

**BYLAWS OF THE BOARD OF SELECTMEN
OF
WATERBORO, MAINE
Adopted: May 9, 2006
Amended: June 19, 2007
Amended: October 21, 2009
Amended: May 8, 2012
Amended: July 2, 2013
Amended: April 26, 2016**

Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for Board of Selectmen (Board) meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs.

These bylaws shall govern the Board's practices and procedures except as otherwise provided by Town Charter and Maine State law and shall be liberally construed so as to accomplish their purpose.

Section 2. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

Section 3. Officers and their Duties

At the next meeting following the Annual Town Meeting, the Board shall elect, by majority vote of the entire board, one of its members for the ensuing year as Chair and one member as Vice Chair. The chairman shall preside at the meetings of the Selectmen, and shall be recognized as head of the town government for all ceremonial purposes and by the governor for purposes of military law, but (s) he shall have no extra administrative duties. In the temporary absence or disability of the chairman, the Vice Chair shall exercise all the powers of the chairman during such temporary absence or disability of the chairman.

The chairman, or a designee of the chairman, or a majority vote of the Board shall set the agenda for Board's meetings.

The Administrative Assistant to the Town Administrator shall maintain a written public record of all meetings within five (5) working days. The Administrative Assistant to the Town Administrator will also maintain a record of all workshops and correspondence of the Board, which shall be a public record except as otherwise provided by law.

Section 4. Meetings.

The Board of Selectmen shall, at its first meeting following the Annual Town Meeting or as soon thereafter as possible, establish by vote a regular place and time for holding its regular meetings, and shall meet regularly, except holidays, at least twice a month. The

Board shall post, including electronic notification, an agenda at least by the Friday prior to regularly scheduled Board meetings. All regular meetings shall be open to the public in accordance with the laws of the State of Maine.

Special meeting's may be held on the call of the chairman or a majority of the members, and whenever practicable, upon no less than seven (7) days public notice including electronic notification.

Emergency meetings may be called by the chairman or a majority of the members, as needed and without regard to the aforementioned 7-day notice requirement.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board being present. A majority of the board of selectmen shall constitute a quorum for the transaction of business. No action of the Board, including but not limited to appointments to and removals from town offices or warrants shall be valid or binding unless adopted by the affirmative vote of the majority of the Board.

Notice of all Board meetings shall be given as required by law by the Administrative Assistant to the Town Administrator. The order of business at regular meetings should be as follows:

Pledge of Allegiance

Announcements

Appointments

Public Comments

Correspondence

Reports/Staff Initiatives

1. *Any items with discussion and/or votes requiring a town employee's attendance*
2. *Town Administrator's Report*
3. *Selectmen's Report*
4. *Committee Reports*

New Business

Old Business

Other

Pending Decisions

Week's Action List

Discussion Of Agenda Items

Items Needing Signature

Reminders

Adjournment

Items on the agenda under appointments, new business and old business that are not easily explained in the short descriptor should have a sentence or two that can further identify the nature of the item.

Board members will receive an informational packet on the Friday preceding the regularly scheduled Board meetings. These packets will include the agenda, agenda reports (see appendix A), documentation of notices sent inviting specific participants to

the meeting and any other informational documentation necessary.

The Chair should call on the Town Administrator at the beginning of each item discussion that involves an agenda report with recommendations from the Town Administrator. Each selectperson shall be called on for their input and recommendation on each item following the Town Administrator's presentation.

Board members are allowed to go into executive session and to deliberate on the matters authorized by 1 MRSA § 401 et seq. and no others. The executive session can only be entered after a motion has been made in public session to go into executive session. The nature of the business to be discussed must be part of that motion, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process.

The motion must carry by at least a majority of the members present. No topic other than that referred to in the motion shall be discussed during executive session. All matters discussed during executive session shall be held in strictest confidence by the board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session.

Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board.

Section 5. Public to Address Board

- a) As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Board sponsor the Town Administrator, shall first be allowed to present their initial comments for consideration by the public and other Board members.
- b) Following the introduction of the issue, there will be time devoted to any questions of the sponsor or Town Administrator regarding the agenda item that any Board member may have to help clarify the question presented by the agenda item.
- c) The Chairman shall allow questions only during this time and no debate or discussion of collateral issues shall be permitted.
- d) Once the agenda item has been explained by its sponsor or the Town Administrator and clarified by any questioning as provided, the Town Administrator shall give a recommendation and then there will be time devoted for a discussion by Board members.
- e) There will be time devoted for any resident, taxpayer or authorized representative of an organization resident or taxpayer of the Town of Waterboro to address the Board through the Chairman, regarding this particular agenda item. The speakers will be required to identify themselves by stating their name, first and last and residence address prior to sharing their comments. The speakers will be asked not to be repetitious of comments already made to the Selectmen in the interests of the most efficient use of time. Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item.

f) No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Board member. The chairman will close public comment on the issue and then provide debate and vote of the issue by the Board.

g) Any further information requested by the speaker shall be referred to the Town Administrator to research the matter and present the findings to the Board of Selectmen.

h) No complaints or allegations will be allowed in public concerning any staff member or any person connected to the Town of Waterboro organization. Complaints will be referred to the Town Administrator for investigation and resolution. If unresolved the issue can be brought to the Board of Selectmen.

