

To: Governance Committee  
From: Joe Wroblewski  
RE: Draft Rules Changes on Motions and Draft Memo  
Date: [February 12, 2008](#)~~February 11, 2008~~

Governance Committee Recommendations of Motions Rules

1. The proposed rules concerning motions, which may be made by any Councilor during our regular meetings, were taken, almost entirely, from Council Rule Section 15; the motion to withdraw was added.
2. Other rules on motions scattered throughout the Council Rules were brought into new Section 16 and explained. The explanations and the ranking of the Rules were taken from Robert's Rules of Order (RRO).
3. Substantive changes in the Council Rules on motions are as follows:
  - a. A Motion to Lay on the Table is proposed to rank higher than a Motion for the previous Question. RRO ranks these This ranking makes more sense in term of efficiency because the motion to table ends all consideration of the main motion, until such time as the main motion is taken off the table; a motion for the previous question, if passed, still requires a subsequent vote on the main question.
  - b. A Motion to Suspend the Rules must have unanimous support of the Councilors present, rather than a simple majority. Section 8 of our rules requires at least four affirmative votes to pass an ordinance. Permitting a simple majority of the Council to suspend this rule could result in the passage of ordinances by three Councilors. The Governance Committee thought this was bad policy.

**COUNCIL RULES**  
Amended June 15, 1998  
Amended August 22, 2005

**REGULAR  
MEETINGS**

Section 1. The regular meetings of the Town Council shall normally be held in the Town Hall at 7:00 p.m., or a time set by the Chairperson, on the fourth Monday of each calendar month except for an organizational meeting, which shall be held in accordance with the Town Charter. When said day falls on a holiday or on Election Day, the regular meeting shall be held on the following Wednesday, at the same time and place. The date of any regular meeting may be changed upon vote of five members of the Council, provided, however, that said change in date will still provide for one regular meeting in each month.

(Amended 12/16/1997, 8/22/05)

**SPECIAL  
MEETINGS**

Section 2. Special meetings may be called by the Chairperson, and in case of his/her absence, disability or refusal, may be called by three 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 twenty-four hours before the time for holding said special meeting, 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 meeting, and nothing else shall be considered at such special meeting.

**QUORUM:  
ADJOURNED  
MEETINGS**

Section 3. A majority of the members of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members. At least twenty-four hours notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting for which adjournment is taken, unless absent members sign a waiver of said notice.

**ENACTMENTAL  
FORUM**

Section 4. 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. Subject to the provisions of Section 25, the Chairperson may require that two or more items be acted upon by a single vote. These items shall be listed by title on a Consent Agenda.

(Amended 8/26/91)

**ORDINANCE**

<b>STYLE</b>	<u>Section 5.</u> 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 Falmouth, Maine in Town Council assembled."
<b>ORDER AND RESOLVE: STYLE</b>	<u>Section 6.</u> In all votes of command, the form of expression shall be "ordered" and of opinions, principles, facts or purpose, the form shall be "resolved."
<b>FULL READING: WAIVER</b>	<p><u>Section 7.</u> At the discretion of the Chairperson, the reading of every ordinance, order or resolve shall be by title only. Pursuant to the provisions of Section 28 of these rules, a majority vote of the Council shall require a full reading.</p> <p>(Amended 8/27/90)</p>
<b>YEAS AND NAYS HAVE TAKEN: WHEN</b>	<u>Section 8.</u> 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 members of the Town Council.
<b>ORDINANCES: EFFECTIVE WHEN</b>	<u>Section 9.</u> An ordinance passed pursuant to Section 213 of the Town Charter shall take effect and be in full force immediately upon passage unless otherwise specified in the ordinance.
<b>ORDER RESOLVE: EFFECTIVE</b>	<u>Section 10.</u> Orders or resolves shall take effect immediately upon passage.
<b>ITEM FOR MEETING: FILED WHEN</b>	<u>Section 11.</u> No ordinance, order or resolve shall be in order for action at any meeting of Town Council unless such ordinance, order or resolve shall be filed in the office of the Town Clerk on or before noon of the Thursday prior to the regular meeting held on the fourth Monday of each month, and before noon of the secular day next prior to the day of any other regular meeting.
<b>CHAIRPERSON TO BE PRESIDING</b>	

**OFFICER**

Section 12. The Chairperson shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called and, a quorum being present, cause the minutes to be accepted, or accepted as amended, with or without a full reading by a majority. The Council shall receive the report of standing committees and delegates to MMA, COG, School Board, and any special committees prepared to report, and proceed to other business.

