

TOWN OF CLINTON

PREAMBLE

These Rules are intended for the orderly and civil conduct of public business at meetings of the Clinton Town Board. They are to be construed by the Chair to promote this purpose.

1. GENERAL RULE

1.1 Meetings to be Public: The meetings of the Town Board shall be open to the public with the exception of executive sessions for certain limited topics. The journal of proceedings (minutes) shall be open to public inspection.

1.2 Quorum: A simple majority of Town Board members shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

1.3 Minutes of Proceedings: Minutes of all proceedings of the Town Board shall be kept by the Town Clerk and shall be entered in a book constituting the official record of the Town Board.

1.4 Right of Floor: Any Town Board member desiring to speak shall be recognized by the Town Supervisor and shall confine his/her remarks to the one subject under consideration or to be considered.

1.5 Recording of Meetings: Public meetings of the Town Board may be televised on the Town's local cable access channel or website in the public interest.

2. TYPES OF MEETINGS

2.1 Regular Town Board Meetings: The Town Board shall meet on the 2nd Tuesday of each month at 6:30 p.m. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next Tuesday. The Town Board may reschedule regular meetings to a different date or time by motion. All meetings of the Town Board , both regular and special, shall be held within the limits of the Town of Clinton and all such meetings shall be public and posted as law requires.

2.2 Special Meetings: Special meetings may be called at any time in accordance with the provisions of New York State Law. The Town Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The Town Clerk shall attempt to notify each member of the Town Board, either by telephone or otherwise, of the special meeting. The Town Clerk shall give at least 72 hours notice of the special meeting to the local newspaper of record. No subjects other than those specified in the notice shall be considered. The Town Board may not make final disposition on any matter not mentioned in the notice.

2.3 Study Session and Workshops: The Town Board may meet informally in study sessions and workshops (open to the public), at the call of the Town Supervisor or of any two of more members of the Town Board, to review forthcoming programs of the town, receive progress reports on current programs or projects, receive other similar information from town department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute official actions of the Town Board. Study sessions and workshops held by the Town Board are “special meetings” of the Town Board, and the notice must be provided.

2.4 Executive Sessions: An executive session is a portion of an open meeting during which the public may be excluded. The public body’s authority to conduct an executive session is limited to those purposes enumerated in the Open Meetings Law. In summary, a public body may only go into executive session if the matters to be discussed:

- will imperil public safety if disclosed;

- may disclose the identity of a law enforcement agent or informer;
- relate to a current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- relate to proposed, pending, or current litigation;
- relate to public employee collective-bargaining negotiations;
- involve the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation;
- pertain to the preparation, grading, or administration of examinations; or
- relate to the proposed acquisition, sale, or lease of real property, or the proposed acquisition, sale, or exchange of securities, but only when publicity would substantially affect their value.

A public body may only go into executive session following the introduction, during an open meeting, of a resolution that is then approved by a majority of the fully-constituted body. This resolution must generally identify the area(s) of the subject(s) to be considered in the executive session. As an example, a resolution might state “The Board resolves to enter into an executive session to discuss the qualifications of several candidates for the position of secretary to the Board.” There is no need to include names, or to include greater specificity in such a resolution. Where a public body makes an official decision or takes action during an executive session, it must record or summarize that action and must record the date and the vote taken in its minutes. If no votes are taken during an executive session, no minutes of the executive session need to be prepared. A public body may not, however, vote in executive session to appropriate public funds. When a public body lets citizens know when they are meeting and the issues to be addressed, it takes an important first step in establishing a climate of government based on respect for constituents' judgment. By facilitating public attendance at its meetings, the body can ensure the circulation of first-hand information about why it acted as it did and prevent the spread of misinformation. Although

concerned citizens may not have been permitted to participate in the debate on a particular issue and may in fact not agree with the board's decision, they will nonetheless have had the opportunity to witness the decision-making process, and, it is hoped, to hear the true rationale behind the decision.

2.5 Continued and Adjourned Sessions: Any session of the Town Board may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting. Regular Town Board meetings shall adjourn at or before 10:00 PM; except the time may be extended to a later time certain upon approval of a motion by a Council-member.

2.6 Council-member Contact Outside Of Official Meetings: Generally council-members have the same freedoms of association as any other citizen. Council-members must take great care when present at the same social, unofficial functions, or in any public setting to refrain from engaging in any activity which could be interpreted as de facto deliberation or action on a matter of town business.

3. CHAIR AND DUTIES

3.1 Chair: The Town Supervisor, if present, shall preside as Chair at all meetings of the Town Board. In the absence of the Town Supervisor, the Deputy Town Supervisor shall preside. In the absence of both the Town Supervisor and Deputy Town Supervisor, the Town Board shall elect a Chair.

3.2 Call to Order: The meetings of the Town Board shall be called to order by the Town Supervisor or, in his/her absence, by the Deputy Town Supervisor. In the absence of both the Town Supervisor and Deputy Town Supervisor, the meeting shall be called to order by the Town Clerk or Clerk's designee for the election of a temporary Chair.

