

COUNCIL RULES and PROCEDURES

As amended December 13, 2004, July 9, 2007, August 14, 2007 by Ord. 305,
February 9, 2009 by Ord. 309; November 22, 2010 by Council Vote;
December 10, 2012 by Council Vote; December 8, 2014 by Council Vote.

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COUNCIL RULES/PROCEDURES

This document supercedes all other existing resolutions regarding the Town Council Rules.

RULE 1

Charter Requirements

- 1.1 All requirements of the Town Charter with respect to the proceedings of the Town Council are to be strictly followed, and no rules shall be adopted by the Town Council, which shall be in conflict with the Charter requirements.

RULE 2

Presiding Officer

- 2.1 The Council President shall be recognized as the head of the Town Government for all ceremonial purposes and by the Governor for purposes of military law. The Council President, or in his/her absence, the Vice President, shall preside, and on the appearance of a quorum shall call the members to order.
- 2.2 The Town Council President, and in his/her absence, the Vice President, of the Town Council, both elected at the organizational meeting, shall preside at all meetings of the Council. In the event of the absence or the disability of the President and Vice-President, the Council shall elect one from among its members present to perform such duties, during such absence or disability. The President shall take the chair at the hour designated for the meeting of the Council and shall promptly call the members to order. The President shall enforce, on all occasions, the observance and decorum among the members and people in attendance. The President shall decide all questions and points of order, subject to an appeal to the Town Council by one member. No other business shall be in order until the question or appeal on the point of order shall have been decided by a majority of the members present. The President may speak on points of order in preference to other members, and he/she may speak on general questions, but he/she shall take the floor to do so. The President shall distinctly state and put to vote all ordinances, resolutions and questions.

RULE 3

Meetings

- 3.1 The first meeting of a newly elected Council shall be held on the first Monday following certification of the election of its members by the canvassing authority; thereafter the Town Council shall meet on the second (2nd) Monday in each month at 7:00 p.m. and also, where it is warranted and necessary, on the fourth (4th) Monday in each month. If any regular meeting of the Council shall fall on a legal holiday, the meeting of the Council shall be held on the day following.

- 3.2 All meetings of the Council, including special and emergency meetings and work sessions, shall be open to the public, except those involving labor negotiations planning, litigation, individuals involved in possible disciplinary action and all matters consistent with RI General Law as it pertains to open meetings. All matters shall be voted upon by the Council at an open regular meeting or at an open, special or emergency meeting.
- 3.3 All regular and special meetings and their agenda must be advertised in a local newspaper, except when an emergency meeting is called. Such emergencies would be those affecting public peace, health, safety, comfort and welfare of the inhabitants of the Town and for protection of persons and property
- 3.4 Special meetings may be held at anytime upon the call of the Council President, or upon the call of any two (2) of the members of the Council; provided, however, that no business shall be transacted at special meetings, except upon the majority consent of the members of the Council present and voting, unless notice thereof shall have been included in the call of the meeting. Notice thereof shall be served or delivered to the legal residence of each member of the Town Council.
- 3.5 Work Sessions: A work session is a meeting of the Town Council that may include other officials, bodies, agencies or groups. The primary purpose of a work session is to obtain information and exchange ideas rather than to take formal action. Consequently, work sessions are open to the public but public participation is at the discretion of the Town Council.
- 3.6 There shall be a 10:00 p.m. curfew for all Council meetings unless voted upon otherwise. (Amended by the Town Council 12-13-2004)

RULE 4 **Quorum**

- 4.1 A quorum shall consist of three members of the Council; provided however that a majority of the members of the Council present and voting, whether or not a quorum shall be present, may vote to adjourn a meeting to any other definite time and compel the attendance of absent members.