(Amended 6/15/87, 8/27/90)

**PRESERVE  
ORDER:  
DECIDE ALL  
QUESTION  
OF ORDER**

Section 13. The Chairperson 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 Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.~~

**DECLARE  
VOTES:  
CAUSE RETURN  
OF VOTES**

Section 14. The Chairperson shall declare all votes, but if any member doubts a vote, the Chairperson shall cause a return of the members voting in the affirmative and in the negative without debate.

**DEBATE:  
RULES OF**

Section 15. ~~When a question is under debate, the Chairperson 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. Debate upon on a question shall not be suspended by the Chairperson if any Councilor shall seek recognition, and the Chair shall receive no motions, but those provided for in Section 16, except; until the question of a motion to Lay on the Table pursuant to Section 16, or of a motion for the Previous Questions pursuant to Section 18 shall be decided.~~

(Amended 8/27/90)

**MOTIONS:  
MOTION TO-  
ADJOURN:  
LAY ON**

## TABLE

Section 16. ~~The Chairperson 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 take from the table, shall be decided without debate. The following motions take precedence in the order provided below. All motions must be seconded, may be dated, amended, reconsidered, and also may be passed by a simple majority of Councilors present, unless otherwise indicated below~~

- a. Motion to Adjourn: Any Councilor may call for an adjournment – even during debate – as long as a time for the next meeting has already been established. Business left unfinished at the end of the meeting becomes the first order of business at the next meeting. This motion cannot be debated, amended, or reconsidered.
- b. Motion for Reconsideration: When a vote is passed, on any matter or motion, it shall be in order for any Councilor who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards. This motion is subject to debate if the motion proposed to be reconsidered is also subject to debate; when a motion of reconsideration is decided, that vote shall not be reconsidered.
- c. Motion Concerning Priority of Business: Any Councilor may move to amend the agenda to take up a question out of order.
- d. Appeal on a Point of Order: A question on a point of order may be raised by any Councilor against any proceeding or motion that a Councilor believes is a violation of these rules. All points of order must be raised at the time of the alleged infraction, and need not be seconded. The Chair's ruling on a point of order is subject to an appeal to the Council by motion.
- e. Motion to Withdraw Motion: Any Councilor may withdraw their motion prior to a vote. If any Councilor objects, the Chair will request a vote of the Councilors on the motion to withdraw. This motion cannot be debated or amended.
- f. Motion to Suspend the Rules: Any Councilor may move to suspend any of the provisions of these rules. Such motion will be successful if all of the Councilors present vote in the affirmative. The rule to be suspended must be identified and the reason for suspending the rule must be stated in the motion. This motion cannot be debated or amended.
- g. Motion to Lay of the Table: This motion sets aside a main motion or question without establishing a time for debate to resume. This motion may not be debated or amended.
- h. Motion for the Previous Question (Close Debate or Move the Question): A motion for the previous (main) question closes debate and brings the main question or motion to an immediate vote. All debate upon the main question shall be suspended until the motion for the previous question shall be decided, without debate. After the adoption of a motion for the previous question, by a majority vote, the Chairperson shall call for a vote on all pending amendments, and then upon the main question.
- i. Motion to Postpone for a Time Certain: This motion suspends debate on the main question to another time in the meeting, or to another date as proposed by the movant.
- j. Motion to Refer: A motion to refer a matter to a committee or an administrative official may be debated or amended.
- k. Motion to Amend: A motion to amend a motion may be debated or amended.
- l. Motion for a Division of a Question: Any Councilor may move to divide a question. Such motion, if seconded, will be successful if a majority of Councilors present vote for the division.
- m. Motion to Postpone Indefinitely: This motion postpones consideration of a main motion indefinitely.
- n. Motion to Take from the Table: This motion permits resumption of debate on a previously tabled motion or question. This motion may not be debated or amended.