3.3 Preservation of Order: The Chair shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion.

3.4 Points of Order: The Chair shall determine all points of order, subject to the right of any member to appeal to the Town Board. If any appeal is taken, the question shall be "Shall the decision of the Chair be sustained?". If a majority of the members present and voting vote in the affirmative (to sustain the decision of the Chair), then the Chair's decision is upheld.

3.5 Questions to be Stated: The Chair shall state all questions submitted for a vote and announce the result. A roll call vote may be taken on any question.

3.6 Privilege of Council-members: Any Council-member may bring forth a resolution or ordinance by submitting a timely request to the Town Clerk for inclusion on the agenda.

4. ORDER OF BUSINESS AND AGENDA

4.1 Order of Business:

A. In all meetings of the Town Board, unless otherwise ordered, the business of the Town Board shall be conducted in the following order:

- (1) Call to Order
- (2) Pledge to the Flag
- (3) Approval of previous minutes.
- (4) Public Discussion of Agenda Items
- (5) Supervisor Comments
- (6) Town Board Reports.
- (7) Old Business.
- (8) New Business.
- (9) Other.
- (10) Resignations.
- (11) Appointments
- (12) Public Discussion of Town-related Items.
- (13) Adjournment

4.2 Council Agenda:

A. The Town Clerk shall prepare the agenda for Town Board meetings. Subject to the right of the Town Board to amend the agenda, no legislative item shall be voted upon which is not on the Town Board agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare). An item may be placed on a Town Board meeting agenda by any of the following methods:

- (1) By any council-members
- (2) By a council committee, and
- (3) By a Department Director with the approval of the Town Supervisor.

5. CONSENSUS AND MOTIONS

5.1 Motions: No motion shall be entertained or debated until duly seconded. The motion shall be recorded and, if desired by any Council-member, it shall be read by the Town Clerk before it is debated and, by the consent of the Town Board, may be withdrawn at any time before action is taken on the motion.

5.2 Votes on Motions: Each member present shall vote on all questions put to the Town Board except on matters in which he or she has a conflict of interest. If a conflict of interest exists, such member shall disqualify him or herself prior to any discussion of the matter.

5.3 Motions to Reconsider: A motion to reconsider must be made by a council-member who voted with the majority on the principal question but may be seconded by any other council-member. An order to reconsider requires two separate votes: first, on whether the original question shall be reconsidered. If that motion passes, it shall be followed by a vote on the original motion.

5.4 Council Relations with Town staff:

A. There will be mutual respect from both Town staff and Council-members of their respective roles and responsibilities when, and if, expressing criticism in a public

meeting.

B. Council Members shall not attempt to coerce or influence Town staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of Town licenses or permits.

C. No Council-member shall direct the other Council-member to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Town Board. New initiatives having policy implementation shall be directed to the Town Board for consideration.

D. Individual requests for information can be made directly to the Department Director unless otherwise determined by the Town Supervisor. If the request would create a change in work assignments or Town staffing levels, the request must be made through the Town Supervisor.

E. To provide staff the necessary preparation time, Council-members will provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting, if possible.

5.5 Council Representation:

A. If a Council-member appears on behalf of the Town before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Council-member shall state the majority position of the Town Board, if known, on such issues. Personal opinions and comments which differ from the Town Board majority may be expressed if the Council-member clarifies that these statements do not represent the Town Board's position.

B. Council-members need to have other Council-members' concurrence before representing (1) another Council-member's view or position, or (2) the majority of Town Board's view or position with the media, another governmental agency or community organization.

C. As a matter of courtesy, letters to the editor, interviews or other communication by a Council-member of a controversial nature, which do not express the majority opinion of

the Town Board, should be presented to the full Town Board prior to publication so that the Council-members may be made aware of the impending publication, when practical.

6. PUBLIC HEARING PROCEDURES

6.1 Definition of Public Hearing: New York law empowers all local governments to enact local laws governing many aspects of their property and affairs. State law requires the adoption of local laws be preceded by a public hearing. In addition, many particular functions of public bodies--such as the adoption of a budget, or the issuance of a land use approval--must be preceded by a hearing.

A public hearing is an official proceeding of a governmental body, during which the public is accorded the right to be heard. It bears emphasizing that any hearing held by a public body will necessarily constitute “conducting public business” within the meaning of the Open Meetings Law. If the hearing is conducted by the public body, the public body must comply with the requirements of the Open Meetings Law as well as with the specific requirements found elsewhere that relate to the hearing itself.

6.2 Conflict of Interest/Appearance of Fairness: Prior to the start of a public hearing, the Chair may ask if any Council-member has a conflict of interest which could prohibit the Council-member from participating in the public hearing process. A Council-member who refuses to step down after a request by the majority of the remaining members of the Town Board to step down is subject to censure. The Council-member who has stepped down shall not participate in the Town Board decision nor vote on the matter. The Council-member may be asked to leave the Town Board chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Council-member from stepping down in order to participate in a hearing in which the Council-member has a direct financial or other personal interest.

