

# Town of Brunswick, Maine



## TOWN COUNCIL

## RULES OF ORDER AND PROCEDURE

**Adopted**

**April 18, 2023**

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## **Authority for and Purpose of the Rules**

The inhabitants of Brunswick, Maine govern as a municipal corporation called the Town of Brunswick, Maine, operating under Maine law and the Charter of the Town of Brunswick, Maine, both as amended from time to time.<sup>1</sup> The Charter provides for a Council-Manager form of government.

All the powers of the Town shall be vested in the Town Council except as otherwise provided for by law or the Charter.<sup>2</sup> The Town Council is composed of nine members, serving three-year staggered terms. Seven members are elected from districts and two are elected at-large.<sup>3</sup>

The Charter specifies that at its first meeting the Town Council shall elect one of its members as Chair and another as Vice-Chair, establish a regular place and time to hold its meetings, and provide a method for calling special meetings.<sup>4</sup> The Charter also requires that the Town Council determine its own rules and orders of business.<sup>5</sup> These Rules of Order and Procedure have been developed to meet the Charter requirements.

Finally, various Town Council policies are attached as appendices. These policies supplement the Rules.

## **Section 100 - Town Council Officers**

### ***101. Chair***

The Chair of the Town Council shall preside at the hour the Town Council is to meet, as stated in the required public notice of the meeting. Before any business is transacted the Chair shall call the meeting to order and acknowledge that the meeting was properly noticed. The Chair may move, second, declare by unanimous consent, and debate from the Chair, subject only to such limitations of debate as are by these Rules imposed on all members, and shall not be deprived of any of the right and privileges of a Town Council member by reason of acting as the Chair.

The Chair shall act as the spokesperson for the Town Council.

### ***102. Vice Chair***

The Vice Chair shall serve as Chair during the absence or disability of the Chair and, in case of vacancy in the office of the Chair, pending the election of a successor.

### ***103. Temporary Chair***

In case of the absence of the Chair and Vice Chair, the Town Clerk shall call the Town Council to order and call the roll of members. If a quorum is found to be present, the Town Council shall

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<sup>1</sup> Sec. 101 Charter of the Town of Brunswick, Maine.

<sup>2</sup> Sec. 102 *ibid.*

<sup>3</sup> Sec. 201 *ibid.*

<sup>4</sup> Sec. 207 *ibid.*

<sup>5</sup> Sec. 209 *ibid.*

proceed to elect, by a majority vote of those present, a Chair of the meeting, to act until the Chair or Vice Chair appears.

#### ***104. Parliamentarian***

The Town Clerk, Town Attorney, or the Town Manager may serve as parliamentarian and assist or advise the Town Council Chair and the Town Council in the application of these rules and procedures. However, the authority to make rulings shall remain with the Town Council Chair, subject to overrule only by the Town Council in accordance with these rules.

### **Section 200 - Town Council Meetings**

#### ***201. Regular Meetings***

The Town Council shall meet in regular session in the Town Council Chambers at 6:30 p.m. on the first and third Mondays of each month, or at such other days and times the Town Council may establish at its first meeting. If the meeting day falls on a holiday, the meeting shall be held on the following day unless otherwise determined by the Town Council. Should there be a need to cancel, postpone, or change the location of the regular meeting for any reason, the Town Manager at the direction of the Chair shall see that all Councilors are notified, and reasonable notice given to the public. Notice of the date, time and location of a rescheduled meeting or change in meeting location shall be made in the same manner as is required in Rule 202, Special Meetings. Regular meetings are open to the public and news media.

#### ***202. Special Meetings***

The Chair, on the Chair's initiative, may call a special meeting. However, upon a written request from three (3) or more council members the Chair shall call a special meeting as requested. The Town Manager shall notify the public of the time and place as outlined in these rules. After the meeting is called, the Town Manager shall notify each Town Councilor of the date, the hour, and the purpose of the meeting.

#### ***203. Adjourned Meetings***

Any meeting of the Town Council may be adjourned and continued (adjourned to a date certain), for one or more days, but no adjournment shall be for period longer than until the next regular meeting. Any meeting adjourned without specifying a day to continue (sine die) shall conclude the meeting.

#### ***204. Workshop Meetings***

The Town Council may meet in workshop session to discuss any matter. Workshops are meetings and notice must be provided in accordance with these rules. A workshop session is open to the public and news media. At the discretion of the Chair, public input may be allowed. No binding vote shall be taken on any matter under discussion, but a non-binding vote on any matter under discussion may be taken.

### **205. Executive Sessions**

An Executive Session may be called only by a vote of three fifths of the members of the Town Council present and voting. No ordinances, orders, rules, resolutions, regulations, contracts, appointments, or other official action shall be finally approved at an executive session. An executive session shall not be used to defeat the purpose of 1 MRSA §401<sup>6</sup>.

### **206. Meeting Notice**

Town Council public meetings will comply with the laws of the State of Maine as set forth in 1 MRSA §406<sup>7</sup>. Notification will be provided to the public through one or more of the following methods: newspaper, webpage, local access TV, email. When special meetings are called, notification will be made to the media as soon as possible and a copy of the agenda will be posted by one or more of the methods listed.

Notice will also be provided for any meeting when a majority of any Town Council appointed committee is to meet or when it is determined that notice is required, even in the absence of a majority.

### **207. Attendance**

A Town Council member may not miss more than two consecutive regularly scheduled meetings unless excused by a vote of the majority of the Town Councilors present. No member may leave a Town Council meeting without permission from the Chair.

### **208. Quorum**

A majority of the Town Council shall constitute a quorum. A majority of a quorum is sufficient for a valid vote.<sup>8</sup> If less than a quorum convenes at any meeting, the majority of those present may send a police officer or other person for any or all of the absent members, as the majority of the members present agree.

### **210. Voting**

Every Town Council member present when a question is put forth shall vote either "Yes" or "No" unless the Town Council excuses that member from voting. Should a member be excused from the vote, the record will reflect an abstention. A refusal to vote when required shall be recorded as a "No" vote.

## **Section 300 – Reserved**

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<sup>6</sup> 1 MRSA §401 – the provision of Maine’s Freedom of Access Act (FOAA) containing the declaration of public policy; rules of construction

<sup>7</sup> 1 MRSA §406 – the provision of Maine’s Freedom of Access Act (FOAA) mandating that public notice be given of all public proceedings, as defined in the Act.

<sup>8</sup> Sec. 209 Chapter of the Town of Brunswick, Maine

## **Section 400 – Meeting Agendas**

### ***401. Agenda Required***

An agenda shall be prepared for every Town Council meeting, including but not limited to, regular meetings, special meetings, adjourned meeting, or workshop meetings. The agenda shall list the topics to be covered at the meeting. However, nothing shall prevent the Town Council from taking up any business not included on the agenda as long as that business is identified, and the agenda is adjusted to add the item in accordance with these rules.

