

**WESTBROOK CITY COUNCIL
COMMITTEE OF THE WHOLE AGENDA
MONDAY MAY 13, 2019 AT 8:00PM
WESTBROOK HIGH SCHOOL ROOM 114**

Westbrook City Council's Committee of the Whole, chaired by Councilor Brendan Rielly, will meet on Monday May 13, 2019 immediately following a Special City Council Meeting (est. 8:00pm). The agenda item(s) are as follows:

1. **Review & Update to City Council Rules & Procedures**
Presented by Angela Holmes, City Clerk

DRAFT UPDATE

WESTBROOK CITY COUNCIL RULES OF ORDER

Amended 3/5/12 by Order 2012-19; Updated ___-___-2019 by Order 2019-___

Section 1. Council President.¹

- A. The election of a City Council President shall occur annually during the first regular meeting in December and shall be decided by a majority vote of the members of City Council. The President may appoint a Vice President to serve in the President's absence. ~~and~~ In absence of the President and Vice President, the Clerk shall call the Council to order and preside until a President Pro Tempore is chosen.
- B. The President shall appoint Councilors to the following working committees: Finance, Facilities & Streets, Public Safety, Committee of the Whole ~~Accounts and Claims~~ and such other Committees as may from time to time be necessary, designating a Chair and Vice Chair for each such Committee.
- C. ~~Sec. 4.~~ The President shall be entitled to speak on questions of order but not on any other question when occupying the chair, shall decide all questions of order subject to an appeal to the Council, declare all votes, preserve order and decorum.

Section 2. Council Committees.

- A. The purpose of a Committee meeting is to informally discuss any matter which is not ready for or does not require official Council action, and for the City Administration to provide information requiring discussion before official Council action may be taken. Final passage of any matter shall be by the City Council acting as a whole.
- B. Matters requiring Committee review may be referred to Committee by the majority vote of the City Council, or upon receiving approval of the Committee Chair. Committee referrals may only be submitted by a City Councilor, Mayor, City Administrator or a City department head.
- C. ~~Sec. 20.~~ Items discussed in Committee which require City Council action may be referred to City Council upon a majority vote. An item defeated in Committee does not require additional Council action. ~~The Committee Chair, upon request, may refer an item to Council.~~
- D. ~~Sec. 19.~~ ~~Special committees of the Council~~ Committee Chairs shall give a status report on all items assigned to committee at each Council meeting, ~~within four weeks unless further time is granted.~~

Section 3. City Council Meetings²

¹ See City Charter, § 3.2, *City Council President*.

² See City Charter, § 3.4, *City Council Meetings*.

- A. ~~Sec. 1.~~ The City Council shall hold regular meetings on the first Monday of each month at 7:00pm. Whenever a regular meeting falls on a legal holiday the meeting shall be held the following Monday night at the same time.
- B. Before the close of business on Friday, the City Clerk or their designee shall prepare, place on file and deliver to the Mayor and each City Councilor a copy of the agenda of the business to be brought before said meeting.
- C. ~~Sec. 2.~~ At all meetings of the Council, a majority shall constitute a quorum.
- D. ~~Sec. 3.~~ The President shall take the chair promptly at the time appointed for the meeting, and, having called the Council to order and a roll-call showing a quorum present, shall proceed at once to business.
- E. ~~ORDER OF BUSINESS.~~ The following shall be the order of business unless otherwise determined by the Council.
- i. Roll Call
 - ii. Salute the Flag
 - iii. Approval of Minutes
 - iv. ~~Messages from the Mayor~~ Mayor's Message
 - v. Student Representative Update
 - vi. Public Comment
 - vii. Unfinished Business
 - viii. Orders of the Day
 - ix. New Business
 - x. Public Comment
 - xi. Referrals
 - xii. Committee Reports
 - xiii. Executive Session
 - xiv. Adjournment
- F. Upon request of any Councilor, the President may add items to the agenda at any time.
- G. During any portion of the meeting where public comment is solicited, any member of the public may speak for up to three (3) minutes. Each person shall state his/her name, title (if representing an organization) and address (if a City resident or business owner).
- H. ~~Sec. 16.~~ No person, except a member of the Council shall be permitted to occupy the seat of any member while the Council is in session.
- I. ~~Sec. 24.~~ None of these rules or orders shall be suspended unless by a two-thirds vote of the members present; and such suspension shall continue only during the meeting at which such vote is taken; and no rule or order shall be altered or repealed unless written notice shall have been given at a preceding meeting, nor unless a majority of all the members of the Council vote to so alter or repeal.
- J. ~~Sec. 25.~~ All questions of order not herein provided for shall be decided by the presiding officer, subject to an appeal of the Council.

K. ~~Sec. 26.~~ The Council shall be governed by “Roberts’ Rules of Order, Revised” in all questions of parliamentary procedure not provided for by these rules of order.

~~Sec. 18.~~ The Council may resolve itself into Committee of the Whole on any questions, ~~and the President shall appoint a member who shall occupy the chair.~~

Commented [AH1]: Do we need this?

