



**RULES
OF
WINTHROP TOWN COUNCIL**

Initially Adopted: January 14, 1974

Amended: February 1, 1982

April 1, 1985

Aug. 7, 2023

Section 1. Meetings of the Town Council shall be held in the Town Office at 7:00 p.m. on the 1st Monday of each calendar month and at 6:00 p.m. on the 3rd Monday of each calendar month. When said day falls on a holiday or election day, the regular meeting shall be held on the following Monday at the same time and place. The date and place of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five members of the Council, provided, however, that said change in date will still provide for at least one meeting each month. When practical, reasonable effort will be made to alert the public of changes in meeting times and dates.

Section 2. Special meetings may be called by at least four members of the Town Council. Notice of such meeting shall be served in writing to each member of the Town Council at least seventy-two (72) hours before the time for holding said special meeting. The notice for said meeting shall set forth the matters to be acted upon at said meeting and nothing else shall be voted upon at special meeting. In the event of an emergency, the advance notice requirement is waived, though a reasonable effort to alert the public of the meeting shall be made whenever practical.

Section 3. A majority of members of the Town Council shall constitute a quorum for the transaction of business. Council members may participate remotely, in keeping with the Town's Remote Meeting Participation Policy.

Section 3.1. No regular or special Council meeting shall extend beyond the hour of 10:00 p.m. unless by a vote of five-sevenths (5/7) of the Council, except that discussion and action on any agenda item being considered prior to 10:00 p.m. may be completed without such vote.

ENACTMENT FORM

Section 4. The Town Council shall set only by ordinance, order or resolve. All ordinances, orders, and resolves except resolves making appropriations, shall be confined to one subject, which shall be clearly expressed in the title.

ORDINANCE STYLE

Section 5. 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 Winthrop, Maine, in Town Council assembled."

ORDER AND RESOLVE STYLE

Section 6. In all votes of command, the form of expression shall be "ordered;" and of opinions, principles, facts, or purposes, the form shall be "resolved."

FULL READING WAIVER

Section 7. Every ordinance, order or resolve shall have a full reading unless the reading is dispensed with by five-seventh (5/7) vote of those present, in which case reading shall be by title only.

YEAS AND NAYS TAKEN: WHEN

Section 8. 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 or the Clerk's designee. 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 passage, the affirmative vote of a majority of the voting members of the Town Council.

ITEMS FOR MEETINGS FILED

Section 9. No ordinance, order or resolve shall be in order for action at any meeting of the Town Council unless such ordinance, order or resolve shall be communicated to and added to the agenda by the Town Manager on or before the seventh (7th) day prior to a meeting. Any Council member can request an item be placed on the agenda by alerting the Chair, the Town Manager and, preferably, the other Council members. This rule will be waived for special meetings to address items deemed emergencies by the Chair. If that shall occur, and when practical, reasonable effort will be made to alert the public of such changes in the agenda.

CHAIR, PRESIDING OFFICER

Section 10. The Chair, or presiding officer, shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be taken, and a quorum being present, shall proceed with the order of business.

PRESERVE ORDER: DECIDE ALL QUESTIONS OF ORDER

Section 11. The Chair shall preserve decorum and order, will ensure that only one item at a time is discussed and considered, and shall decide all questions of order subject to an appeal to the Council by action regularly seconded, and no other business shall be in order until the question on appeal is decided.

DECLARE VOTES: CAUSE RETURN OF VOTES

Section 12. The Chair shall declare all votes, but if any member doubts a vote, the Chair shall call for a show of hands of the members voting in the affirmative and in the negative without debate.

DEBATE RULES

Section 13. When a question is under debate, the Chair shall receive no motion but to:

1. Adjourn.
2. Table the motion.
3. Call the question.
4. Postpone to a later date.
5. Refer to a committee or some administrative official.
6. Amend.

MOTION TO ADJOURN: TABLE THE MOTION

Section 14. The Chair shall consider a motion of adjourn as always in order except on immediate repetition; and that motion, and the motion to table a motion, or to remove a motion from the table, and the motion for previous question, shall be decided without debate.

RECONSIDERATION

Section 15. 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 a reconsideration thereof at the same, or next stated meeting, but not afterwards; and when an action of reconsideration is decided, that vote shall not be reconsidered. No motion or reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained on the agenda for such next stated meeting or unless five (5) of the members consent to such consideration.

