

**OLD TOWN CITY COUNCIL**  
**RULES OF ORDER AND PROCEDURES**

**COUNCIL MEETINGS**

- 1. Regular Council Meetings:** The City Council will meet in regular session in the Council Chambers at the Old Town City Hall, 265 Main Street, Old Town, Maine at 6:00 P.M. on the first Monday of each month. If the regular meeting day falls on a legally stated holiday, the meeting shall be held on the Tuesday following the holiday.
- 2. Council Meeting Agenda:** All reports, communications, ordinances, resolutions, contract documents, appointments, or other matters to be discussed by the Council shall be delivered to the City Manager and Council President by 3:00 P.M. on the Thursday prior to the next regularly scheduled meeting if they are to have consideration given at that meeting. Agenda item may be submitted by Council members, by the City Manager, or by either of these at the request of interested citizens. Agenda items must clearly state the scope and intent of the action to be taken. Items entered for discussion that are not included on the agenda may not be voted upon until the next meeting.
- 3. Special Council Meetings:** As required by Article 2, Section 7 of the City Charter: Special Meetings may be called by the President and in case of their absence, disability, or refusal, may be called by a majority of the members of the City Council. Notice of such meeting shall be served in person or left at the residence of each member of the City Council at least 24 hours before the time of holding said special meeting. The public shall be notified of the time and place of said special meeting through the appropriate news media.
- 4. Adjourned Session:** Any session of the Council 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.
- 5. Standing Committee Meetings:** The City Council will hold Standing Committee Meetings, as appropriate, in the Council Chambers at the Old Town City Hall, 265 Main Street, Old Town, Maine at 6:00 P.M. on the third Monday of each month. If the regular meeting day falls on a legally stated holiday, the meeting shall be held on the Tuesday following the holiday.
- 6. Workshop Sessions:** The Council may meet in workshop sessions prior to any regular or special council meeting. The Council President may call the Council together for a workshop session at any time. The workshop session shall be devoted exclusively to any matters regarding which the

interchange of information preliminary to public discussion is deemed essential. No formal vote shall be taken on any matter under discussion, nor shall any council member enter into a commitment with another with respect to a vote to be taken subsequently in a public meeting of the Council, but an informal vote on any matter under discussion may be taken. The press and public shall be notified and permitted to attend.

**7. Executive Session:** An executive session may be called only by a three-fifths (3/5) vote of the Council members 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 Title 1, Sec. 401, M.R.S.A., which reads as follows:

“The Legislature finds and declares that public procedures exist to aid in the conduct of people’s business. It is the intent of the Legislature that their actions be taken openly and that their deliberations be conducted openly.”

**8. Standing Committees, Special Committees, and Board Liaisons:**

- a. Standing Committees shall be established by the Council on the recommendation of the President of the Council.
- b. The President of the Council shall appoint Councilors, as appropriate, to all Standing Committees, but two or more members may request an exchange of assignments by joining in a request to the President to that effect.
- c. The President of the Council shall appoint all Standing Committee Chairpersons.
- d. The President of the Council shall appoint council members to special committees and boards and as board liaisons except as otherwise established by Council action.
- e. Committee Meetings: All committee meetings will be called by the chairperson of the respective committee with consent of the committee members. The Council President is an ex-officio member of all standing committees with the same rights and privileges as the other committee members. When recognized by the Committee Chairperson, the committee members shall be allowed to speak on the subject under consideration. No member shall speak more than once until all other committee members choosing to speak shall have spoken. Once all Committee members choosing to speak have done so, the Committee Chairperson shall recognize any Council member who is not a member of the committee and they shall be allowed to address the subject under consideration.

- f. Standing Committee action shall be referred to the next regular Council meeting, except that as an emergency measure the Council may take action at any Regular or Special Council meeting.
- g. Recommendations by a Standing Committee shall be forwarded to the full Council as an affirmative action without need of a second.

## **THE PRESIDING OFFICER**

**9. Presiding Officer:** The President of the Council, or in the absence of the President, the President Pro tempore, shall take the duties of Presiding Officer at the hour appointed for the Council to meet and shall immediately call the meeting to order. The roll shall then be taken by the Clerk, who shall enter the names of the members present and not present into the minutes of the meeting.

**10. President Pro tempore:** The City Council shall annually elect a member of the City Council as Vice President, who shall serve as the President Pro-tempore in the absence or disability of the President, pursuant to Article II, Section of the City Charter. Disability of the President and cessation of such disability shall be determined by a majority vote of the members of the City Council.

**11. Council Privileges:** The Presiding Officer may move, second, declare by unanimous consent, subject to the following limitations: As it is the function of the Presiding Officer to preserve order and provide a fair hearing, the Presiding Officer shall reserve the right to speak first and last on any subject before the Council. If the Presiding Officer wants to actively participate in the debate in any other manner, the Presiding Officer shall stand down and call another member to take the role of Presiding Officer with unanimous consent of the other members of the Council. The Presiding Officer should not resume the Presiding Officer's role until the pending question is disposed of.