### ***402. Establishing the Agenda***

402.1 Setting the Agenda. The Chair shall meet with the Town Manager and Town Clerk, typically one week prior to a scheduled meeting date, to review a draft meeting agenda and the list of potential agenda items. Emergencies or conflicts shall be accommodated in scheduling the agenda setting meeting. The Chair determines the items to be included on the published agenda.

402.2 Sponsorship of Agenda Items. Agenda items shall require a sponsor. Sponsors may include a Town Council member, Town Manager (or designee), or a Town Council-established Committee, Board, or Commission. Multiple sponsors are allowed.

402.3 Submission of Items. Requests to include an item on a meeting agenda shall be submitted to Town Council Leadership and Town Manager. The Town Manager shall acknowledge the request and maintain a list of potential agenda items.

- a. Action, Discussion or Presentation Items. Requests shall be accompanied by explanatory and supporting materials, specify the council action sought, and the preferred date for the item’s consideration. Materials must be received by the close of business at least ten (10) days prior to the next scheduled meeting. The Town Manager shall acknowledge receipt of the request and supporting materials.
- b. Concept Items (Placeholders). A concept item signals a sponsor’s intent to submit a full request at a subsequent date. Concept items may be submitted with a title and general description but need not be accompanied by materials or a specific meeting date. The Town Manager shall acknowledge receipt of the request.

402.4 Responding to Item Requests. Town Council Leadership or Town Manager shall inform the sponsor(s) in a timely manner that the request has been considered, whether additional information is required, and if, or when, Leadership expects the item to be scheduled.

### ***403. Regular Meetings – Order of Business***

The business of all regular meetings of the Town Council shall be transacted in the following order:

1. Call to Order - Acknowledge Proper Notice
2. Roll Call of Members
3. Pledge of Allegiance

4. Adjustments to Agenda \*
5. Public Comments
6. Manager's Report
7. Hearings \*
8. Tabled Matters \*
9. Old Business or Unfinished Business \*
10. New Business \*
11. Correspondence
12. Committee Reports
13. Consent Agenda \*
14. Adjourn

\* The Town Council may only take action on agenda items in these categories. If the Town Council adjusts the agenda, the item will be added under New Business.

Executive Sessions may be scheduled at any point on the agenda.

#### **404. Adjusting the Meeting Agenda**

##### 403.1 Items out of Order

At any time during a meeting, the Town Council, may by majority vote, take agenda items out of order.

##### 403.2 Adding Agenda Items

At the beginning of any meeting, or at the time specified in the order of business, the Town Council, by unanimous consent or 2/3 vote, may adjust the agenda to add an item. Adjusting the agenda to add an item at any other time during the meeting requires unanimous consent or a 2/3 vote to suspend these rules and add an item.

##### 403.3 Deleting Agenda Items

Agenda items may not be deleted. It shall be disposed of by a vote to table (postpone) to a date certain, or table (postpone) indefinitely. If the Town Council fails to vote a tabling action, the Chair shall declare the item tabled indefinitely by unanimous consent.

#### **405. Town Council Procedures on Action Items**

The Town Council shall proceed as follows in the consideration of action items.

1. Sponsor or Manager introduces and explains the item. Sponsor, Manager, staff, or others (as designated by Sponsor or Manager) provide additional explanation or information.
2. Any councilor may make a motion (see considerations below) <sup>(a)</sup>
3. Town Council questions (no debate)
4. Public input (may be disallowed by Chair, subject to overrule)
5. Additional questions from Town Council (no debate)
6. Chair recites motion, if already made, or looks for motion.

7. Town Council debate
8. Amendments to motion (optional) and debate
9. Vote on amendment(s) to motion (if an amendment(s) has been offered)
10. Vote on main motion (as amended if applicable)

<sup>(a)</sup> On motions, the Chair may look first to recognize the councilor sponsor (s), then to the district councilor (if applicable), and then to the remaining councilors. This is suggested as a courtesy but is not required.

#### ***406. Consent Agenda***

The Chair determines the items that appear on the consent agenda. The Town Council may not adjust the agenda to add to the consent agenda. However, at the request of any councilor, any item may be removed from the consent agenda. That item shall be considered separately as “New Business.”

### **Section 500 - Public Comments and Participation at Meetings and Hearings**

#### ***501. Public Comments***

The Town Council encourages public comments at its’ meetings and hearings in accordance with these rules. When an item is the subject of a public hearing, the Town Council will not take comment outside of the public hearing process, unless it votes first to suspend its’ rules to allow comment. Anyone violating these rules will be directed to cease speaking and may, if necessary, be removed from the meeting space.

#### ***502. Expectation of Decorum***

All in attendance at Town Council meetings, including councilors, employees and members of the public are required to follow these expectations. Attendees shall accord the utmost courtesy to the Town Council, Town employees and members of the public. Attendees shall not:

1. Speak until recognized by the Chair and granted permission to speak.
2. Interrupt any speaker who has been properly recognized by the Chair and given permission to speak. However, councilors may interrupt to raise a Point of Order, as provided for in these rules.
3. Disparage individual Town Councilors, staff, attendees, or others.
4. Make rude, derogatory, or inflammatory remarks.
5. Make statements vilifying the motives and integrity of others.
6. Address situations that are in litigation, including situations where the Town is a party to the litigation.
7. Comment on any personal disputes between themselves and other residents; or
8. Make any comments referencing support or opposition for any candidate for political office or political causes.
9. Stomp feet, whistle, shout, or act in disruptive manner.

Any attendee who does not adhere to these expectations shall be warned by the Chair that the conduct does not conform with these rules. Should the conduct continue, the Chair may direct the

attendee to be removed from the meeting. Should the Chair fail to act, a majority of the Council may compel the Chair to take action to enforce these rules.

### ***503. Printed Materials at Meetings and Hearings***

Speakers may submit printed materials to supplement their comments. Speakers shall submit at least twelve (12) copies of materials presented to the Town Council. Speakers are encouraged to submit any materials well in advance to allow for distribution to Town Council members.

### ***504. Visual Aids at Meetings and Hearings***

Speakers may not make presentations or employ visual aids without obtaining permission of the Chair in advance of the meeting or hearing. Any item to be projected, broadcast, or disseminated using Town equipment must be submitted for review, and be subject to approval from the Chair or the Chair's designee.

### ***505. Meetings other than Public Hearings***

#### 505.1 Regular Meetings - Public Comment Period- Non-Agenda Items

Regular meeting agendas shall include a public comment period, of up to thirty (30) minutes, to allow citizens an opportunity to comment on non-agenda items or issues relevant to the performance of the duties of the Town Council. At any time during the period, the Chair may declare that public comment period closed and proceed to the next item of business. Speakers shall limit their comments to five (5) minutes or fewer as determined by the Chair.

