



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK
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VILLAGE/TOWN OF MOUNT KISCO

RULES OF PROCEDURE

1. Meetings

Regular Board Meeting

The Board of Trustees shall meet in regular session on the first and third Mondays of each month at **7:00 PM**. If such a Monday is a legal holiday, the regular meeting shall be held the following Tuesday at the same hour unless otherwise provided for by motion. The place of meeting shall be the Frank J. DiMicco Board Room in the Village Hall, unless otherwise provided for by motion. A regular meeting may be waived by a majority vote of the Board. Each regular session of the Board will commence with the pledge of allegiance and a moment of silence to allow each person to seek such inspiration from such other sources as that individual's conscience may dictate.

Work Session Meeting

The Board of Trustees shall hold a work session from time to time as called by the Village Manager and the Mayor and be properly noticed. The place of meeting shall be the Frank J. DiMicco Board Room in the Village Hall, unless otherwise provided for by motion. A work session meeting may be waived by a majority vote of the Board.

Special Board Meeting

A Special Meeting shall be convened on the call of the Mayor or by a majority of the members of the Board. Notice of the time, place and purpose of the meeting shall be served personally upon each member of the Board, Village Manager and Village Attorney, left at their usual places of residence, or attempted by phone, at least four (4) hours before the time of the meeting. The subject matter to be considered at such a meeting must be of urgent circumstance that has arisen from unforeseen events and cannot wait until the next regularly scheduled Board Meeting. No other matter may be considered without the unanimous vote of those present.

2. Board Meeting Agenda

All reports, communication, ordinances, resolutions, contract documents and other

matters to be submitted to the Board shall, on the Thursday before each meeting, be delivered to the Village Clerk whereupon the Village Clerk shall immediately arrange a list of such matters according to the order of business.

The Village Clerk shall furnish each member of the Board, the Village Manager and the Village Attorney with a copy of the agenda at least eight (8) business hours prior to the Board meeting or as far in advance of the meeting as time for preparation will permit. Any petition to be acted on must be filed in the Village Clerk's Office one week before a regular meeting except by unanimous consent of the Board.

3. Adjourned Sessions

Any sessions of the 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 the next regular meeting.

4. Executive Session

The rules of procedure shall be:

a. An executive session shall be convened on the call of the Mayor or by a majority vote of the members of the Board, and all members of the Board who are in the Village must be notified of the time and place of said meeting.

b. Notice of the time and place of the meeting shall be served personally upon each member of the Board, Village Manager and Village Attorney or left at their usual place of residence at least four (4) hours before the time of the meeting. It shall also be the duty of the Village Clerk, immediately upon receipt of the proper request, to make diligent effort to notify each member of the Board by telephone of each executive session.

c. Attendance at the executive sessions shall be limited to members of the Village Board, the Village Manager and Village Attorney, provided, however, that the Board may invite such persons as may be required for advice and information.

d. No resolution, rule or law shall be adopted, nor shall any formal vote on any matter under discussion be taken.

e. No executive session shall be held between the time of delivery of the agenda as set forth in Article 2 and the following Board meeting.

5. Presiding Officer

The Mayor, or in his/her absence, the Deputy Mayor, shall take the chair at the hour appointment for the Board to meet, and shall immediately call the members to order. The call shall then be called by the Clerk who shall enter in the minutes the names of the members present.

6. Temporary Chairperson

In the case of the absence of the Mayor and the Deputy Mayor, the Clerk shall call the

Board to order and call the roll of the members. If a quorum is found to be present, the Board shall proceed to elect, by a majority vote of those present, a Chairperson of the meeting to act until the Mayor or the Deputy Mayor appears.

7. Decorum and Order

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal of the Board. During Board meetings, Board members shall preserve order and decorum and shall neither by conversation or otherwise interrupt the proceedings nor refuse to obey the order of the presiding officer or the rules of the Board. Each Trustee desiring to speak shall address the chair and upon recognition by the presiding officer shall confine himself/herself to the question under debate and shall avoid all personalities and indecorous language. A Trustee once recognized shall not be interrupted while speaking unless called to order by the presiding officer. If a Trustee is called to order while he/she is speaking, he/she shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with the rules of the Board. Citizens attending the Board meeting also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Board. Any citizen desiring to address the Board shall be recognized by the Chair, come to the podium and/or microphone, shall state his/her name and his/her address in an audible tone for the record, and shall limit their remarks to the question under discussion. All remarks and questions shall be addressed to the Board as a whole and not to any individual member thereof. No person, other than members of the Board and the person having the floor, shall enter into any discussion either directly or through a member of the Board without the permission of the presiding officer.

8. Village Clerk

The Village Clerk shall be ex-officio clerk of the Board and shall keep minutes of the meeting and perform such other and further duties in the meeting as may be ordered by the Mayor, the Board, or Village Manager. The Clerk shall in his or her best efforts provide a draft copy of the minutes of the Village Board meeting for approval at the next regularly scheduled Board meeting.