RULE 5
Order of Business for Regular Meetings

- 5.1 The Order of Business at each meeting shall include the categories referenced in §15-14 of the Code of the Town of Charlestown. (amended 12-13-2004 Town Council meeting and by Ordinance #305 on August 14, 2007, amended February 9, 2009, Ord. 309; amended November 22, 2010 by Council Vote; amended December 8, 2014 by Council Vote.)
- 5.2 **Consent Agenda:** In order to expedite the public business and provide additional time for deliberation by the Town Council on matters requiring such deliberation, Consent Agenda items are those items of business, which are of a routine and non-controversial nature.
- 5.3 If the Town Council President or Town Administrator determines that any item of business requires action by the Town Council is of a routine and non-controversial nature, he/she may cause it to be presented at a regular meeting of the Council as part of a Consent Agenda.
- 5.4 On objection by any member of the Council or member of the public (with approval of the Council) to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be recorded at any time prior to the taking of a vote on the motion to approve the Consent Agenda. Any item removed from the Consent Agenda shall be considered in its normal sequence on the meeting agenda.
- 5.5 The Consent Agenda shall be introduced by a motion “To approve the following listed items as the Consent Agenda” (with said items being listed and marked with **) and shall be considered by the Council as a single item. There shall be a roll call vote after this motion.
- 5.6 There shall be no debate or discussion by any member of the Council regarding any item on the Consent Agenda beyond asking questions for simple clarifications.
- 5.7 Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption or enactment of each motion, resolution or other item of business thereon exactly as if each had been acted upon.

- 5.8 **Public Hearing (re: ordinances and/or amendments):** The public hearing portion of the agenda shall be conducted as follows: The Town Council President will invite the applicant or his/her representative to give a brief explanation of the item for the benefit of the Council and the public. Members of the public shall then be permitted to speak on the item until all who wish to speak have had an opportunity to do so. Members of the Council shall reserve their questions and comments until after the public has spoken. The Council President in his/her discretion may allow brief, clarifying questions by the Council or brief discussion when such will be likely to expedite the business of the Council. After the public discussion is finished and the Council has had discussion, the Council President will close the public hearing. At this point, a motion is made for a decision to approve, deny or table the item.
- 5.9 The Council shall not enact any ordinance or resolution which shall in any way affect the Zoning Ordinance; the physical development plan of the Town; the existing and proposed location and arrangement of the uses of the land; transportation routes; plans of streets and revisions of such plans; public facilities; public utility systems; deteriorating or blighted neighborhoods planned for redevelopment, rehabilitation, or other improvement; natural resources and historic sites to be preserved; disaster survival proposals; and land subdivision plans; acquisition or sale of Town real estate, other than real estate acquired at tax sales of the Town without first submitting any such ordinance or resolution to the Town Planning Commission for its recommendation. Nothing, however, shall be construed to restrict or prevent the Council from acting on any ordinance or resolution contrary to or in absence of a recommendation of the Commission.

RULE 6

Participation in Discussion

(Amended July 9, 2007 Town Council Meeting)

- 6.1 The heads of Departments or Divisions thereof and members of Boards and Commissions, in matters relating to the functions of their offices and any other elected officials, shall have the right to appear before the Council for the purposes of expressing their views on matters pending before it. Any citizen or group of citizens shall have the right to petition the Council with regard to any matter within the jurisdiction of the Council, setting forth specifically the purpose of the petition and relief desired. The press shall be allowed on the floor of the Town Council Chambers.
- 6.2 Any member of the Town Council who knows in advance of a meeting that he/she wishes to obtain certain data or have a question or questions answered, or wishes specific figures or expenditures, or budget balances, etc., should, insofar as possible, inform the Administrator in writing of the nature of the inquiry so that he/she will have the opportunity to have the answer available at such meeting.
- 6.3 The Town Council requests that members of the public follow a similar procedure wherever possible.