#### 505.2 Regular Meeting - Agenda Items

The public will be allowed to comment on agenda items at the time the Chair deems appropriate. However, no public comments on agenda items will be allowed when a topic has already been the subject of a public hearing. However, the Chair, subject to overrule by the council, may determine public comment will not be permitted on an agenda item. Should that be the Chair's determination, the Chair should announce that prior to consideration of the agenda item. Speakers shall limit their comments to five (5) minutes or fewer as determined by the Chair.

#### 505.3 Other Meetings

At the beginning of any meeting that is not a Regular Meeting, the Chair shall announce whether public comment will be taken during a public comment period, during agenda items, or at any other time during the meeting. The Chair may limit the duration of the comment period and individual comments.

### ***506 - 509. Reserved***

## **510. Public Hearings**

There are two general types of public hearings and there are different rules governing the conduct of each.

### 510.1 Public Hearing – Quasi-Judicial Matters.

These hearings are somewhat like a court proceeding; therefore, the term "quasi-judicial." They have some of the elements of a judicial or court proceeding. The Town Council, in consultation with legal advice, must follow the rules prescribed for conducting the hearing. The applicant or appellant are afforded due process and the Town Council renders its decision by applying the prescribed standards against the record developed during the hearing. The record is developed through testimony, cross examination, and the presentation of evidence. The Town Council must not engage in, or entertain, ex parte communication. After the meeting is closed, evidence and testimony shall not be accepted, unless notice is provided to all parties that the hearing shall be re-opened for that purpose. In the absence of a prescribed waiting period, either by law or rule, the Town Council may postpone action to allow for full consideration of the record developed in the hearing.

### 510.2 Public Hearing – Legislative Matters.

A legislative process is one in which policy is created by a legislative body, in this case the Town Council. Typically, this includes the adoption of ordinances or budgets. The Town Council is not prohibited from considering communication received outside of the hearing process.

Before opening a legislative hearing, the Chair shall read the subject of the hearing and informs the public of the general rules that will be used to conduct the hearing, including how much time speakers will be allotted. The Chair then declares the hearing open and asks the sponsor(s) or appropriate staff person(s) to present and explain the item. Following the presentation, the Chair shall allow public testimony. The Town Council may ask questions or seek clarification during the sponsor's presentation or public testimony. Upon conclusion of the public testimony, the Chair shall close the hearing.

Adoption of the budget and ordinances must follow the notice and waiting periods prescribed by the Town Charter or State law, whichever is more restrictive. Unless enacted on an emergency basis in accordance with the provisions of the Charter, the Town Council shall not vote on an ordinance at the same meeting in which the ordinance is the subject of a public hearing, unless the Town Council consents unanimously, or votes, to waive its rules in accordance with the waiver procedures specified herein. In the absence of a prescribed waiting period, either by law or rule, the Town Council is encouraged to postpone action until a future meeting to allow for the consideration of the public comments.

## **Section 600 – Reserved**

## **Section 700 – Parliamentary Procedures**

The Town Council shall act through motions made and approved in accordance with these rules. An item to be acted on must be on the meeting agenda, as prepared by the Chair, or as adjusted by the Town Council.

### **701. Primary Motions**

A primary motion is in order only when there is no other motion on the floor.

#### 701.1 Main Motion (propose an action)

The purpose of the main motion is to introduce items to the Town Council for consideration. It may be made only when there are no other items on the floor.

**VOTE:** As required by law or rule.

#### 701.2 Adjust the Agenda

A motion to adjust the agenda is in order only when there are no other items of the floor. See the specific rule herein about adjusting the agenda.

**VOTE:** 2/3 vote of members present.

#### 701.3 Reconsider an Action

A motion to reconsider a vote of the Town Council that occurred within the same meeting, is in order only when there are no other motions on the floor. A motion for re-consideration of a previous action must be made by a Town Council member who voted with the prevailing side. It may be seconded by any other member.

**VOTE:** Majority of members present.

### **702. Secondary Motions**

A secondary motion is in order when there is a primary motion on the floor. The following are considered secondary motions.

#### 702.1 Amend a Main Motion

An amendment of the main motion must be germane to the main motion, meaning that an amendment relating to a different matter is not in order. An amendment to change the intention of the main motion is in order, but an amendment which is deemed a repudiation of the main motion is not in order. Repudiation must be in the form of a vote against.

**VOTE:** Majority of members present.

#### 702.2 Amend an Amendment

An amendment of an amendment must be germane to the amendment, meaning that an amendment relating to a different matter is not in order. An amendment to change the

intention of the amendment is in order but an amendment which is deemed a repudiation of the amendment is not in order. Repudiation must be in the form of a vote against. While a motion to amend and amendment is on the floor, no further motions to amend shall be in order.

**VOTE:** Majority of members present.

#### 702.3 Divide the Question

A motion to divide the question in to two or more several actions is in order. However, as only one main motion is allowed on the floor at the time, action shall be completed on each separate item in the order called for in the motion to divide. Further each separate action shall be completed before moving to the next separate action. Each separate action shall be treated as separate motions, subject to the same rules for amending a main motion or amending an amendment.

**VOTE:** Majority of members present.

### **703. Privileged Motions**

A privileged motion may be made at any time and takes precedence over any other motion - primary or secondary. If made when there is no motion on the floor, it may be considered a primary motion. *Privileged motions, may not be amended*, and shall have precedence in the following order:

#### 703.1 Question of Privilege (rights and privileges)

Motion is in order at any time and does not require a second. The motion asks a question regarding the rights and privileges of the body or any of its members.

**VOTE:** Not required. Chair ruling.

#### 703.2 Appeal Ruling of Chair

Motion is in order any time there is a ruling from the Chair.

**VOTE:** 2/3 vote of the members present is required to overrule the Chair.

#### 703.3 Take a Recess

Motion is in order at any time.

**VOTE:** Majority of the members present, if no other items are on the floor (i.e., primary).

**VOTE:** 2/3 of the members present if there is an item on the floor.

#### 703.4 Executive Session

Motion is in order at any time. May be made considered a primary motion if made when there are no items on the floor.

**VOTE:** 3/5 of the members present. Required by state statute.<sup>9</sup>

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<sup>9</sup> 1 Maine Revised Statutes Annotated (MRSA) § 405.

#### 703.5 Limit or Close Debate

Motion is in order only when there is an item on the floor.