Section 6. Workshop Sessions.

Workshop sessions will be held every fourth Tuesday for the purpose of discussing and brainstorming solutions to pending decisions or problems, disseminating information for Board enlightenment and evaluation or the discussion or refinement of future agenda items. Additional workshop sessions may be schedule by the Chairman as necessary.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, the Board will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chairman, relating to the subject of the workshop sessions. No formal vote shall be taken on any matter under discussion nor shall any board member enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Board, but an informal vote on any matter under discussion may be taken.

All workshop sessions will be recorded with minutes produced documenting workshop activities.

Section 7. Agenda Items

In order to ensure that regular meetings of the Board are conducted in a reasonable, equitable, and organized manner, the following criteria will be met when scheduling items and/or appointments to be included on meeting agendas:

a) Each new item that comes before the board will be accompanied by an Agenda Report (See Appendix A) if necessary. This report shall include:

- A. Background Information*
- B. Analysis*
- C. Alternative Solutions*
- D. Fiscal Impact*
- E. Legal Review (if necessary)*
- F. Conclusions*
- G. Attachments*

H. Town Administrator's Recommendations

- b) Requests to be scheduled on the upcoming agenda must be received in the Selectmen's Office by Noon on Friday.
- c) Copies of any supporting documents accompanying the request must be made available at the time of the request to the Administrative Assistant to the Town Administrator for copying and distributing.
- d) The request must clearly state the subject matter and the name of the presenter.
- e) The Chairman of the Board has the discretion to set the agenda.
- f) The Chairman has the right to allow an item of an emergency nature to be scheduled after the deadline prior to the printing and posting of the agenda by 5 pm on Friday. Items after the printing and posting of the agenda can only be added by a majority vote of the Board of Selectmen during the meeting.
- g) The public may introduce a subject during the Public Comments portion of the published agenda; however, no action will be taken. If action is required, the subject will be referred to another agenda.

Section 8. Public Hearings

Public hearings of the Board shall be called as required by law or on other occasions as a majority of the Board may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time and place of the hearing and a general description of the subject matter.

The Chairman shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided, however, that formal rules of evidence shall not apply.

Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided, however, that the Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceedings, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct questioning of any other party through the Chairman, provided, however, that the Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

Section 9. Participation and Voting

Any action of the Board shall require the affirmative vote of a majority of its attending membership as required by the Charter.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a member

has such a conflict of Interest or other disqualification shall be decided by a majority vote of the remaining members. Abstentions shall be limited to conflicts of interest, which shall be stated prior to the taking of the vote. Conflict issues shall follow established State Law. Any order may be reconsidered by motion of those voting in the affirmative with Board approval. All other orders shall require a motion, second and recorded vote.

No member may participate or vote in any adjudicatory proceeding including proceedings on licenses, permits or other approvals, unless the member was present during all hearings thereon.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chairman for good cause shown. Those present, in such circumstances, who refuse to vote are regarded as having voted affirmatively, i.e. for the proposition or to have voted with the majority.

Section 10. Meeting Length

In order to facilitate productive and efficient meetings without undue delays or continuances, board members shall commit to taking the time necessary to adequately review the upcoming agenda and information packets before each meeting. Questions needing clarification prior to any meeting shall be directed at the Town Administrator.

All Board meetings, workshops or executives sessions should in ordinary circumstances, adjourn at or before 9:00 p.m. or otherwise a vote taken by the majority of the Board to continue.

Section 11. Board Conduct

During meetings, board members, while speaking on any matter, or asking any questions, shall address the Chair.

No member shall:

- a) Speak disrespectfully of any member of the Board, the public, committee members or employees of the Town of Waterboro making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security.
- b) Engage in private conversation while the Board is meeting in such manner as to interrupt the proceedings.
- c) Use offensive words or language against Board members, public or any committee member.
- d) Speak on any subject other than the subject in debate.
- e) Where the matter remains confidential, disclose the content of the matter or the substance.

If a member persist in disobedience after having been called to order, the Chair shall:

- a. Immediately put the question, no amendment, adjournment or debate being

allowed, that such Member be ordered to leave for the remainder of the meeting of the Board.

- b. If the question carries, the Chair will order the member to leave for the remainder of the meeting of the Board.
- c. If the member wishes to apologize to the Board, the Chair will permit the member to do so and with the Board's consent, the member may return to their seat.

Section 12. Public Participation.

When a group of persons wishes to address the Board on the subject matter, it shall be proper for the Chairman to request that a spokesperson be chosen by the group to address the Board and to limit the number of persons addressing the Board on the same matter so as to avoid unnecessary repetition.

The Chair with approval of the majority of the board may impose a time limit in which each person may speak, giving equal time to all. If the Chairman determines that there is not sufficient time at the meeting, the comment period may be deferred to the next regular meeting or special meeting occurring in advance of the next meeting.

Any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security shall be removed at the direction of the Chair from further audience at the meeting unless permission to continue is granted by the majority of the Board members present.

Section 13. Formal Complaint Process

TO BE DISCUSSED FURTHER