

RULES OF PROCEDURE FOR MEETINGS OF THE MARBLETOWN TOWN BOARD

ARTICLE I: PREAMBLE

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

ARTICLE II: MEETINGS OF THE TOWN BOARD

Section 1. Regular Meetings

The Town Board shall meet on the first and third Tuesday of each month at 6:00 p.m. The Town Board may reschedule or cancel a regular meeting (a) if such meeting conflicts with an important community or governmental event or a legal or religious holiday; or (b) if presence of a quorum appears in doubt; (c) for other reason permitted by applicable law or (d) if inclement weather is in the forecast. For good cause shown, the Town Supervisor is authorized to reschedule Town Board meetings.

Section 2. Special Meetings

Special meetings may be called by the Town Supervisor by giving at least two days' written notice to all Members of the Board of the time and place for the meeting, and otherwise as permitted by applicable law. Notice shall state the proposed items for consideration at the special meeting.

Section 3. Quorum

A majority of the entire Town Board shall constitute a quorum, but a lesser number may adjourn a meeting.

ARTICLE III: CONDUCT OF MEETINGS

Section 1. Order of Business

The order in which matters shall be considered by the Town Board shall be pursuant to the Agenda for each meeting. The Supervisor shall determine the Agenda for each meeting of the Town Board, except as otherwise provided herein. The Presiding Officer at any meeting may take items out of order for the sake of convenience, or out of consideration to visitors, or otherwise in his or her discretion.

Section 2. Presiding Officer

Pursuant to the Town Law of the State of New York, the Town Supervisor shall preside at all meetings of the Town Board. In the Supervisor's absence, the Deputy Supervisor (if a member of the Town Board) shall preside. Should both the Supervisor and Deputy Supervisor be absent or should the Deputy Supervisor not be a member of the Town Board, then the Town Board shall select a Temporary Presiding Officer. Such a Temporary Presiding Officer may be designated in advance. In presiding over meetings of the Town Board, the Temporary Presiding Officer shall

have all of the authority of the Supervisor as Presiding Officer of the meeting. The Presiding Officer shall have the authority and duty to:

- (a) Preserve orderly conduct of meetings of the Town Board and civility at such meetings.
- (b) Decide all questions of procedure, subject to appeal to the Town Board as described in Article III, Section 6(b) of these Rules.
- (c) Designate any Town Board member to act temporarily as Presiding Officer.
- (d) Recess any meeting for a period of time.

Section 3. Discussion and Debate

The rules governing discussion and debate shall be as follows, except as otherwise provided by these rules.

- (a) To be recognized, a Board Member shall seek recognition by the Presiding Officer or respond to the Presiding Officer's solicitation of comments from the Board. To the extent practicable, the Presiding Officer shall alternate in recognizing Members to speak between those in favor of a motion and those against.
- (b) Discussion or debate on a resolution or debatable motion shall begin only after it has been moved by a Board Member and seconded by another Board Member.
- (c) A Board Member may speak as often on a question as the Member is recognized by the Presiding Officer, provided that no Board Member shall speak for more than five (5) minutes in total on a matter before the Board, except as permitted by the Presiding Officer.
- (d) All discussion on a local law, resolution or motion must be germane to the subject matter of such law, resolution or motion. Non-germane discussion may be ruled out of order by the Presiding Officer.
- (e) No Board Member shall speak while another is speaking unless the latter yields to the former.
- (f) All debate and all questions, including questions for members of Town staff or for other Board members, shall be directed through the Presiding Officer.

Section 4. Debatable Motions

Debatable motions shall be as follows:

- (a) **Main Motion.** A main motion is a motion that brings business before the Town Board. It is a formal proposal for the Board to take action, including adopting a local law or other resolution. A 4 main motion may be made only when no other motion is pending. It may be amended and requires a majority vote except where otherwise required by law or by these Rules. A motion may be withdrawn by its proposer at any time before a vote is taken.
- (b) **To Amend.** This amends either the main motion or an amendment to the main motion. An amendment is a motion to change or modify the main motion or an amendment of it. An

amendment shall not be amended more than once. Amendments shall be disposed of in inverse order before voting on the main motion, and shall require a majority vote.

(c) **To Commit.** This motion is used to refer a matter to the Town administration and staff, or to a committee of the Town Board or to a Volunteer Board. The motion may be amended and requires a majority vote.

