in writing and presented to the Council no later than the next regular meeting following the date of passage of the objected action.
- 4.1.4. **Excusal from Attendance:** Council members are urged to attend all meetings, workshops, hearings and other functions of the Council. Members shall notify either the Town Manager or Town Clerk when not able to attend a scheduled meeting or event.
- 4.1.5. **Appointments to Town Councils, Committees and Commissions:** Appointments to Town Councils, Committees and Commissions shall be made in accordance with the Mechanic Falls Charter and the following guidelines. Candidates, after completing an application, shall be interviewed by the Council in public session before being considered for appointment. The Council may waive the interview process requirement for reappointments and for individuals serving on standing committees, Town Councils and commissions.
- 4.1.6. **Public Comment on Non-agenda Items:** At each regular Council meeting, there will be time devoted to any resident, taxpayer, or, in the case of an organization, an authorized representative of a resident or taxpayer, of the Town of Mechanic Falls to address the Council regarding any item that is not on the agenda for that meeting. Comments will be limited to ~~three (3)~~five minutes per person. There will be a 30-minute maximum for this section.

## 5. COUNCIL PROCEDURE

5.1. **Order of Business:** The business of all regular meetings of the Council shall be transacted in the following order, unless the Council changes the order:

5.1.1. Pledge of Allegiance

5.1.2. Approval of Council Meeting Minutes

5.1.3. Acceptance of Departmental and Committee Reports

5.1.4. Special Presentations or Awards, if any

5.1.5. Public Hearings, if any

5.1.6. Council Discussion of Topics not on the Agenda

~~5.1.6.~~5.1.7. Public Comments, if any

~~5.1.7.~~5.1.8. Old Business, items discussed at a previous Council meeting

~~5.1.8.~~5.1.9. New Business, items not discussed previously at a Council meeting

~~5.1.9.~~5.1.10. Ordinances, Resolves, Policies and Licenses

~~5.1.10.~~5.1.11. Executive Session, if any

~~5.1.11.~~5.1.12. Adjournment

5.2. **Discussion of Agenda Items:** As each item on the agenda for any meeting is brought to the floor for discussion, the Town Manager shall first be allowed to present initial comments for consideration by the Council. Following introduction of this issue, there will be time devoted to any questions by Council members of the Town Manager regarding the agenda item to clarify the questions presented by the agenda item. The Chair shall allow questions only during this time, and no debate or discussion of collateral issues shall be permitted. Once the agenda item has been explained by the Town Manager and clarified by any questioning as provided above, there will be time devoted for any resident, taxpayer or authorized representative of an organization, resident or taxpayer of the Town of Mechanic Falls to address the Council regarding this particular agenda item.

~~5.2.~~ Once members of the public have asked questions or made comment, the Chair may then entertain a motion by a member of the Council. The motion must be seconded before debate can begin. At the Chair's discretion, additional questions or comments may be entertained by members of the public when the Chair deems it to be appropriate. At any time, any member of the Council can move the question. The motion is non-debatable and must garner a second. If seconded, the first vote is to move the question. If the motion passes, members of the Council then vote on the motion. If the motion fails, debate continues. All amendments and subsequent motions will follow Roberts Rules of Order.

5.3. **Limiting Repetition of Comments, Pertinence, Time Limits and Decorum:** If, during time of public comment, a person seeks merely to reinforce a point made by another speaker, his or her remarks should simply note concurrence with the specific point without elaboration. Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item or direct questions pertaining to any factual question presented by the agenda item. All such questions shall be directed through the Chair. In no

instance shall debate of an agenda item be allowed between members of the public and the Council. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual, Town Employee, Town Manager or Council, and this rule shall be liberally construed and strictly enforced.

- 5.4. **Procedure of Motions:** When a question is before the Council, no motion shall be entertained except: (a) to adjourn, (b) to recess, (c) to table, (d) for the previous question, (e) to refer, (f) to amend and (g) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate.
- 5.5. **Motion to be stated by the Chair - Withdrawal of Motion:** When a motion is made, it will be written and the mover shall be verified by the recording secretary and then open to be seconded. The person making the second shall be recorded by the secretary. It shall be re-stated by the Chair before the vote is taken. A motion may not be withdrawn by the mover without the consent of the member seconding it.
- 5.6. **Motions out of Agenda Order:** The Town Manager may request and the Council may at any time permit a member to introduce a scheduled matter or motion out of the regular agenda order.
- 5.7. **Motion to Adjourn - When Not in Order-Not Debatable:** A motion to adjourn is in order at any time except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is to be adjourned.
- 5.8. **Motion to Table:** A motion to table precludes all amendments or debate of the subject under consideration. If the motion prevails, consideration of the subject at the same session may be resumed only upon the affirmative vote of one vote more than a simple majority.
- 5.9. **The Previous Question:** When the previous question is moved and seconded there shall be no further amendment or debate; but pending amendments shall be put in their order before the main question. If a motion for the previous question fails, the main question and any pending amendments remain open for debate.
- 5.10. **Amend an Amendment:** A motion to amend an amendment is in order but one to amend an amendment to an amendment may not be introduced. An amendment modifying the intention of a motion is in order, but an amendment relating to a different matter is not in order.
- 5.11. **Motion to Postpone:** All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

5.12. **Procedure in the Absence of Rule:** In the absence of a rule to govern a point or procedure, it shall be determined by the Council.

## 6. MISCELLANEOUS

6.1. **Meeting Length:** All Council meetings, workshops or executive sessions shall, except in extraordinary circumstances, adjourn at or before 10:00 p.m. Continuance beyond the 10:00 pm hour requires a unanimous vote of the Council present.

6.2. **Communications:** Individual Council members shall share with all Council members any written correspondence that is Town-related and not personal in nature. The Council shall not use electronic communications such as fax, email, texting, etc... for municipal business. The Town Manager shall use electronic communication methods to advise all of the Council of any issue related to town business when the Council should be advised of a situation in which they could potentially be approached by the public. Council will only reply to confirm the receipt of said message but not discuss the contents of the message.

6.3. **Anonymous Communications:** Unsigned communications may not be introduced in a Council meeting.

6.4. **Tie Vote:** In case of a tie in votes on any motion before the Council, when only four Council are present for the vote, the motion shall be declared lost.

6.5. **Suspension of Rules:** Any provision of these rules not otherwise governed may be temporarily suspended at any meeting of the Council by majority vote. The vote of the suspension shall be taken and recorded in the minutes.

6.6. **To Amend Rules:** These rules may be amended or new rules adopted by a majority vote of the Council. An amendment must be submitted in writing at a preceding meeting and shall be placed on the next agenda under the order of new business.

6.7. **Council to act as a body; administrative service to be performed through town manager; committees:** It is the intention of this subchapter that the Council as a body shall exercise all administrative and executive powers of the town as per the Town Charter. The Council shall deal with the administrative services solely through the Town Manager and shall not give orders to any subordinates of the Manager, either publicly or privately. This section does not prevent the Council from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.