- 6.4 Wherever possible, the Town Administrator shall submit reports to members of the Town Council in advance of a Town Council meeting.
- 6.5 Persons who wish to be heard on the agenda shall present such requests in writing to the Town Clerk not later than ten (10) days prior to the Council meeting for which they wish their request to be considered. The Council, at its Agenda Workshop, shall have the option of determining if the request is an appropriate subject/topic for inclusion on the final agenda. There will be a 15-minute time limit for such requests. Extensions granted at the discretion of the Town Council.
- 6.6 Other persons wishing to speak without prior arrangement will be given an opportunity to do so under “Public Comment”. Speaking procedures as defined in Item 6.8 below shall apply.
- 6.7 Comments from the floor under “Public Comment” on any subject not within the purview of the Town Council will not be allowed to cause a “de facto” addition to the agenda and may be considered by the Council for inclusion as an agenda item at a subsequent meeting.
- 6.8 The President of the Town Council or other Council member acting in place of the President may permit comment from the floor at an appropriate time of not more than one comment per speaker for a two (2) minute duration if such comment is relative to a specific agenda matter. Allowance of this privilege shall be at the complete discretion of the President or other Council member who is conducting the meeting. Said speaker will be entitled to the same privilege of not being interrupted while speaking except for a point of order, a correction of mistakes or exceeding of the time limit.
- 6.9 The Town Council President shall recognize a Council member’s request to call upon a citizen or member of the audience over the Council President’s objection, provided said request is seconded by another member of the Town Council. (added July 9, 2007 Town Council meeting)

RULE 7

Motions

- 7.1 When a motion is made and seconded, it shall be stated by the Town Council President.
- 7.2 No motion shall be debated until it has been seconded. Any motion may be withdrawn by the mover at any time before the taking of a vote thereon or before an amendment is made to such motion.

RULE 8
Motions of Precedence

8.1 When a question is before the Town Council, no motion shall be received, except to:

1. Fix the time at which to adjourn
2. Adjourn
3. Take a recess
4. Raise a question of privilege
5. Call for the orders of the day
6. Lay on the table
7. Previous question
8. Limit or extend limits of debate
9. Postpone to a certain time
10. Commit or refer
11. Amend
12. Postpone indefinitely
13. Main motion
 - a. The lowest in rank being at the last of the list, and highest in rank being at the beginning of the list. When any one of them is immediately pending, the motions before it on the said list are in order and shall be acted upon first, and those below are out of order.
 - b. Debatable: Numbers 13, 12, 11, 10, 9
 - c. Amendable: Numbers 13, 11, 10, 9, 8, 3, 1
 - d. Reconsiderable: Numbers 13, 11, 10, 9, 7, 1

RULE 9
Action of Members of the Town Council

9.1 Any Council member desiring to speak shall address the President, and after his/her right to speak has been recognized, he/she shall not be interrupted while speaking except by a call to order, or for the correction of a mistake, or yield to a member. He/she shall confine his/her remarks to the question under debate and shall avoid personalities. No member shall speak more than once on the same question until all members desiring to speak thereon shall have done so. There shall be no conversation among members, while a member is speaking, while a roll call is being taken, while a paper is being read or while the President is stating a question.

- 9.2 The affirmative roll call vote of three (3) Council members shall be necessary for the passage of any ordinance. On all resolutions, questions, orders, reports, communications, the affirmative vote of a majority of Council members present shall decide any issue. The vote upon any matter shall, upon the request of two Council members, be taken by roll call. The “yeas” and “Nays” of the members of the Council shall be taken and entered on the records of said Town Council. After a roll call vote has been ordered, said roll call shall not be interrupted, delayed or stopped by the President or any member of the Council for any reason whatsoever, including points of order, personal privilege or for a member to explain his/her vote. After the roll call and before the President announces the result, any member may change his/her vote. The sequence in which a Roll Call vote is called shall rotate alphabetically each month. In case of a tie vote, the motion is not carried or passed. A member may explain his/her vote only with the unanimous consent of the body.
- 9.3 After the result of a vote is announced, a motion to reconsider is in order. A member who voted with the prevailing side must make the motion. Any member may second the motion. No ordinance, resolution, questions or vote can be twice reconsidered.
- 9.4 Any member who realizes or anticipates that he or she has or will have a conflict of interest with respect to a matter before the Town Council for consideration should announce his or her intention to abstain from voting on the matter as soon as the conflict becomes apparent, and should thereafter refrain from further discussion of the matter.