**VOTE:** 2/3 of members present to put a time limit on debate.

**VOTE:** 2/3 of members present to move the question and vote immediately.

#### 703.6 Table to a Time Certain (postpone) or Indefinitely (kills measure).

Motion is in order at any time. A motion to table is debatable, but debate will be limited to determining the necessity of the tabling motion. Debate that attempts to argue the substance of the issue shall be ruled out of order.

**VOTE:** 2/3 of the members present.

#### 703.7 Adjourn to Time Certain or Sine Die

Motion is in order at any time. A motion to adjourn is debatable, but debate will be limited to determining the necessity of the motion to adjourn. Debate that attempts to argue the substance of the issue shall be ruled out of order.

**VOTE:** Majority of members present when there are no other items on the floor or on the agenda.

**VOTE:** 2/3 of members present when there is an item on the floor or items remaining on the agenda.

### **704. Personal Privilege**

Motion is not required. Any Town Council member, when there is no business on the floor, may request that the Chair allow "point of privilege" to allow the member to speak on a matter not directly related to an agenda item. If a point of personal privilege is granted, the member may address the members on any topic for up to five minutes.

**VOTE:** Not required. Ruling of the Chair.

### **705. Point of Order**

A point of order may be raised by any Town Council member at any time during a meeting.

#### 705.1 Request to Enforce the Rules

Motion is not required. Any member may at any time request that these Rules be enforced.

**VOTE:** Not required. Ruling of the Chair. Should any member not be satisfied, the member may appeal the ruling of the Chair in accordance with these Rules regarding those appeals.

#### 705.2 Request for Information

Motion is not required. Any member, after being properly recognized, may request information.

**VOTE:** Not required. Ruling of the Chair.

### **710. Procedures on Motions**

### 710.1 Motions Must Conform to Rules

The Chair, subject to appeal, must rule that a motion is in order prior to allowing debate or action by the Town Council. Unless specifically stated otherwise, motions must be seconded. *Motions that do not require a second include:*

- Question of Privilege
- Nomination to Town Council Leadership and to any Boards and Committees

### 710.2 Motions to be Stated by Chair

When a motion is made and seconded (unless a second is not required), it shall be stated by the Chair before debate. Any Town Council member may demand that it be put in writing by the Town Clerk or parliamentarian.

### 710.3 Debate on Motions

Once a proper motion is made, the Chair shall announce that public debate may begin. Members shall be recognized by the Chair before speaking. Unless permitted by the Chair, Town Council members may not speak more than three (3) times on the same motion. A maker of a motion is prohibited from speaking against a motion he or she introduced. However, the maker may vote against the motion he or she introduced.

### 710.4 Withdrawal of Motions

A motion may not be withdrawn by the mover without the consent of the Town Council member seconding it.

### 710.5 Calling for the Vote on Motions

The Chair shall allow ample debate on motions and then declare that debate is closed before proceeding to the vote. The Chair shall close debate by asking the body, "are you ready to vote on the motion?".

### 710.6 Voting on Motions

Voting shall be via roll call in Town Council district order, followed by the at-large Town Council members. The Chair shall vote last. Alternatively, without objection, the Chair may declare a motion adopted by unanimous consent. Should any single Town Council member object to unanimous consent, the Chair shall conduct the roll call vote.

## **720. Procedure in Absence of Rule**

When the Chair determines that a question or procedure is not covered by a specific council rule, the Robert's Rules of Order shall govern. The Chair's determination is subject to appeal in accordance with the rule governing appeals of the Chair's rulings.

### **730. Amending these Rules**

These rules may be amended, or new rules adopted, by majority vote of the Town Council. An amendment must be submitted in writing at a preceding meeting and shall be placed on the meeting agenda under the order of new business.

### **Section 800 - Additional Provisions**

#### **801. Conflicts of Interest**

Members of the Town Council shall conduct themselves in accordance with the Town's Conflict of Interest Policy adopted on March 7, 2022. (Appendix A).

#### **810. Town Council Committee Appointments**

Appointments will be made in accordance with Maine law, the Town Charter and the Town Boards, Commissions, and Committees Appointment Policy, adopted on May 16, 2022. (Appendix B). Appointees must be residents of the Town of Brunswick and may not be members of more than one of the following boards or commissions:

- Zoning Board of Appeals
- Planning Board
- Conservation Commission
- Village Review Board
- Brunswick Housing Authority
- Personnel Board
- Parks and Recreation Commission
- Sewer District
- Assessment Review Board
- Water District
- Marine Resources Committee

#### **820. Correspondence to the Town Council**

Correspondence to the Town Council shall be handled in accordance with the Town Council Policy on Correspondence Addressed to the Town Council, adopted on February 4, 2008. (Appendix C).

#### **830. Town Council Interactions with Manager, Staff, and Attorney**

Interactions with the Town Manager, Staff, and the Town Attorney shall be handled in accordance with policy on Town Council Interactions with the Manager, Staff, and Attorney, adopted February 1, 2016. (Appendix (D)).

#### **850. Remote Participation in Meetings**

Remote participation in council meetings shall be in accordance with the Remote Participation in Public Proceedings Policy, adopted on February 6, 2023. (Appendix E).

## **Section 900 - Definitions**

*Municipal Code of Ordinances* – The Municipal Code of Ordinances of the Town of Brunswick, Maine, and as amended from time to time. Also referred to as the Code of Ordinances.

*Order* – A directive from the governing body to take a particular action.

*Ordinance* – A law adopted by a municipality.

*Parliamentarian* – Assists the presiding officer in the interpretation and application of the meeting rules.

*Proclamation* - An official declaration issued by a person of authority, or the public body, to make certain announcements known.

*Resolve or Resolution* - A document that expresses sentiment, intent, or recognition. By Charter it is also used to adopt the budget and appropriate funds.

*Town Charter (the Charter)* - The Charter of the Town of Brunswick, Maine adopted on November 5, 1969, effective on January 2, 1970 and as amended from time to time.

*Town Council* – Generally refers to the town council described in Article II of the Charter of the Town of Brunswick Maine. It may also refer to the town council sitting during the calendar year, as each year begins a new town council session.

*Town Council Leadership* – Chair and Vice-Chair of the Town Council.

## **Section 1000 - Conflicts with Law**

Should there be a conflict between these rules and the Town Charter, the Charter shall prevail.

Should there be a conflict between these rules and State law, State law shall prevail.

Should there be a conflict between these rules and a Town Ordinance, the Ordinance shall prevail.

## **APPENDIX - Town Council Policies**

- A. Conflicts of Interest
- B. Town Council Committee Appointments
- C. Correspondence Addressed to the Town Council
- D. Town Council Interactions with Manager, Staff, and Attorney
- E. Remote Participation in Public Proceedings

## **TOWN OF BRUNSWICK CONFLICT OF INTEREST POLICY**

### **Purpose**

The presence of an actual or perceived conflict of interest or bias within a public body undermines public confidence in the fairness and legitimacy of that body's actions. It is therefore necessary to address any conflict of interest or source of bias as early as possible in any public meeting. This policy sets forth the process by which all public bodies of the Town of Brunswick shall identify, disclose, and address actual or perceived conflicts of interest or sources of bias among their members.

