

## **Article I Scheduling of Meetings**

**Section 1. Regular meetings** Regular meetings of the Cape Elizabeth Town Council are held in the Town Hall at 7:00 p.m., on the second Monday of each calendar month. When the meeting date falls on a holiday, the regular meeting is held on the following Wednesday, at the same time and place. The date and/or location of any regular meeting may be changed by an order or resolve passed at a previous meeting upon the vote of five members of the council, provided, however, that any change in date will still provide for one regular meeting in each month. Any meeting may be postponed by the chairperson due to severe inclement weather. The chairperson shall reschedule the meeting to the earliest possible date.

**Section 2. Special meetings** Special meetings may be called by the chairperson, and in case of the chairperson's absence, disability, or refusal, special meetings may be called by three members of the Town Council. Notice of such meeting shall be served in person, electronically by e-mail, by telephone communication directly to the Town Council member or left at the residence of each member of the Town Council at least 48 hours before the time for holding said special meeting, unless all members of the council sign a waiver of said notice. An e-mail notice shall not serve as the sole notice unless prior to the meeting the recipient acknowledges receipt of the e-mail. The call for said special meeting shall set forth the matters to be acted upon and nothing else shall be considered at such special meeting.

## **Article II Agenda and Meeting Preparation**

**Section 1. Deadline to submit materials** No item shall be in order for action at any meeting of the Town Council unless such item shall be filed in the office of the town clerk on or before noon of the first business day of the month for the regular meeting of the Town Council, and before noon of the business day prior to the day of any other meeting.

**Section 2. Agenda preparation** The town manager, with the advice and consent of the chairperson shall prepare the agenda, which shall include the order of business. Any Town Council member or the town manager may sponsor items to be included in the agenda. The agenda may include reports from municipal boards and commissions that recommend Town Council action. Unless otherwise provided by ordinance, items submitted from citizens or others for inclusion in the agenda must be sponsored by a Town Council member or by the town manager. Sponsorship of an agenda item by the town manager or by a Town Council member shall not be deemed to be support on the merits of the sponsored item.

**Section 3. Consent calendar** The agenda may include a consent calendar providing for multiple items to be considered en bloc. When any item is included as part of a proposed consent calendar, any Town Council member may ask for any item to be considered separately. At the discretion of the chairperson, any item removed from the consent calendar may be considered before or after the consideration of the items remaining on the consent calendar.

**Section 4. Agenda order** The order of the agenda for meetings shall be as follows:

Convening by the Chairperson  
Roll Call by the Town Clerk  
The Pledge of Allegiance to the Flag  
Presentations of any Town Council Recognitions  
Town Council Reports and Correspondence  
Other Reports on the Advance Agenda not Requiring Council Action  
Citizens Discussion of Items Not on the Agenda-1st Opportunity  
Town Manager's Report  
Review of Minutes of Previous Meetings  
Public Hearings  
Agenda Items  
Citizens Discussion of Items Not on the Agenda-Second Opportunity  
Agenda Items Requiring Executive Sessions  
Adjournment

Following any public hearing the Town Council shall consider the subject of the public hearing prior to moving forward to any additional item on the agenda.

**Section 5. Agenda distribution** The agenda shall be distributed to the members of the Council and made available to the public by the Wednesday preceding the date of the regular Council meeting and as soon as possible before a time set for any other meeting. Agendas shall be posted on the municipal website concurrent with distribution to the Town Council. Background material on issues before the Town Council shall be submitted electronically whenever feasible. Background material available electronically shall be posted on the municipal website unless the material relates to an item to be reviewed in non-public session.

**Section 6. No new items after 10:00 p.m.** No new item may be taken up for consideration at a Town Council meeting after 10:00 p.m.

**Section 7. If meeting does not have a quorum** If a meeting is adjourned because of the lack of a quorum, at least 24 hours notice of the time and place of holding another meeting shall be given to all members who are not present at the meeting from which adjournment is taken, unless such absent members sign a waiver of said notice.

**Section 8. Electronic presentations** Any person desiring to include as part of a presentation any material that requires projection shall provide the presentation to the town clerk by noon of the date of any meeting so that the presentation may be preloaded and ready to project. A copy of the presentation will also be maintained as a public record.

### **Article III Participation at Meetings and Conduct of Meetings**

**Section 1. Types of meetings.** The Town Council meets in either business meeting format or workshop meeting format.

**Section 2. Workshop Meetings** The purpose of a workshop meeting is primarily for council dialogue involving reports and proposals from council members, committees and staff that may be considered at later Town Council meetings. The Town Council may give guidance to the chairperson and to staff at workshop meetings but no decisions may be made that require formal votes. Notwithstanding the prior sentence, the Town Council may vote on procedural motions at a workshop meeting to determine a conflict of

interest, to enter into executive session and to adjourn. Prior to Town Council discussion on any item, members of the public may speak on each agenda item for not more than three minutes each and up to a total of 15 minutes. If there are more speakers than the time available, the chairperson may allocate the speaking time in order to balance the debate. The public participation portion shall conclude when the Town Council begins its discussions.

**Section 3. Rules of order and debate** The chairperson presides over all meetings of the Town Council. No one shall speak until recognized by the chairperson. When speaking, the member shall respectfully address the chairperson, confine discussion to the question under debate, and avoid personalities. No member speaking shall be interrupted by another, but by a call to order, to correct a mistake or by the chairperson if there are technical issues with sound or video equipment.

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 a question on appeal is decided.

The chairperson or a designee of the chairperson shall summarize every item on the agenda following its reading by title.