**12. Decorum and Order:** The Presiding Officer shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Council.

- a. During Council meetings, councilors shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the Presiding Officer or the rules of the Council. Every councilor desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine their self to the question under debate and shall avoid all personalities and indecorous language. Every Councilor desiring to question the administrative staff shall address the question to the City Manager who shall be entitled to answer the inquiries or to designate some member of the staff for that purpose. A Councilor, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer, unless a Point of Order is raised by another member, or unless the speaker chooses to yield to questions from

another member. If a Councilor is called to order while speaking, the Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Councilor shall be permitted to proceed. If ruled to be not in order, the Councilor shall remain silent or shall alter their remarks so as to comply with the rules of the Council. All members of the Council shall accord the upmost courtesy to each other, to City employees, and to public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity of others, abusive comments, and statements as to motives and personalities. Members shall be removed from the meeting for failure to comply with decisions of the Presiding Officer or for continued violations of the rules of the Council. If the Presiding Officer fails to act, any member may move to require the Presiding Officer to enforce the rules and an affirmative vote of the Council shall require the presiding officer to act.

- b. Members of the administrative staff and employees of the City shall observe the same rule and procedure and decorum applicable to members of the Council. While the Presiding Officer shall have the authority to preserve decorum in meetings as far as staff members and City employees are concerned, the City Manager shall also be responsible for the orderly conduct and decorum of all City employees under the City Manager's direction and control. The City Manager shall take such disciplinary action as may be necessary to ensure that such decorum is preserved at all times by City employees in Council meetings. Any staff member or the City Manager desiring to address the Council or members of the public shall be recognized by the Presiding Officer, shall state their name for the record, and shall limit their remarks to the matter under discussion. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. No staff member, other than staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Presiding Officer.
- c. Public members attending Council meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to member of the Council. Any person making personal, impertinent, and slanderous remarks or becomes boisterous while addressing the Council or while attending the Council meeting shall be removed from the room, if so directed by the Presiding Officer. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Presiding Officer, who shall direct a police officer to remove such offenders from the chamber. Aggravated cases shall be prosecuted on an appropriate complaint signed by the Presiding Officer. In case the Presiding Officer fails to act, any member of the Council may move to require the Presiding Officer to act to enforce the rules, and the affirmative vote of the majority of the Council shall require the Presiding Officer to act.

- d. Any public member desiring to address the Council shall be recognized by the Presiding Officer, shall state their name and address in an audible tone for the record, and shall limit remarks to the question under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual member thereof. All remarks and questions addressed to the administration of the City shall be addressed to the City Manager and not to any individual City employee. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without permission of the Presiding Officer.

**13. Quorum:** A majority of the current number of members of the Council constitutes a quorum. If less than a quorum convenes at any meeting, the majority of those present may send a police officer or any other person for any or all of the absent members, as a majority of the members present decide. If a quorum cannot be obtained, the meeting shall be adjourned as provided under Item 4 of these Council Rules and Procedures.

## **OFFICERS AND EMPLOYEES**

**14. Election of Officers:** Per Article II, Section 6 of the City Charter, new Council members are to be sworn in at the first regular Council meeting in December. After the seating of new Council members, the City Clerk shall call for nominations, and the Council shall elect by majority vote, one of the members as the President of the Council for the ensuing year, and until a successor is elected and qualified. After the new President takes his seat, the Council shall elect by majority vote, one of remaining members to serve as Vice President for the ensuing year.

**15. Clerk and City Employees:** The City Clerk and other officers and employees of the City are under the control and direction of the Presiding Officer during sessions of the Council.

**16. Appointments:** Consideration of all appointments, whether by the Council or the City Manager with the advice of the Council, shall be deferred until after the next meeting following their initial introduction.

**17. City Manager:** The City Manager shall attend all meetings of the Council, except when their removal is being considered. The City Manager shall keep the Council fully advised as to the financial condition and needs of the City. The City Manager may make recommendations to the Council and make take part in discussions on all matters concerning the welfare of the City, but does not have a right to vote.

**18. City Clerk:** The City Clerk is ex officio Clerk of the Council. The Clerk shall keep a minute book in which shall be recorded, in chronological order, minutes of all proceedings of the Council and

such other duties as may ordered by the Council. Within one week after each meeting, the Clerk shall furnish each Councilor with a copy of the minutes of the proceeding meeting. In the absence of the Clerk, the Council shall appoint a temporary clerk to perform the duties.

**19. City Attorney:** The City Attorney shall attend all regular meetings of the Council. The Council, the Presiding Officer, the City Manager may at any time call upon the City Attorney for an oral or written opinion to decide any question of law. They may be asked to state their opinion upon any rule of parliamentary procedure, which opinion shall not be binding on the Council.