(d) **To Reconsider.** The purpose of this motion is to reconsider a motion previously carried or lost. It may be made only by a Member who voted with the prevailing side, but may be seconded by any other Board Member. No question may be reconsidered more than once. A motion to reconsider may not be amended and requires a majority vote. In order to reconsider, two separate votes are required: first, on whether the original question shall be reconsidered. If that motion passes, it shall be followed by a vote on the original motion.

(e) **To Sever.** This motion is used to divide a question into two or more logical parts. It may be amended. It requires a majority vote.

Section 5. Motions Without Debate

The following motions are not debatable:

(a) **To Lay on the Table.** This motion is used to postpone a subject under discussion. A motion to table is in order at any time subsequent to the moving and seconding of a main motion or an amendment. It is not amendable and requires a majority vote. To be taken up again at a subsequent 5 meeting of the Town Board, a motion, duly seconded and with affirmative majority vote, is required to remove the matter from the table.

(b) **To Adjourn.** This motion is always in order except when a speaker has the floor, during roll call, or immediately after it has been voted down. It requires a majority vote.

(c) **The Previous Question.** Moving the previous question is used to bring a motion duly made and seconded to a vote immediately. It may be made by any Board Member, by stating: "I move the previous question." A second shall not be necessary. When the previous question is moved, the Presiding Officer immediately shall ask the Board, "Shall the question now be put?" whereupon the Town Clerk shall call the roll. If sixty percent of Members present vote in the affirmative, the question then before the Town Board shall be put to a vote immediately in the usual manner without further debate.

Section 6. Point of Order.

(a) A Board Member may object to an aspect of procedure by raising a point of order. A point of order may be raised at any time, except during a roll call vote. It requires an immediate ruling by the Presiding Officer. Once the point is raised, the Presiding Officer shall ask the Member to explain the procedural objection. The Presiding Officer then shall either sustain or deny the point of order without delay.

(b) A Member who raises a point of order may appeal to the Town Board the Presiding officer's decision. Upon such request, the Presiding Officer shall put to the Board the question: "Shall the

decision be sustained?” Discussion may follow and the Presiding Officer may discuss the issue. Following discussion the Presiding Officer shall ask the Town Clerk for a roll call vote.

A majority or tie vote of Members present sustains the decision of the Presiding Officer. The Presiding Officer shall be entitled to vote on the appeal of the decision.

Section 7. Voting

All voting on local laws, resolutions and motions shall be by roll-call vote unless otherwise permitted by applicable law.

(a) The Town Clerk shall call the roll.

(b) Abstentions - Every member who shall be physically present in the Council Chambers or attending remotely when a question is stated by the Supervisor must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with the Code of Ethics of the Town of Marbletown. If a member wrongfully attempts to avoid casting his or her vote, wrongfully abstains, or otherwise refuses to vote, the Supervisor, or in the event that the Supervisor is the member in question, the Deputy Supervisor or other acting chairperson, shall direct the Town Clerk to record such member's vote in the affirmative on the question being voted upon.

(c) A majority of the entire Town Board is required to pass any local law, resolution or motion, except where otherwise required by law or stated in these Rules. When the number of votes cast for and against any proposition is equally divided, the question shall be deemed to be lost, except in the case of an appeal of the decision of the Presiding Officer, as set forth in Section 6(b) of this Article.

ARTICLE IV: AUDIENCE AT BOARD MEETINGS

Section 1. Public Comment Session

(a) The Town Board may devote time at its meetings for Marbletown residents to comment. This is done early in meetings to allow residents to speak on matters on the Agenda.

(b) The Presiding Officer shall recognize residents who wish to speak. Once recognized, the speaker shall state his or her name and address and proceed to comment. In fairness to all members of the public, speakers should focus on the facts of the matter at hand and confine comments to no more than three minutes.

(c) The Public Comment session is not a debate, either with the Town Board or other members of the audience. When comment takes the form of a question, or includes a question, the Presiding Officer shall remind the speaker.

Section 2. Visitor Conduct

(a) A Town Board meeting is an important legislative session. It is expected that all members of the audience will conduct themselves in a professional and dignified manner. No person in the

audience of a Town Board meeting shall engage in any demonstration, booing, hand clapping or other form of disruption of the formality of the meeting.

(b) Any audience member may speak during a formal Public Hearing, when recognized by the Presiding Officer. Otherwise, the Public Comment portion of each meeting represents the opportunity for audience members to speak during a Town Board meeting, unless asked for comment during the meeting by the Presiding Officer.