The chairperson shall call for and 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. When a roll call is taken, the roll is called in alphabetical order, except that the chairperson shall be the final member to vote.

Every motion shall be reduced to writing, if the chairperson shall so direct.

Any member may require the division of a question.

When a question is under debate, the chairperson shall receive no motion but to:

- (1) adjourn
- (2) lay on the table
- (3) postpone to a day certain
- (4) refer to a committee or some administrative official
- (5) amend
- (6) postpone indefinitely, or
- (7) move the previous question

Motions shall have precedence in the order written above.

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 to take from the table, shall be decided without debate.

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

All questions relating to priority of business to be acted upon shall be decided without debate.

In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Robert's Rules of Order," latest edition, shall be taken as authority to decide the course of proceedings.

After a vote is taken, it shall be in order for any member who voted on the prevailing side of a vote to have a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

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?" And 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.

No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment. All questions or order arising incidentally thereon must be decided without discussion whether appeal be had from the chair or not.

**Section 4. Public Participation at Regular Town Council Meetings** The public is welcome to participate at Town Council business meetings. The participation may take the following forms:

**a. Participation at a public hearing and on other agenda items**

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairperson, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the chairperson or a majority of the Town Council may limit the total time of public comments to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chairperson may decline to recognize any person who has already spoken on the same agenda item. Once the council has begun its deliberations on an item, no person shall be permitted to address the council on such item.

If the Town Council has previously held within ninety days a public hearing on a similar item, the chairperson or a council majority may limit or dispense with public comment at subsequent meetings when the item is considered.

**b. Speaking at the meeting on topics not on the agenda**

Persons wishing to address the council on an issue or concern local in nature not appearing on the agenda may do so before the town manager's report and/or after the disposition of all items appearing on the agenda.

Any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairperson, the speaker shall give their name and address or name and local affiliation if the local affiliation is relevant prior to making other comments. All remarks should be addressed to the Town

Council. Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

Issues raised during the non-agenda item comment period may be immediately responded to with brief answers by the chairperson or by the town manager. After each comment period, the chairperson will indicate that each person who did not receive an immediate response will receive a follow-up response no later than one week from the meeting. Copies of responses will be provided to all Town Council members.

**Section 5. Decorum** Persons present at council meetings and workshop meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at business meetings may only address the Town Council after being recognized by the chairperson and only at the lectern.

**Section 6. Conflict of interest** Each Town Council member shall disclose any potential conflict of interest immediately after the chairperson introduces an item. The council member shall briefly explain their reason why they believe they may have a conflict of interest. The balance of the Town Council members after reviewing applicable statutes may by majority vote determine if the member has a conflict. If any member of the Town Council believes that another member has a statutory conflict of interest, they may raise a point of order at any time and the Town Council shall immediately suspend business to resolve the issue. If any member discovers part way into a discussion that they may have a conflict of interest, the council member may raise a point of order and the Town Council shall immediately suspend business to resolve the issue. All resolutions of conflict of interest issues may be by majority vote of the remaining Town Council members and after citing applicable statutory provisions. If the same issue is to be discussed at subsequent meetings, the recusal need not be revoked. The chairperson will announce to those present the previous decision to recuse the council member.

**Section 7. Members must vote** Unless a Town Council member has been recused from voting for reason of conflict of interest, the Town Council member must vote when the yeas and nays are called.

**Section 8. Suspension of rules** The rules shall not be dispensed with or suspended unless five 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.

#### **Article IV Miscellaneous Provisions**

**Section 1. Committees** At the commencement of the council 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 designate:

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

The members of the council to serve on the appointments committee and ordinance committee shall be chosen by the council by a majority vote. All members of the council shall serve on the finance committee. Each member of the council, other than the chairperson, shall serve on either the appointments committee or the ordinance committee, and the chairperson shall be ex-officio a member of all standing committees.

The chairperson of each of the Finance Committee, the Appointments Committee and the Ordinance Committee shall also be chosen by the full council by majority vote.

**Section 2. When votes are effective** All Town Council votes are effective immediately except that ordinance adoptions and amendments are effective as provided in the municipal charter.

**Section 3. Chairperson** In the absence of the chairperson, the finance committee chairperson shall assume the responsibilities of the chairperson. If both are absent, the remaining council members shall choose a chairperson pro-tem who shall have the responsibilities of the chairperson. The "chairperson" each year may ask that the position instead be referred to as "Town Council Chair," "Town Council Chairwoman," or "Town Council Chairperson." The Town Council shall respect the wishes of the incumbent chairperson.

**Section 4. Orientation** Between the annual municipal election and the 2nd Monday in December, the current chairperson assisted by the town manager shall organize an orientation session for any newly elected councilors and any continuing councilors who may wish to attend.

**Section 5. Partisanship** "The Council-Manager Charter of the Town of Cape Elizabeth" provides that elections for Town Council shall be conducted on a non-partisan basis and without party designations on the election ballot. To retain the non-partisan nature of the council, council members and others are asked to refrain from making statements announcing political party events or making other comments of a political partisan nature.

**Section 6. Technology** The Town Council utilizes technology to enable more access to local government. The use of messaging technology during Town Council meetings shall be limited to ensure that Town Council deliberations are conducted openly.

Revised: 12/10/1979, 5/14/1985, 12/9/1985, 2/8/1988, 5/25/1988, 10/11/1989, 6/10/1991, 12/9/1991, 6/9/2003, 12/11/2006, 1/8/2007, 8/9/2010, 12/12/2011, 12/9/2013, 4/9/2018, 9/12/2022