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## MANNER OF

**SPEAKING  
RECONSID-  
ERATION**

Section 17. ~~When a member is about to speak, he/she shall respectfully address the Chairperson, confine himself or herself to the question under debate and avoid personalities. 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 the next stated meeting, but not afterwards; when a motion of reconsideration is decided, that vote shall not be reconsidered.~~

**NOT TO  
INTERRUPT  
MOTION FOR  
PREVIOUS  
QUESTION**

Section 18. ~~No member speaking shall be interrupted by another, but only by a call to order or to correct a mistake. Upon the motion for the previous question being made and seconded, the Chairperson shall put the question in the following form; "Shall the main question be now put?" 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 Council shall be forthwith taken upon all pending amendments, and then upon the main question.~~

**BREACH OF  
RULES AND  
ORDERS  
NOT TO BE  
DEBATED OR  
AMENDED**

Section 19. ~~When any member shall be guilty of a breach of any of the rules or orders of the 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. No debate shall be allowed on a motion for the previous question nor 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.~~

**MEMBER  
EXCUSED  
FROM VOTING:  
WHEN  
MANNER OF  
SPEAKING**

Section 20. ~~When a member is about to speak, he/she shall respectfully address the Chairperson, confine himself or herself to the question under debate and avoid personalities.~~  
~~Any Councilor may abstain from voting upon any question if he/she so chooses provided that the Councilor has stated his/her reason for abstaining. Unless otherwise stated, wherein these rules a majority vote is required, it shall mean the majority of the votes cast.~~

1. If a Councilor is to abstain from a vote due to reasons of conflict of interest, that Councilor shall declare his/her intention at the earliest practical moment after the introduction of the item. The Councilor shall then refrain from further participation in the discussion, comment, or debate of the item, except that the Councilor shall retain

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his/her right to participate as a member of the public pursuant to Section 29.

2. Nothing in this Section 23 shall invalidate any of the requirements of Section 8 of these rules. (Amended 8/27/90)

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**MOTION TO  
BE REDUCED  
TO WRITING  
WHEN  
NOT TO  
INTERRUPT**

Section 21. Every motion shall be reduced to writing if the Chairperson so shall direct. ~~No member speaking shall be interrupted by another, but only by a call to order or to correct a mistake.~~

**PROCEDURE  
FOR  
ADDRESSING  
COUNCIL  
BREACH OF  
RULES AND  
ORDERS**

Section 22. Members of the Public shall be allowed to address the Council in accordance with the following provisions:

1. Any person seeking recognition must do so by raising his/her hand and, when recognized shall give his/her name and address prior to proceeding with questions or comments. All questions or comments shall be directed to the Chairperson. Recognition shall be granted in accordance with the provisions of paragraph 2 of this Section 29.

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2. The time restrictions delineated below do not apply to persons who represent boards or committees of the Town or State, to other quasi governmental agencies, or to other parties who have been specifically invited to report to the Council on a particular issue under consideration, including applicants for various permits, waivers, and approvals. The time restrictions for all of the persons described above shall be left to the discretion of the Chairperson.

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A. Public forum. Prior to the first agenda item of each regular Council meeting, the Council shall conduct a Public Forum during which any resident will be allowed five minutes to address the Council on any matter, except those for which public input will be accepted later in that meeting as delineated in subparagraphs B and C below.

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B. Public Hearing. A Public Hearing shall consist of at least one, or at the discretion of the Chairperson, more than one distinct period of comment during which every person present will be allowed five minutes to address the Council.

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C. Agenda Item Requiring a Vote. Any resident will be allowed three minutes to comment on any agenda item which calls for a vote on any ordinance, order, or resolve; except for items for

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which a Public Hearing is required or has been previously held. Public comment will be accepted after the item has been introduced, but prior to Council deliberation of the item.

D. Consent Agenda. For purposes of public comment, the Consent Agenda shall be considered a single item and shall be subject to the provisions of subsection 2.C of this section 29.

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3. No failure to observe any of the provision of this Section 29 shall invalidate any vote or action of the Council.

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4. Persons present at the Council meeting are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. The time limits defined in paragraph 2 of this Section 29 apply to each person addressing the Council whether that person is speaking on his/her behalf or on the behalf of others.