### **Applicability**

This policy shall apply to all boards, commissions, committees, and authorities of the Town of Brunswick. This policy is intended to supplement and not supplant any relevant statutory provisions governing the handling of conflicts of interest or biases, or the policy of any board or committee to the extent it is more specific and at least as strict.

**Definitions.** The following terms shall have the following meanings unless otherwise indicated:

- Bias or source of bias. "Bias" or "source of bias" means any inclination, predisposition, or prejudice in regard to any question or matter, including a disqualifying familial relation under 1 M.R.S.A. § 70(6), which may in actuality or appearance prevent a person from rendering an impartial decision on that question or matter.
- Conflict of interest. "Conflict of interest" means any financial interest in a question or matter which may, in actuality or appearance, tempt a person to serve their personal interest over the public interest. Examples of interests which may cause a conflict of interest may include, but are not limited to:
  - Ownership of property, the value of which may be impacted by a development proposal being considered by the public body
  - Ownership of a business that competes with a subject business
  - An employment or independent contractor relationship with an applicant
  - Investment by the Member or a close family member thereof in the business under consideration.
- Meeting. "Meeting" means a public proceeding as defined in 1 M.R.S.A. § 402(2)(C).
- Member. "Member" means any individual elected or appointed to serve on a public body to which this policy applies, including any individuals serving as alternates or in a temporary capacity.
- Public body. "Public body" has the same meaning as in 1 M.R.S.A. § 401 *et seq.* and includes any board, commission, committee, or authority of the Town of Brunswick.

## Procedure.

### Identification of Conflict or Bias.

All members of public bodies shall be responsible for understanding what constitutes a conflict of interest or source of bias under this policy and shall take reasonable measures to avoid the appearance of impropriety and identify their own actual or apparent conflicts of interest or sources of bias. Notwithstanding the above, all members of a public body shall also be responsible for identifying any actual or apparent conflicts of interest or sources of bias among other members of that public body.

### Disclosure of Conflict or Bias.

At the commencement of each meeting or before taking up each question or matter requiring consideration or action, the chair or presiding officer of a public body shall request that all members disclose any actual or apparent conflicts of interest or sources of bias that may impact a member's ability to render an impartial decision on any question or matter that is or will be placed before the public body. A member who is aware of an actual or apparent conflict of interest or source of bias that may impact any member's ability to render an impartial decision on any question or matter that is or will be placed before the public body for its consideration or action shall disclose the same to the chair or presiding officer. Disclosures made in accordance with this subsection shall describe the nature and circumstance of a member's actual or apparent conflict of interest or source of bias but need not include additional details or information.

### Action by members and the public body.

1. *Voluntary recusal.* After an actual or apparent conflict of interest or source of bias regarding a question or matter before the public body has been disclosed to the chair or presiding officer, the affected member shall recuse him or herself from participation in the public body's consideration of that question or matter.
2. *Exclusion by vote.* If for any reason, after an actual or apparent conflict of interest or source of bias has been disclosed to the chair or presiding officer, the affected member does not voluntarily recuse him or herself from consideration of the question or matter, the chair or presiding officer shall call for a vote on whether the member should be permitted to participate in consideration of the question or matter. If the matter under consideration is quasi-judicial in nature, the chair should ask the applicant and parties-in-interest whether they object to the member's participation. The member may be excluded from consideration of the relevant question or matter upon a majority vote of the remaining members and may not deliberate, vote upon, or otherwise participate in the question or matter as a member of the public body.
3. *Member participation.* A member who has voluntarily recused him or herself or been excluded from a question or matter before the public body shall immediately leave the table or dais. The member may leave the room or join the audience but may only offer comment on the question or matter as a member of the public. The member shall follow the same procedure for comment as would a member of the public. The member shall not be

permitted to participate in the public body's deliberations and shall not be permitted to rejoin the public body at the table or dais until the question or matter before the public body is concluded.

4. *Bias in legislative and advisory matters.* Where the public body is acting purely in a legislative or advisory fashion, such as making a recommendation on the budget or on any order or ordinance submitted or to be submitted to the Council, potential bias must be disclosed but will not disqualify the member from participating in the discussion or vote.

Quorum.

A member who has voluntarily recused him or herself or been excluded by vote of the public body from consideration of a question or matter shall not count toward quorum. Where the recusal or exclusion of a member would result in a lack of quorum, the chair or presiding officer may permit an alternate member to participate as a voting member of the public body or postpone consideration of or action upon the question or matter. The chair or presiding officer may not count the recused or excluded member toward the quorum requirement without authorization from the Town Attorney.

**Policy Distribution**

This policy shall be posted on the Town's website, attached to the Town Council's Rules and Procedures, and distributed to each current member, and all future members, of any public body serving the Town of Brunswick

Proposed to Town Council: March 7, 2022

Approved by Town Council: March 7, 2022

Town of Brunswick  
Town Council  
Town Boards, Commissions, and Committees Appointment Policy  
Adopted by Town Council - December 16, 2013  
Amended by Town Council – December 7, 2015  
Amended by the Town Council – February 21, 2017  
Amended by the Town Council – May 16, 2022

A. Purpose:

To update and consolidate existing policies for appointments to the Town of Brunswick Boards, Commissions, and Committees. (This policy will replace those policies adopted by the Town Council on December 20, 1993; April 19, 1994; and March 16, 1998)

B. Appointments Committee formation

Each year, the Town Council will establish an Appointments Committee.

1. The Committee will consist of three (3) members of the Town Council.
2. The members will be appointed by the Council Chair for a one (1) year term. The Committee will select a Chair.
3. The Appointments Committee will meet monthly or as necessary. At its first meeting, the Committee will set the schedule for the year and provide it to the Town Clerk.
4. An appointment to the Appointments Committee may not extend more than two (2) consecutive full-terms. A full-term is considered to be a term lasting one full Council year; an appointment to the Committee in mid-year, to fill a vacancy, is not a full-term.
5. In the event a Committee member is not able to attend meetings on a temporary basis, the Committee Chair will request that the Council Chair appoint a temporary replacement. In the event a Committee member is unable to attend a single meeting, the Committee Chair may invite another Councilor to replace the member who is unable to attend.
6. The Appointments Committee will be allowed/encouraged to work with the appropriate Boards, Commissions, and Committees to promote these volunteer groups to the community through local media channels.
7. The AC will develop a schedule for representatives of each B, C, and C to make a brief (no longer than 5 minutes) report to the full Town Council about the work they are doing.