- (a) ~~Except by consent of a majority of members of the City Council, all papers or business which may require council action shall be filed with the City Clerk or their designee no later than 4:00pm on Thursday previous to each regular Council meeting.~~
- (b) ~~The Administration is authorized to obtain bids for City purchases and projects for the Council’s consideration upon the resolve of the City Council.~~

Section 4. Voting Procedures

- A. ~~Sec. 21.~~ When a member wishes to speak or make a motion, they shall raise their hand and not proceed until recognized by the Chair. During discussion, they shall confine themselves to the question under discussion and avoid intemperate and abusive language and personalities. ~~Sec. 5.~~ When stating a question or a motion, or when addressing the Council, the President shall rise but may read sitting.
- B. ~~Sec. 17.~~ No member shall be interrupted while speaking except by their consent, or a point of, or call for order; nor shall there be any conversation among members while a question is being stated or while a member is speaking.
- C. ~~Sec. 12.~~ Every motion shall be reduced to writing if any member shall so request.
- D. ~~Sec. 13.~~ After a motion has been made, seconded and stated by the chair, it shall not be withdrawn except by unanimous consent.
- E. The procedure for the adoption of legislation is as follows, except where otherwise stated:
 - i. The City Clerk shall read the title of the legislation into the record.
 - ii. If a public hearing is required, the President shall open the public hearing, allow for public comment, and close the public hearing.
 - iii. A Councilor may make a motion to approve the legislation, reading the title and text of the legislation into the record. Legislation may be read by title only if no objection is made. Several pieces of legislation may be considered together if no objection is made.
 - iv. A Councilor may second the motion to approve the legislation. If no second is received, the legislation shall fail for lack of a second.
 - v. If the motion is made and seconded to consider several pieces of legislation together, the Council President shall offer City Councilors the opportunity to object and have such items considered separately.
 - vi. The Council President shall offer City Councilors the opportunity to speak on the motion.
 - vii. The Council President shall offer members of the public the opportunity to speak on the motion.
 - viii. When discussion has ended, the President shall call for a vote. The final approval of any legislation shall require a roll call vote. All other votes may be taken by a show of

hands. Roll call voting shall be conducted in alphabetical order of last names, with the Vice President and President voting last.

ix. The Council President shall announce the result of the vote.

F. ~~Sec. 6.~~ When a question is under debate, no motion shall be in order except the following:

- i. To adjourn
- ii. Move the question
- iii. To amend
- iv. To postpone indefinitely
- v. To lay on the table

G. ~~Sec. 7.~~ A motion to adjourn shall always be in order except when immediately repeated.

H. ~~Sec. 8.~~ The following questions shall be decided without debate:

- i. To adjourn
- ii. The previous question
- iii. All questions of order and appeals from the decision of the chair thereon
- iv. To lay on the table and take from the table

I. ~~Sec. 11.~~ Every member present shall vote yes or no unless specially excused by the Council before the vote is taken.

J. ~~Sec. 23.~~ All by-laws passed by the City Council shall be entitled ordinances and shall require the affirmative votes of a majority of all the members of the City Council for final passage, which shall be by a roll call vote.

All ordinances and any order or resolution which involve either:

- i. The appropriation or expenditure of money which exceeds \$3,000
- ii. The laying of an assessment
- iii. The granting to any person or corporation any right in, over, or under any street or other public ground of the City of Westbrook

Shall require the affirmative votes of a majority of all the members of the City Council for its final passage, which shall be by a roll call vote. Every such ordinance, order, or resolution shall be read twice, with an interval of at least 72 hours between the first and second readings, before it is in order for final passage; but if such a matter is amended after its first reading, it shall be tabled for a period of at least 72 hours before it may be voted upon for final passage.

All other ordinances, orders or resolutions shall require a single reading and require the affirmative votes of a majority of all of the members for passage.³

K. ~~Sec. 15.~~ When a vote is doubted, the members for and against the motion shall ~~rise~~ raise their hands when called upon by the President and ~~remain standing~~ keep them raised until counted.

Commented [AH2]: Does City Council wish to specify how the annual budget shall be adopted, whether as a whole or by line item?

³ See City Charter, § 3.1, *Legislative Authority of the City Council*

- L. ~~Sec. 9.~~ When a vote has been passed, any member who voted in the majority, or in case of a tie vote, any member voting on the prevailing side, may vote a reconsideration of said vote at the same or at the next succeeding regular meeting but not afterward, but a vote to reconsider shall require a majority of all the members of the Council. An absent member cannot move for reconsideration.
- M. ~~Sec. 10.~~ When any Council Order, Ordinance, or Resolution has been defeated by an adverse or tie vote and such a vote has not been reconsidered or rescinded by the next succeeding regular Council Meeting, the same or any substantially similar matter shall not be in order for further Council action for a period of ninety (90) days, except by a 2/3 vote of all members of the Council for a first reading or final passage.
- N. ~~Sec. 22.~~ The Clerk shall keep a record of all votes, orders, ordinances and other proceedings of the Council; shall prepare and present to the Mayor all votes, ordinances and documents requiring his mayoral signature, unless the Council shall otherwise direct; shall notify or cause to be notified all members of the Council of the time of special meetings as provided by the charter; and shall perform such other duties, not inconsistent with the charter, as the Council may from time to time prescribe.⁴

~~Sec. 14.~~ The enacting form of an ordinance shall be as follows:
 “Be it ordained by the City Council of the City of Westbrook in City Council assembled”, etc.
 The form of an Order shall be as follows: “In City Council ordered”, etc.
 The form of a Resolve shall be: “In City Council, Resolved”, etc.

Section 5. Student Representatives

Section 6. Technology

The City of Westbrook shall provide each Councilor with a computer device for use during his/her term of office for the conduct of Council business. Upon the expiration of said term, the device shall be returned to the City. All Councilors shall be subject to the City’s Employee Computer & Internet Use Policy.

Commented [AH3]: How are they selected?
 Who is eligible?
 What is the stipend? When is it paid?
 Are there conditions for receiving the stipend, such as attendance or grades?

⁴ See City Charter, Article 5, *City Clerk*