A petition once presented to and acted upon by the Town Council shall not again be received by the Town Manager for presentation to the Council in the same or substantially the same form for a period of one year next succeeding the Council's action on the original petition. A member of the Town Council voting with the majority on the original petition, shall be privileged to reintroduce such petition.

MOTION FOR PREVIOUS QUESTION

Section 17. Upon the motion for the previous question being made and seconded, the Chair shall put the question in the following form: "voting is now on whether there shall be further debate on (state the motion)." All debate shall then be suspended. If the motion for the previous question is adopted by a majority of the Councilmen present, the motion to which it applied shall be voted at once.

NOT TO BE DEBATED OR AMENDED

Section 18. No debate shall be allowed on a motion to call the question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion.

MEMBER EXCUSED FROM VOTING: WHEN

Section 19. Every member present when a question is put shall give their vote, unless the Council, for special reason, shall excuse them. Application to be excused must be made before the Council is divided, or before the calling of yeas and nays, and decided without debate.

MOTION TO BE REDUCED TO WRITING

Section 20. Every motion shall be reduced to writing, if the Chair shall so direct.

DIVISION QUESTION

Section 21. Any member may require the division of a question when appropriate.

MOTION FOR REFERRAL

Section 22. A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments of the main question.

PRIORITY OF BUSINESS

Section 23. All questions relating to priority of business to be enacted upon shall be decided with discussion limited to Council members, but any Councilor may solicit information from any other person.

SUSPENSION OF RULES AMENDMENT OR APPEAL

Section 24. The rules shall not be dispensed with or suspended unless five (5) of the members of the Council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Section 25. Any person wishing to address the Town Council will be given an opportunity to do so in accordance with the following procedure:

1. Persons wishing to address the Council on an item which appears on the agenda shall wait until the consideration of such item is announced, at which time they may address the Council on that particular item. People wishing to speak should use the public address system. Once the Council has begun its deliberations on an item, the public shall be allowed to speak during such deliberations only at the discretion of the Chair. Any person still wishing to speak on such item but not so permitted by the Chair during the deliberations shall be allowed to do so when all items on the agenda have been completed.
2. Persons wishing to address the Council on an item not appearing on the agenda shall do so prior to and/or after all items of business.
3. Any person wishing to address the Council shall so signify by raising a hand and/or standing. After being recognized by the Chair and giving adequate identification he or she may address the Council. When in the opinion of the Chair, the identity has not been adequate for those assembled, the Chair shall request further information before permitting the person to speak.
4. Persons present at Council meetings are requested not to applaud or otherwise express approval or disapproval of any statements or actions taken at such meeting.

COUNCIL COMMITTEES

Section 27. At the commencement of the calendar year, or as soon thereafter as possible, there shall be chosen the following committees, each committee to consist of such members of the Council as the Town Council may delegate:

1. Finance Committee
2. Appointments Committee

COMMITTEES: HOW CHOSEN

Section 28.1. The Finance Committee shall consist of three (3) members of the Council. Said Finance Committee shall be set by majority vote. The Council Chair shall serve as an ex-officio member of said committee, having no vote on the committee.

The members of the Finance Committee shall be appointed annually by the Chair and confirmed by majority vote of the Council. The Chair of the Finance Committee shall be selected by the Chair of the Town Council.

The Finance Committee shall have the power and duty to review and advise the Town Manager on matters of current expenditures within the municipal budget and to approve all warrants for the expenditures of Town funds. The signatures or votes of two of the members of such committee shall be sufficient authorization for the expenditure of such funds.

The Council may refer matters relating to Town finances brought to its attention by the Town Manager to the Finance Committee, which shall study the same and make appropriate recommendations to the general Council body.

Section 28.2. The Appointments Committee shall consist of three (3) members of the Council. Said Appointments Committee shall be set by majority vote. The Council Chair shall serve as ex-officio member of said committee, having no vote on the committee.

The members of the Appointments Committee shall be appointed annually by the Chair and confirmed by a majority vote of the Council. The Chair of the Appointments Committee shall be selected by the Chair of the Town Council.

The Appointments Committee shall have the power and duty to review and advise the Town Manager on matters of vacancies on any Town Council appointments. The Appointments Committee shall review all applications to all boards following publication of said vacancies by the Town Manager. When more applications than vacancies occur, said Appointments Committee shall interview each prospective candidate for each board and make its recommendation for appointment to each board to the full Council for Council approval. Recommendation of two of the members of the Appointments Committee shall be sufficient for recommendations to the general Council body.

The Council may refer matters relating to appointments to the Town Manager and/or the Appointments Committee for review.