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(Amended 8/27/90, 8/26/91)

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

#### MEMBER EXCUSED FROM VOTING: WHEN

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Section 23. Any Councilor may abstain from voting upon any question if he/she so chooses provided that the Councilor has stated his/her reason for abstaining. Unless otherwise stated, wherein these rules a majority vote is required, it shall mean the majority of the votes cast.

1-3. If a Councilor is to abstain from a vote due to reasons of conflict of interest, that Councilor shall declare his/her intention at the earliest practical moment after the introduction of the item. The Councilor shall then refrain from further participation in the discussion, comment, or debate of the item, except that the Councilor shall retain his/her right to participate as a member of the public pursuant to Section 29.

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2-4. Nothing in this Section 23 shall invalidate any of the requirements of Section 8 of these rules. (Amended 8/27/90)

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#### MOTION TO BE REDUCED TO WRITING



**WHEN** Section 24. Every motion shall be reduced to writing if the Chairperson shall so direct.

**DIVISION OF QUESTION** Section 25. Any member may require the division of a question when the sense will admit it.

**MOTION FOR REFERRAL** Section 26. 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 27. All questions relating to priority of business to be acted upon shall be decided without debate.

**SUSPENSION OF RULES: AMENDMENT OR REPEAL** Section 28. Subject to the unanimous consent of the Council, the Chairperson may waive any of the provisions of these rules and shall waive such provisions to the extent directed by a majority vote of the Council. The discretion of the Chairperson as specified in these rules may be restricted if so directed by a majority vote of the Council. No rule shall be amended or repealed without notice in writing being given at the preceding meeting.  
(Amended 8/27/90)

**PROCEDURE FOR ADDRESSING COUNCIL** Section 29. Members of the Public shall be allowed to address the Council in accordance with the following provisions:

1-3. Any person seeking recognition must do so by raising his/her hand and, when recognized shall give his/her name and address prior to proceeding with questions or comments. All questions or comments shall be directed to the Chairperson. Recognition shall be granted in accordance with the provisions of paragraph 2 of this Section 29.

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2-4. The time restrictions delineated below do not apply to persons who represent boards or committees of the Town or State, to other quasi governmental agencies, or to other parties who have been specifically invited to report to the Council on a particular issue under consideration, including applicants for various permits, waivers, and approvals. The time restrictions for all of the persons described above shall be left to the discretion of the Chairperson.

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A-E. Public forum. Prior to the first agenda item of each regular Council meeting, the Council shall conduct a Public Forum during which any resident will be allowed five minutes to

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address the Council on any matter, except those for which public input will be accepted later in that meeting as delineated in subparagraphs B and C below.

~~B-F.~~ Public Hearing. A Public Hearing shall consist of at least one, or at the discretion of the Chairperson, more than one distinct period of comment during which every person present will be allowed five minutes to address the Council.

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~~C-G.~~ Agenda Item Requiring a Vote. Any resident will be allowed three minutes to comment on any agenda item which calls for a vote on any ordinance, order, or resolve; except for items for which a Public Hearing is required or has been previously held. Public comment will be accepted after the item has been introduced, but prior to Council deliberation of the item.

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~~D-H.~~ Consent Agenda. For purposes of public comment, the Consent Agenda shall be considered a single item and shall be subject to the provisions of subsection 2.C of this section 29.

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~~3-5.~~ No failure to observe any of the provision of this Section 29 shall invalidate any vote or action of the Council.

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~~2-6.~~ Persons present at the Council meeting are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. The time limits defined in paragraph 2 of this Section 29 apply to each person addressing the Council whether that person is speaking on his/her behalf or on the behalf of others.

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(Amended 8/27/90, 8/26/91)

## COUNCIL COMMITTEES

Section 30. At the commencement of the municipal year or as soon thereafter as possible, the committees listed below shall be established. Each committee will consist of such members of the Council as the Council may designate. Every member of the Council shall be an ex-officio (non-voting) member of any of these committees.

1. Finance Committee
2. Appointments & Personnel Committee
3. Ordinance Committee

4. Community Development Committee

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~~4-5.~~ The Council may from time to time choose to form a select (Ad hoc) Committee from any number of its members for the consideration of any question. A select committee shall be dissolved when its report is received by the Council.