RULE 10
Agenda

- 10.1 The Town Clerk shall prepare and/or cause to be prepared for the information of the members of the Town Council a docket on which there will be a definite statement or summary of all ordinances, resolutions, orders, reports, communications and other business to be considered at each meeting of the Town Council. The members of the Town Council and heads of Departments having ordinances, resolutions, orders, reports, communications and other business to present to the Town Council for consideration shall file with the Town Clerk, in proper form, said resolutions, orders, reports, minutes, communications and other business no later than noon on the 10th day before the Town Council meeting at which it is to be introduced, in order that the same may be presented on the docket. No ordinance, resolution, order, report, communication and other business shall be considered as having been introduced unless notice of said shall have been filed with the Town Clerk as herein provided, and said ordinance, resolution, order, report, communication or other business appears on the prepared docket, or unless the Council by a majority of those present shall allow the introduction of such from the floor without it appearing on the docket. The Town Clerk shall cause a copy of the docket to be delivered to the legal residence of each member of the Town Council no later than six o'clock p.m. (6:00 p.m.) on the business day previous to each regular meeting of the Town Council.
- 10.2 The Town Council may choose not to act on any agenda item if the backup material is not submitted to the Town Council by noon on the Friday before the Town Council meeting.

RULE 11
Parliamentary Law

- 11.1 If there are any parliamentary practices, procedures, customs and rules not covered within this resolution, the current edition of Robert's Rules of Order, Newly Revised, shall govern where it does not conflict with the applicable State or Town laws, ordinances and the Home Rule Charter.

RULE 12
Unfinished Business

- 12.1 Each item tabled or postponed by the Town Council at any regular meeting shall appear on the agenda of each succeeding regular meeting as unfinished business until acted upon or removed from the agenda by a vote of the Town Council

RULE 13
Appointments to Boards and Commissions

- 13.1 The Town Council will consider all requests for appointment and will continue to urge interested residents to obtain and complete the volunteer application available at the Clerk's Office. Appointments of members of commissions, boards and committees shall be by a majority vote of the Council.
- 13.2 The Town Council will continue the practice of appointing the best-qualified persons to boards, commissions and committees without regard to personal or political affiliations.

These rules and procedures shall take effect upon passage. The foregoing rules shall not be altered, amended, suspended or repealed at any time, except by the vote of the majority of the whole number of members elected to the Town Council.

Passed at a legally advertised Town Council meeting held July 14, 2003 and as amended.

ATTEST: _____
Amy Rose Weinreich, CMC
Town Clerk

AMENDMENTS:

Rules and Procedures amended at a legally advertised Town Council meeting held **December 13, 2004**. The following motion was made:

Motion made by Mr. Safford, seconded by Mrs. Waterman and approved unanimously to approve the new rules as amended: that #18, Public Comments be moved to after #5 Minutes and Reports with a 2 minute time limit for items not on the agenda; Council Comments be moved to #18 with a 2 minute limit and limited to items of concern to Charlestown; Adjournment time at 10:00 p.m. unless voted on by the Council and to inform the Charter Revision Commission of an earlier start time.

Rules and Procedures amended at a legally advertised Town Council meeting held **July 9, 2007**. The following motion was made:

Motion made by Mr. Mageau, seconded by Mr. Craig to propose a 6.9 to the Town Council Rules: The Town Council President shall recognize a council member's request to call upon a citizen or member of the audience over the Council President's objection, provided said request is seconded by another member of the Town Council.

ROLL CALL: Ms. Allen-abstain; Mr. Craig-yes; Mr. Mageau-yes; Mr. Picard-yes; Mrs. Waterman-yes. Motion carries.

Rules and Procedures amended at a legally advertised Town Council meeting held **August 14, 2007** (**Order of Business for Regular meetings**) by Ordinance 305.

Rules and Procedures amended at a legally advertised Town Council meeting held **February 9, 2009** (**Order of Business for Regular meetings**) by Ordinance 309.

Rules and Procedures amended at a legally advertised Town Council meeting held **November 22, 2010** (**Order of Business for Regular meetings**) by Council vote. The order of business in this document has been changed to reflect the Council vote.

Rules and Procedures amended at a legally advertised Town Council meeting held **December 8, 2014** (**5.1 Order of Business for Regular meetings and 9.2 Action of Members of the Town Council**) by Council vote. These sections in this document have been changed to reflect the Council vote.