C. Procedure for resident to be considered for appointment to a Town Board, Commission, or Committee:

1. An Application for Appointment will be prepared, including a section asking for the applicant's reason for applying for the position.

2. The Town Clerk will provide an informational packet, if requested, when an application is filed. The packet will include a summary of the board's duties, a list of current members, the name of the board's chair and his/her contact information, and a copy of the Town Boards, Commissions, and Committees Policy.
3. The Town Clerk will provide a monthly notice indicating public service opportunities in the form of upcoming vacancies on Town Boards, Commissions, and Committees. The list of vacancies will be posted on the Town web site and Cable TV 3. The Clerk may also post in other locations or publications that are deemed appropriate.
4. The Town Clerk will provide all Town Councilors a list of upcoming vacancies via email every six months.
5. All applicants, including an incumbent seeking reappointment:
  - a. Will be required to fill out the current "Application for Appointment to Boards, Commissions, and Committees" form.
  - b. May submit a cover letter and/or resume with the application. The cover letter may include information about what the applicant hopes to accomplish and/or information on the applicant's relevant training and experience.
  - c. The applicant must attend an interview unless other arrangements are made with the Committee. A telephone interview is acceptable upon the approval of the Committee Chair.
6. The deadline for applications will be at 4:30 p.m. two business days prior to the Appointments Committee's meeting. This deadline is for a set interview date only and does not preclude the Appointments Committee from accepting additional applications for future interviews. Once submitted, an application may be considered for any vacancies in the current calendar year.
7. The Appointments Committee, through the Town Clerk, will schedule brief interviews with each applicant to determine interest, qualifications, and to ensure no conflict of interest exists. At the request of the Committee Chair, the Town Clerk or designee will record answers to questions provided to the Appointments Committee to be used to create a Summary Report.
8. The Appointments Committee or its designee will prepare a Summary Report to be considered by the full Town Council. The Summary Report will be in writing, with the Committee's recommendation for committee appointments. The Summary Report will be submitted to Town Council members as part of the Council meeting packet for which the appointments will be considered. Under circumstances of time or other unknown factors, the Appointments Committee may waive any or all of these procedures and report directly to the full Town Council with all recommendations.
9. The Appointments Committee will report to the full Town Council at the first regular Council meeting of the month, unless otherwise scheduled by the Town Council Chair.
10. The Appointments Committee will make recommendations for appointments in the form of nominations. The nominations are not limited to the number of vacancies on a given

board, commission, or committee. The Committee may also choose not to make nominations and request, with the consent of the Town Council, the vacancies be reposted. This does not preclude another Councilor from making a nomination from the list of interviewed applicants. A nomination to a board, commission, or committee does not require a second.

11. The Town Council will vote on nominations in the order made and each Councilor will be allowed the same number of vote(s) as vacancies for each board, commission, or committee. An appointment to a board, commission, or committee must be by a vote of the majority of the Town Councilors present.
12. After Town Council action, all applicants, whether appointed or not, will receive an official notification of action, sent out by the Town Clerk, in a timely manner. Personal telephone or email notification is acceptable.
13. Exception: There will be no Appointments Committee meeting in December since there will be no appointments made in the new calendar year until a new Appointments Committee has been appointed and a meeting schedule submitted.
14. All appointments to Town boards, commissions, and committees shall be made in accordance with Maine law and the Town Charter. Appointees must be residents of the Town and may not be members of more than one of the following boards, commissions, and committees:

Zoning Board of Appeals	Village Review Board
Conservation Commission	Personnel Board
Brunswick Housing Authority	Sewer District
Parks and Recreation Commission	Water District
Assessment Review Board	Marine Resource Committee
Planning Board	

15. Position Vacancy

- a. In the event an incumbent member has not reapplied for a position and the member's term has expired, the position will be considered vacant after a period of five (5) business days.
  - i. Exception: In the event a member does not wish to reapply but wishes to remain a voting member until replaced, said member must advise the Town Clerk, who will notify the Appointments Committee Chair. The term of the member will temporarily continue until the Appointments Committee next meets. If at its next meeting the Appointments Committee so votes, the expired term of the member will be extended until a new appointment is made by the Council. Notification of appointment extension will be provided to the Town Clerk and the Town Council Chair.
- b. The exception outlined in section "a" does not apply to the following committees: Board of Assessment Review, Marine Resource Committee, Planning Board, Village Review Board, and Zoning Board of Appeals. In the event a member's term for these committees has expired, the position will be considered vacant as of the date the term expires.

## 16. Conflict of Interest

- a. Appointment: No relative of a Councilor shall be appointed to the Planning Board, Village Review Board, Zoning Board of Appeals, Assessment Review, or Marine Resource Committee so long as that Councilor continues to serve on the Town Council. As used in this section, the term "relative" means a parent, spouse, brother, sister, child, stepchild, stepparent, adopted child, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law. (Amended 12/7/15)
- b. While Serving: All appointed members of boards, commissions, and committees of the Town of Brunswick shall comply with the conflict of interest provisions as adopted by the Council in its “Rules of Order and Procedure for Brunswick Town Council.”

## 17. Removal From Office:

Appointed members of boards, commissions, and committees of the Town of Brunswick are subject to removal from their positions by the Council in accordance with the “Policy For Removal of Officials Appointed to Boards, Commissions, and Committees,” approved as part of this policy.

## 18. Mandatory Training

All members, who are new appointments to the Planning Board, Zoning Board of Appeals, and the Village Review Board shall, within three months, complete a mandatory course of training as prescribed by the Town Manager or the Town Manager’s designee. Upon written request, and with the approval of the Board chair, the Town Manager may, due to extenuating circumstances, extend this deadline. Failure to complete the mandatory training shall be cause for removal.