~~In addition, the Chair shall elect a Community Development Committee. The members of these Council Committees will select a Committee Chair person. The Chair person of a Council Committee is encouraged to~~

develop an agenda, and have it posted on the Town's website, at least two (2) business days prior to a proposed meeting. The keeping of meeting minutes is also encouraged.  
The Governance Committee will complete the draft of this rule as to minutes after a review of Town staff's minutes template.

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1. The Governance Committee recommends that every volunteer, non-statutory committee and board of the Town have a Council liaison. Council liaisons should, at a minimum, coordinate with their respective committee or organization on information sharing at least once every three months.

(Amended 6/27/88, 8/26/91, 5/27/92, 6/15/92, 6/20/05)

**NO MEMBER  
TO SPEAK ON  
BEHALF OF  
COUNCIL UNLESS  
DESIGNATED**

Section 31. No member of the Town Council shall represent to anyone or knowingly allow anyone to infer that he/she speaks on behalf of the Town Council unless, by Order of the Council, a Councilor has been officially designated as its Representative to another organization.

At the commencement of the municipal year or as soon thereafter as possible, a Liaison from the Council shall be appointed, by Order, to every non-statutory volunteer committee or board of the Town. From time to time, the Council may also, by Order, appoint Councilors as Liaison to other organizations. A Liaison is not a Representative of the Council and will serve only as a conduit of information between the Council and the other organization. A Liaison from the Council will perform this conduit function with respect to their organization at least once every three (3) months.

(Amended 8/26/91)

**APPOINTMENT  
OF SPECIAL  
COMMITTEES**

Section 32. The appointment of special committees shall be by the Chairperson unless otherwise directed.

**EXECUTIVE  
SESSION**

Section 33. Subject to the requirements of Title 1, M.R.S.A. Section 405 the Town Council or any of its Committees may go into Executive Session by a public and recorded vote 3/5 of the committee members present and voting, and in the case of meetings of the Council as a whole not less than 4 votes shall be required to go into Executive Session.

As required by 1 M.R.S.A. Section 405, the vote to go into executive session must state the precise nature of the business of the executive session; no action may be taken in executive session; and only the matters delineated in 1 M.R.S.A. Section 405 may be the basis for going into executive session.

(Added 8/26/91)

## **FISCAL NOTES**

~~Section 34. All ordinances or policies adopted by the Town Council shall include an estimate of the direct costs to the Town of Falmouth associated with their implementation. These estimates shall include, but not be limited to factors such as staff time, legal costs, purchases, and consulting fees.~~

~~No failure to meet those estimates shall invalidate the adoption of the ordinance or policy.~~

(Added 8/26/91)  
(Amended 6/19/00)

## **COUNCIL POLICIES**

Section 35. By majority vote the Council may direct the Manager to memorialize Council Policies. A Council Policy is a guide for the consideration of certain recurring issues, and is not binding upon the Council. Council Policies shall be adopted in written form and shall be maintained in a document entitled "Policies of the Falmouth Town Council."

(Added 10/28/91)

### **Policies of the Falmouth Town Council**

Pursuant to Section 35 of the Council Rules, the Falmouth Town Council hereby directs the Town Manager to memorialize the following policies of the Falmouth Town Council:

#### **1) Use of Electronic Mail (E-mail)**

A) Three or more Councilors or three or more members of any Volunteer Board or Committee shall avoid the use of e-mail for deliberation, discussion, or for voting on matters properly confined to public meetings; email should be used for non-substantive matters such as scheduling meetings, dissemination of information and reports, and developing agendas for future meetings.

B) In the event this policy is not followed, or if there is a question whether substantive matters properly confined to public meetings were discussed or deliberated on via e-mail by three or more members of any Town body, those e-mails in question should be printed and disclosed to the public at the next public meeting of the Town body.

C) Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.

D) The Town Council Chair shall acknowledge email messages that come to all Council members at once. While the Chair is not empowered to discuss substantive matters on behalf of the Council in these acknowledgements, he or she may supply pertinent information regarding how the Council will proceed with the issue, if applicable (for example, upcoming public hearings, information available through the Town of Falmouth website, and so on). The Chair and individual Councilors remain free to reply to such messages as individuals, but shall refrain from engaging more than one other Councilor in the electronic discussion.