**20. Officers and Employees to Attend:** The head of any department, or any officer or employee of the City, when requested by the City Manager or the Council, through the City Manager, shall attend any regular, adjourned, or special meeting and confer with the Council on all matters relating to the City.

## **DUTIES AND PRIVILEGES OF MEMBERS**

**21. Seating Arrangement:** Members shall occupy the respective seats in the Council chamber assigned to them by the Council President, but any two or more members may exchange seats by joining in a written notice to the President to that effect.

**22. Right of the Floor:** When recognized by the Presiding Officer, a member shall confine themselves to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's argument or vote. No member shall address the Presiding Officer or demand the floor while any vote is being taken.

**23. Personal Interest:** A member stopped from voting by personal interest need not remain in the Council chamber during the debate and vote on any such matter.

**24. Right of Appeal:** Any member may appeal to the Council from a ruling of the Presiding Officer. If the appeal is seconded, the member making the appeal may briefly state the reason for it, and the Presiding Officer may briefly explain their ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the Presiding Officer be sustained?" If a majority of the members present vote in favor of the ruling of the Presiding Officer, the ruling is sustained; otherwise, it is overruled.

**25. Limitation of Debate:** No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken and no member shall speak more than twice upon any one subject, nor for a longer period of time than ten minutes, without leave of the Council.

**26. Voting:** Every member present when a question is put shall vote either “Yea” or “Nay”, unless the Council shall, for a special reason, excuse them from voting. Application to be excused from voting must be made before the vote is called for. The member having briefly stated the reason for their request, the decision thereon shall be made without debate.

**27. Demand for Roll Call:** Upon demand of any member, made before the vote has been put, the roll shall be called for Yeas and Nays upon any question before the Council. It shall not be in order for members to explain their vote during the roll call.

**28. Personal Privilege:** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which their integrity, character, or motives are assailed, questioned, or impugned.

**29. Dissents and Protest:** Any member shall have the right to express dissent or protest against any ordinance or resolution of the Council and have the reason therefore entered upon the Council record. Such dissent or protest must be filed in writing, couched in professional language, and presented to the Council not later than the next regular meeting following the passage of the ordinance or resolution.

**30. Excusal from Attendance:** No member shall be excused from attendance at a Council meeting without notification to the City Clerk prior to the meeting.

**31. Excusal During a Meeting:** No member may leave the Council Chamber while in regular session without permission from the Presiding Officer.

**32. Appointment to Municipal Boards and Commissions:** All appointments to City Boards and Commissions shall be made in accordance with the City Charter and statutes.

**33. Order of Business:** The business of all regular meetings of the Council shall be transacted in the following order, unless the Council changes the order:

**OLD TOWN CITY COUNCIL  
(Date, Place & Time of Meeting)**

**AGENDA**

- I. Call to Order

- II. Flag Salute
- III. Roll Call
- IV. Approval of Minutes
- V. Petitions, Communications and Citizens' Requests
- VI. Reports
  - A. Council President
  - B. Standing Committees - Administrative Services, Economic Development, Finance Services, & Public Services
  - C. City Councilors
  - D. City Attorney
  - E. Special Committees
  - F. City Manager
- VII. Consent Agenda
- VIII. Public Hearings and Second Reading of Ordinances
- IX. Old Business
- X. New Business
- XI. Adjournment

At each meeting, the minutes of the preceding meeting shall be presented for review and reading of the minutes may be dispensed with by consent of the Council. If no objection is made to the minutes as presented or after being amended, the Presiding Officer shall put them for approval by vote of the Council.

**34. Documents Prepared by the City Manager:** The City Manager shall have copies of all ordinances, resolutions, and documents ready for delivery to the Council members by 8:00 P.M. of Friday before which they are to come before the Council for consideration.

**35. Procedures of Motions:** When a question is before the Council no motion shall be entertained except: (a) to adjourn, (b) to recess, (c) to table, (d) for previous question, (e) to refer, (f) to amend,



and (g) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate.

**36. Committee of the Whole:** When the Council shall decide to go into Committee of the Whole, without objection, the regular officers shall continue to serve, otherwise the Council shall appoint a Chairperson to preside, and the Presiding Officer of the Council shall leave the chair. The rules of the Council as far as applicable shall be observed in the Committee of the Whole, except that no limit shall be placed on the frequency of speaking, that yeas and nays shall not be taken and that motion to rise and report progress shall always be in order and shall be decided without debate.

**37. Motions to be Stated the Council Presiding Officer - Withdrawal:** When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. Any member may demand that it be put in writing by the City Clerk. A motion may not be withdrawn by the mover without the consent of the member seconding it.

**38. Motion Out of Order:** The Council may at any time permit a member to introduce an ordinance, resolution, or motion out of the regular order.