(Section 18 added 2-21-17)

## POLICY FOR REMOVAL OF APPOINTED MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES

1. Purpose. The purpose of this policy is to have a process in place for the removal of appointed members of boards, commissions and committees.
2. Authority. Section 203 of the Brunswick Town Charter vests in the Town Council the performance of most duties and obligations imposed on the Town by law. Section 12-31 of the Personnel Policy makes it clear the Policy does not apply to persons appointed to boards, commissions and committees. Therefore, the Town Council exercises its authority to remove members of Boards, Commissions and Committees in accordance with Title 30-A M.R.S.A. Section 2601 which allows the removal for cause after notice and hearing.
3. Cause. All grounds constituting cause cannot be detailed. However, the following are examples of conduct which may result in removal for cause:
  - A. More than three consecutive absences or five absences within a calendar year, unexcused by the Board, Commission or Committee by majority vote. This subsection may not be used unless the records of the Board, Commission or Committee reflect the facts constituting grounds for excused absences. Nothing in this subsection shall be interpreted to prevent an official from requesting a leave of absence from the Town Council for unusual circumstances. Unusual circumstances could include, but not be limited to, illness of the official or an immediate family member, temporary relocation for employment, military duty, educational reasons, and/or increased temporary child care responsibilities. In making the decision whether or not to grant a leave of absence, the Town Council shall balance the needs of the Town and the Board, Commission or Committee with the needs of the official.
  - B. Inappropriate public conduct or conduct to other officials related to the office held. Examples include but are not limited to verbal abuse to other officials or members of the public, or obstruction of meetings of the Board, Commission or Committee.
  - C. Impairment by alcoholic beverages or drugs at Board, Commission or Committee functions.
  - D. A conviction (1) for a Class C or higher Crime, or (2) for a Class D or lower crime or a civil violation, directly or indirectly affecting the office held. Examples of Class D or lower crimes or civil violations affecting the office held would be shoplifting where the office involves the handling of money; or violations of a protected resource where the Board, Commission or Committee deals with that resource. These provisions apply even when the conduct leading to the conviction has taken place outside the Town of Brunswick or State of Maine.
  - E. Other reasons related to the good of the Committee, the Town or the office held.

4. Removal procedure.

- A. Separation of roles. While a Town Councilor sitting in a removal proceeding may be aware of the facts and circumstances leading to the proceeding, the Town Council recognizes that no individual Councilor may prejudge the proceedings. Therefore, in a proceeding to remove an appointed official, the facts and circumstances shall be investigated by the Town Manager or the Town Manager's designee (hereinafter "the Town Manager"), rather than an individual Councilor. Should allegations be brought to an individual Councilor, which the individual Councilor believes may be cause for removal, the individual Councilor shall turn the facts and circumstances over to the Town Manager, and refer further inquiries to the Town Manager. Inquiries to other Councilors shall be turned over to the Town Manager. No Councilor shall participate in any removal hearing if that Councilor has an interest, a conflict, or is disqualified, under the Rules of Order and Procedure for Brunswick Town Council.
- B. Investigation. The Town Manager shall investigate the allegations as soon as reasonably possible. If the Town Manager determines the allegations create probable grounds for removal, the Town Manager shall notify the official in writing that the Town Manager is contemplating a recommendation to the Town Council that the official be removed, outlining the Town Manager's reasons. The Town Manager shall provide the official a reasonable amount of time to provide the official's position on the allegations, before the Town Manager finalizes the recommendation to the Town Council.
- C. Hearing. If the Town Manager recommends removal, the Town Council shall schedule a hearing on the official's removal. The hearing shall be scheduled at a time which will allow the Town Manager and the official an adequate opportunity to prepare their presentations to the Town Council. At the hearing, the Town Manager shall present the Town's case with the official's case following. The presentations may include witnesses and exhibits, including documents. The Town Manager and the officials shall provide each other a list of witnesses and exhibits at least seven days before the hearing date unless another time is agreed upon. Each party shall be allowed to ask questions of the other party's witnesses. Evidence will be admissible if it is evidence which would be relied upon by persons in the conduct of serious affairs. This means, for example, that hearsay evidence will not be excluded, and that the procedure will be conducted according to the principles of fair play rather than of strict rules of evidence.
- D. Confidentiality. The hearing shall be conducted in open session unless the Council determines public discussion could reasonably be expected to cause damage to the official's reputation or the official's right to privacy would be violated. If the Council makes that determination, all related materials will be confidential until a final, non-appealable decision. Regardless of the Council's decision on public discussion, the official may request in writing that the hearing be conducted in open session, and that all related materials be public, which request shall be honored.

If the hearing is conducted in open session, it is not a public hearing. The only persons presenting testimony or evidence will be those persons presented as witnesses

by the Town Manager or official. The general public is not permitted to testify at the hearing.

- E. Decision. At the conclusion of the hearing, the Town Council shall deliberate and vote whether to remove the official. A vote to remove an appointed official shall require a majority vote of those Councilors present and voting. Within thirty (30) days of the vote, the Council shall issue a written decision. The written decision shall state the facts and conclusions upon which the Town Council relied in making its decision. If the written decision removes the official from office, the written decision shall become public as soon as it is a final, non-appealable, decision.

- 5. Resignation. If the official elects to resign at any stage of this process, the process shall terminate, and any pending investigation or hearing under this process shall cease.



## **Town Council Policy on Correspondence addressed to the Council Adopted by Town Council on February 4, 2008**

Town Council Policy on Correspondence addressed to the Council.

### **Purpose**

The Council receives correspondence from residents and business owners both on a wide variety of issues and in multiple formats. These formats may include regular mail, email and phone calls. The purpose of this policy is to establish a process by which written communications will be managed in order that Councilors, staff and the initiators of such correspondence will have an understanding and an expectation of how the correspondence will be managed.

### **General Guidelines**

Any correspondence (**written or electronic**) received at the Town Office addressed to any Councilor in their official capacity will be copied and made available to the full Council. Correspondence that is received at the Town Office but is addressed in a personal manner to a Town Councilor shall only be shared with the full Council at the discretion of the Councilor receiving the correspondence. The correspondence will not be referenced by the individual Councilor unless copies have been made available to the full Council.

### **Email Correspondence Received**

The Town Council acknowledges that all emails received and sent that concern the government of the Town of Brunswick are public documents regardless of the email account. (Personal accounts, accounts in the names of spouses etc included). Email correspondence that is received at the generic email account in the Town Office will be responded to with a courteous reply by the Town Manager's Administrative staff. This response will be a limited acknowledgment that the email has been received and shared with the Council and senior staff. The response will not divulge the individual email addresses of the members of the Council. The response will include a disclaimer to the following effect:

*"Your message has been forwarded to the Town Council. Responses from individual Councilors may or may not reflect any position of the full Council. Citizens that have an urgent need to communicate with Councilors are encouraged to call their district Councilor or a Councilor At-large."*

### **Email Correspondence Responses**

Upon receipt of an email a determination will be made to classify the correspondence as either a political or Council level policy issue or an administrative issue. Administrative staff as determined by the Town Manager will respond to the administrative emails with copies provided to the full Council. All emails that are of a political or Council level policy nature will be forwarded to the full Council and the Manager will await instruction before any response is provided by staff. Councilors that respond individually to emails from constituents received via the Town Office will forward the response to the administrative staff so that the correspondence can also be shared with the full Council and the Town Manager.

*If adopted, this policy will be referenced in the Council Rules of Order and Procedure as follows:*

48. Correspondence to the Town Council will be handled per the "Town Council Policy on Correspondence addressed to the Council" as adopted on February 4, 2008.