6.3 The Public Hearing Process:

A. In a Public Hearing the business of the Town Board shall be conducted in the following order:

- (1) Call to Order.
- (2) Pledge to the Flag.
- (3) Reading of the Legal Notice.
- (4) Public Hearing. During this Public Hearing, the chair may call upon Town staff to describe the matter under consideration. The Chair may inquire as to whether any Council-member has questions to ask the proponents, opponents, speakers or staff. If any Council-member has questions, the appropriate individual will be recalled to the podium.
- (5) The Chair continues the public hearing to a time specific or closes the public hearing.
- (5) Adjournment.

For the public the following Rules of Order shall apply:

- (1) All comments by proponents, opponents or other members of the public shall be made from the microphone; any individuals making comments shall first give their name and address. This is required because an official recorded transcript of the public hearing is being made.
- (2) No comments shall be made from any other location. Anyone making “out of order” comments shall be subject to removal from the meeting. If you are disabled and require accommodation, please advise the Town Clerk or Town Supervisor.
- (3) There will be no demonstrations during or at the conclusion of anyone’s presentation.
- (4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his/her right of free speech.

7. DUTIES AND PRIVILEGES OF CITIZENS

7.1 Meeting Participation: Citizens are welcome at all Council meetings and are encouraged to attend and participate prior to the deliberations of the Town Board.

Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, Council-member or Town staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner and will speak only to the specific subject under consideration. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Use of cellular telephones is prohibited in the Town Board chambers.

7.2 Subjects on the Current Agenda: Under agenda item “Public Discussion (Agenda items only)” citizens may address any item they wish to discuss with the Town Board relating to items on the current agenda. They shall first obtain recognition by the Chair, state their name, address and subject of their comments. The Chair shall then allow the comments, subject to a three (3) minute limitation per speaker, or other limitations as the Chair or Town Board may deem necessary. Following such comments, if action is required or has been requested, the Chair may place the matter on a future agenda or refer the matter to Town staff or a Town Board committee for action or investigation and report at a future meeting.

7.3 Subjects Not on the Current Agenda: Under agenda item “Public Discussion” citizens may address any item they wish to discuss with the Town Board relating to Town business. They shall first obtain recognition by the Chair, state their name, address and subject of their comments. The Chair shall then allow the comments, subject to a three (3) minute limitation per speaker, or other limitations as the Chair or Town Board may deem necessary. Following such comments, if action is required or has been requested, the Chair may place the matter on a future agenda or refer the matter to Town staff or a Town Board committee for action or investigation and report at a future meeting.

7.4 Personal and Slanderous Remarks: Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council may be requested to leave the meeting and may be barred from further audience before the

Town Board during that meeting by the Chair or Presiding Officer.

7.5 Written Communications:

A. Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the town's business or over which the Town Board had control at any time.

B. The written communication may be submitted by direct mail or by addressing the communication to the Town Clerk who will distribute copies to the Council-members. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the audience/public.

7.6 "Out of Order" Comments: Any person whose comments have been ruled out of order by the Chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the Chair may subject the individual to removal from the Town Board chambers. These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

8. FILLING TOWN BOARD VACANCIES

8.1 Notice of Vacancy: If a Town Board vacancy occurs, the Town Board will follow the

procedures outlined in NYS Town Law §64. If the appointment be made to fill a vacancy in an elective office, the person so appointed shall hold office until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled.

8.2 Application Procedure: The Town Board will draw up an application form which contains relevant information that will answer set questions posed by Town Board. The application form will be used in conjunction with an interview of each candidate to aid the Town Board's selection of the new Council-member.

8.3 Interview Process: All candidates who submit an application by the deadline will be interviewed by the Town Board during an Executive Session. Exact interview times can accommodate the schedules of the candidates. In order to make the interviews fair, applicants will be asked to remain outside the Town Board chamber while other applicants are being interviewed.

8.4 Selection of Councilmember: The Town Board will vote on their selection of a Council-member at the next Regular Town Board Meeting. The Town Board may recess into executive session to discuss the qualifications of all candidates.

9. SUSPENSION AND AMENDMENT OF THESE RULES.

9.1 Suspension of These Rules: Any provision of these rules not governed by the Town Code may be temporarily suspended by a vote of a majority of the Town Board.

9.2 Amendment of These Rules: These rules may be amended or new rules adopted by a majority vote of all members of the Town Board.

10. PUBLIC RECORDS

10.1 Public records: The public records created or received by the Town Supervisor or any Council-member should be transferred to the Town Clerk's office for retention by the town in accordance with the Open Records Law. Public records that are duplicates of those received by, or in the possession of the Town, are not required to be retained. Questions about whether or not a document is a public record and/or if it is required to be retained should be referred to the Town Attorney.