**39. Motion to Adjourn – When Not in Order – Not Debatable: A Motion to Adjourn is in Order at Any Time, Except as Follows:**

- (a) When repeated without intervening business or discussion;
- (b) When made as an interruption of a member while speaking;
- (c) When the previous question has been ordered;
- (d) While a vote is being taken. A motion to adjourn is debatable only as to the time which the meeting is to be adjourned

**40. Motion to Table:** A motion to table precludes all amendments or debate of the subject under consideration. If the motion prevails, consideration of the subject in the same session may be resumed only upon the affirmative vote of at least 5 members of the Council.

**41. The Previous Question:** When the previous question is moved and seconded, there shall be no further amendment or debate, but pending amendments shall be put in the order before the main question. If a motion for the previous question fails, the main question and any pending amendments remain open to debate.

**42. Amend an Amendment:** A motion to amend an amendment is in order, but one to amend an amendment to an amendment may not be introduced. An amendment modifying the intention of a motion is in order, but an amendment relating to a different motion is not in order.

**43. Motion to Postpone:** All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

**44. Yeas and Nays:** On the passage of every ordinance or resolution, the vote to be taken by yeas and nays and entered in full upon the record. Every member shall be required to vote, unless excused for cause by vote of the Council. The vote shall be for or against a pending ordinance or resolution and not on the report of the committee thereon.

**45. Procedure in Absence of Rule:** In all cases where parliamentary proceedings are not herein determined, "Roberts Rules of Order" shall be taken as the authority to decide the course of the proceedings.

**46. Anonymous Communications:** Unsigned communications may not be introduced in meetings.

**47. Tie Vote:** In case of a tie in votes on any proposal, the proposal shall be declared lost except in a ruling by the Presiding Officer. In cases where the ruling of the Presiding Officer is an issue, Rule 23 shall prevail.

## **ORDINANCES AND RESOLUTIONS**

**48. Introduction:** All Ordinances and resolutions shall be introduced in the Council in printed or written form.

**49. Review:** All proposed ordinances shall be prepared by the City Attorney and by their certification that they are correct in form.

- a) **Procedure:** Per Article II, Section 9 of the City Charter: All ordinances, orders, and resolutions except resolutions making appropriations of money, shall be confined to the subject, which shall be clearly expressed in the title. The appropriation order or resolution shall be confined to the subject of appropriations only. No ordinances and no appropriation resolution shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed with a 4/7 vote of the members of the City Council. The yeas and nays shall be taken upon the passage of all ordinances and entered in the record of the proceedings of the City Council by the City Clerk. The yeas and nays shall be taken on the passage of any resolution when called for by a member of the City Council. Every ordinance shall require on the final passage the affirmative vote of a majority of the members of the Council.

- b) **Public Hearing on Ordinances:** Every ordinance before final passage shall be published in one or more newspapers published and circulated in Penobscot County and shall take effect and be in force ten days from and after it shall have received final passage by the City Council and has been approved, in such case where such approval is required by law, by a justice of the Maine Supreme Judicial Court. Within ten days after its final passage or after said approval by such justice said ordinance shall be published in full in one or more newspapers in Penobscot County, but failure to publish said ordinance, either before or after final passage shall not affect its validity or force. No resolution shall take effect until ten days after its passage.
- c) **Emergency Ordinance:** The City Council may, by vote of 5/7 of its members, pass emergency orders or resolutions to take effect at the time indicated therein, but such emergency orders or resolutions shall contain a section in which the emergency is set forth as defined.

## MISCELLANEOUS

**50. Privilege of the Floor:** No persons, except members of the Council and City officers named in the rules, and persons invited by the Presiding Officer or by vote of the Council, shall be admitted within the bar of the Council chamber, and the Presiding Officer shall cause this rule to be rigidly enforced.

**51. Permission Required to Address the Council:** Persons other than members of the Council and City officers are not permitted to address the Council except with permission of the Presiding Officer.

**52. Suspension of Rules:** Any provisions of these rules not governed by the City Charter ordinances may be temporarily suspended at any meeting of the Council by a majority vote of the Council. The vote on the suspension shall be taken by yeas and nays and entered into the record.

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

**54. Precedence:** The Old Town City Charter, as amended, shall take precedence over these Council Rules and Procedures, except as to minor changes, such as time of meetings, etc.

**Amended by Council: 12/06/1999**

**Amended by Council: 12/04/2000**

**Amended by Council: 01/08/2001**  
**Amended by Council: 12/03/2001**  
**Amended by Council: 02/05/2007**  
**Amended by Council: 12/07/2010**  
**Amended by Council: 12/03/2012**  
**Amended by Council: 12/19/2016**  
**Amended by Council: 12/18/2018**  
**Amended by Council: 12/21/2020**  
**Amended by Council: 12/05/2022**