## **Town Council Interactions with Manager, Staff, and Attorney Council Rules and Procedures**

The Town of Brunswick, through its charter, has adopted the council-manager form of government. Policies are established by the town council and are implemented by the town manager and professional staff. It is important that the roles of each are clearly understood and appreciated. The town council works through the town manager, who directs the professional staff.

### **Council Interactions with the Town Manager**

Section 302 of the town charter provides (in part), “The manager shall be the chief administrative officer of the town. The manager shall be responsible to the council for the administration of all town affairs placed in the manager's charge or under this Charter.” Although councilors are encouraged to regularly communicate with the town manager, the town manager is responsible to the town council as a body, rather than to individual council members.

The town council and the town manager are a participatory team. Consequently, the town council and town manager should continuously review goals and priorities. The town council and town manager should develop processes that facilitate these reviews.

It is also important that the town manager keep the town council informed. The town manager will communicate with the town council in various ways, including presentations, memorandums, reports, and e-mail. It is equally important that the town council provide ongoing feedback and information to the town manager, including responses to communication that request council input or feedback.

The town council shall review the town manager on a regular basis to ensure that the town council and town manager are in agreement as to performance goals and expectations.

### **Council Interactions with Town Staff**

Section 204 (c) of the town charter provides, “Except for the purpose of inquiry, the council and its members shall deal with the administrative officers solely through the manager. Neither the council nor any member thereof shall give orders to any subordinates of the manager, either publicly or privately.” Councilors should avoid situations that can result in staff being directed, intentionally or unintentionally, by one or more members of the town council.

Staff is obligated to take guidance and direction only from the town manager or their designated management supervisors. Staff is directed to reject attempts by individual members of the town council that direct or otherwise pressure them into making, changing, or influencing recommendations.

The town manager will strive to ensure that councilors receive timely responses to inquiries. Councilors and staff should inform the town manager when inquiries are made, so that the manager may assess the magnitude of the request. If the town manager determines that a request by an individual council member would more appropriately be directed to the full town council, the town manager shall advise the council member on the procedures for adding an item to the council meeting agenda.

### **Staff support to Boards, Committees, Commissions, and Task Forces**

Staff support and assistance may be provided to boards, committees, commissions and task forces. However, those bodies do not have supervisory authority over town employees. Staff members remain responsible to their immediate supervisors and ultimately the town manager. Staff shall continuously advise their supervisors of the type and quantity of work being requested by these bodies to ensure that it remains clear that staff supervision remains with management. The town manager shall advise these bodies when requests and directives to staff are inappropriate.

Staff support includes preparation of agendas, appropriate backup materials and meeting minutes. Staff shall be responsible for ensuring that meetings are noticed and conducted in accordance with Maine's Freedom of Access Act (FOAA) and the Town's established policies and procedures. Staff members also assist chairs of these bodies to ensure compliance with state and local laws and regulations.

### **Council Interactions with Town Attorney**

Section 215 of the town charter provides (in part), "The council shall appoint and determine the compensation of the town attorney." The town attorney is responsible to the town council as a body, rather than to individual council members. Individual councilors who wish to confer with the town attorney must obtain permission from the town council chair or vice chair, or from the town manager. Should that permission be denied, the councilor should bring his or her request before the full town council. For budgetary control purposes, the town manager shall be apprised any time an individual councilor confers with the town attorney. As discussions may be sensitive, it may be appropriate to disclose only the general nature of the communication.

Proposed: January 9, 2016

Adopted: February 1, 2016

## **Town of Brunswick Remote Participation in Public Proceedings**

### **Purpose**

The purpose of this policy is to establish guidelines to ensure compliance with the Maine Freedom of Access Act (FOAA) provisions governing remote participation in public proceedings.

### **Background**

During the state of emergency declared by Maine's Governor in response to COVID-19, remote participation in public proceedings of certain public bodies was allowed. Following COVID, remote participation has been governed by Title 1 §403-B, which was further amended in 2022. Those amendments clarified the law and expanded the opportunities for meetings with remote participation. The new law essentially allows municipalities to set their own policies on remote participation in public proceedings.

### **Definitions**

- Public Body – means any body that conducts public proceedings as defined in Maine's FOAA.
- Public Proceedings - means the transactions of any functions affecting any or all citizens of the State by any of several public bodies. The FOAA specifically includes any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision.
- Remote participation – means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability.

### **Application of Policy**

This policy applies to the public bodies that conduct public proceedings as defined in Maine's FOAA. For the Town of Brunswick those include the town council, and any town boards, commissions, committees, task forces, or similar public bodies.

This policy does not apply to the Brunswick School Board, or the public bodies appointed by it.

### **Means of Remote Participation**

Permitted Methods - Remote participation is only permitted by the means specified in this policy.

- Permitted web platforms include:
  - Zoom Meetings or Webinars
  - Microsoft Teams Meetings or Live Events
  - Cisco WebEx
  - GoToMeeting
  - Other (as approved by the town manager)

- Permitted telephonic means include:
  - Conferencing through a municipal telephone system owned by the Town of Brunswick
  - Conferencing through a third-party telephone conferencing system (as approved by the town manager)

Prohibited Methods - Public proceedings may not be conducted by text-only means such as e-mail, text messages, or chat functions.

### **Member Attendance, Quorum and Voting**

Members of public bodies covered by this policy are expected to be physically present for public proceedings except when being physically present is not practicable. A member of the body who participates in a public proceeding by remote methods is present for purposes of a quorum and voting.

### **Roll Call Votes**

All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public.

### **Public Attendance and Participation**

Public attendance at a proceeding will not be limited solely to remote methods except when the existence of an emergency or urgent issue that requires the public body to meet by remote methods. The council chair, the town manager, or their designees, shall have the authority to determine the existence of an emergency or urgent issue. Members of the public must be provided a meaningful opportunity to attend by remote methods when all members of the body are participating by remote methods. Further, reasonable accommodations should be provided when necessary to provide access to individuals with disabilities. If the full body meets by remote methods, it shall provide an effective means of communication between the members of the body and the public.

Those who are not members of the public body, including the public, municipal staff, consultants, and advisors may be permitted to participate remotely by any means permitted by this policy.

### **Notice Requirements**

Notice of the proceeding must be provided in accordance with Maine FOAA. When the public is allowed to attend solely by remote methods, the notice must include the means by which members of the public may access the proceedings using remote methods.

### **Meeting Materials Available to the Public**

The public body must make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods, to the same

extent customarily available to members of the public who attend the proceedings of the public body in person.

Adopted by Town Council: July 19, 2021  
Proposed Amendments: February 6, 2023  
Amended by Town Council: February 6, 2023

Attachment: 1 MRSA § 403-B