9. Village Attorney

The Village Attorney shall attend all meetings of the Board, unless excused by the Board. In such instances where the Village Attorney is required to attend, but unable to do so, the Village Attorney, at the request of the Village Manager, shall arrange for a substitute counsel to attend. The Village Attorney may and upon the request of the Board, or any member of the Board, shall render an oral or written opinion on any question of law, but shall not be required to decide on any parliamentary rules.

10. Right of Appeal

Any member may appeal to the Board from a ruling of the presiding officer. The member making the appeal may briefly state his/her reason for the same, and the presiding officer may briefly explain his/her ruling, but 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 chair be sustained?" If a majority of the members present vote "Aye", the ruling of the chair is sustained; otherwise it is overruled.

11. Voting

Every member present when a question is put shall vote "Aye" or "Nay" unless the Board, for special reasons, shall excuse him/her from voting. Application to be excused from voting must be made before the votes, are called for. The member having briefly stated the reason for his/her request, the decision thereon shall be made without debate. The Mayor may vote on any question and he/she shall vote in the case of a tie. Any member shall have the right to express dissent from or protest against any ordinance or resolution of the Board and have the reason therefore entered upon the minutes; however, it shall not be in order for members to explain their vote during the roll call. No member shall address the chair or demand the floor while any vote is being taken.

12. Personal Privilege

The right of a member to address the Board on a question or personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned, or impugned.

13. Excusal During Meetings

No member may leave the Board room while in regular session without permission from the presiding officer.

14. Order of Business

Business of all regular meetings of the Board shall be transacted in the following order, unless the Board by a vote of at least two-thirds of the members present, shall suspend the rules and change the order:

1. Communications
2. Reports of Special Committees
3. Presentation of Petitions
4. Reports of Village Manager
5. Board Reports
6. Old Business
7. New Business
8. Presentation of Bills
9. Approval of Minutes
10. Non-Local Issues
11. Public Comment*

* The purpose of this is to provide an opportunity for residents and/or local businesses to speak freely to the Board on matters of local interest for a period not to exceed three minutes. The intent is not to engage in debate, but to inform the Board of matters of concern.

15. Precedence of Motions

When a question is before the Board no action shall be entertained except:

- (a) to adjourn;
- (b) to fix the hours of adjournment;
- (c) to lay on the table;
- (d) for the previous question;
- (e) to postpone to a certain day;
- (f) to refer;
- (g) to amend; and
- (h) to postpone indefinitely.

The motions shall have precedence in order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate.

16. Motions to be stated by Chair Withdrawal

When a motion is made and seconded, it shall be stated by the Chair before debate. Any member may demand that it be put in writing. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the Board.

17. Division of Question

If the question contains two or more divisible propositions, the presiding officer may, or upon the request of a member shall, divide the same.

18. Reconsideration

After a decision on any question, any member who voted with the majority may move a reconsideration of any action at the same or next succeeding meeting, providing, however, that a resolution authorizing or relating to any contract may be considered at any time before the final execution thereof. After a motion for reconsideration has once been acted upon no other motion for reconsideration thereof shall be made without unanimous consent.

19. Procedure in Absence of Rule

In the absence of a rule to govern a point of procedure, reference shall be made to Robert's Rules of Order.

20. Anonymous Communications

Unsigned Communication shall not be introduced into Board meetings.

21. Tie Vote

In case of a tie vote on any proposal, the proposal shall be considered lost.

22. Quorum

A quorum of the Board shall be equal to a majority.

23. Ordinance Review

All proposed ordinances shall be prepared by the Village Attorney and bear his/her certification that they are in correct form.

24. Privileges of Board

No person except members of the Board and officers named in the rules, and persons invited by the presiding officer of the Board, or by vote of the Board, shall be admitted within the Bar of the Board Room.

25. Complaints

The procedure of complaints shall be:

a. All complaints involving Municipal policies shall be referred to the Village Board for appropriate action and, except in the most unusual cases, such action shall be preceded by a report and recommendation of the Village Manager who shall have been given ample opportunity and time in which to investigate and render a report.

b. All complaints addressed to the Board with respect to the management of the Village shall be thereafter referred to the Village Manager for the necessary appropriate action in each individual case.

c. In the case of those complaints involving the management of the Village wherein the Board desires further information, then the Village Manager, when so requested by the majority of the Board, shall be given adequate time in which to make the necessary investigation and report to the Board.

26. The Board Room

The Board Room shall be under the supervision and control of the Clerk when the Board is not in session. Except as herein provided it shall be used solely by the Board for transaction of public business of the Village. If not required for such use, the Clerk may permit its use by agencies of the Federal, State, or Village Government for the transaction of public business. Applications for such use must be made to the Clerk in such manner as may be prescribed by him/her. Any permission so granted may be canceled or revoked by the Clerk forthwith, when necessary for the protection of the Village property, preservation of order, or other sufficient reason. Smoking is banned in the Board Room.

27. Suspension of Rules

Any provision of these rules not governed by Village Law may be temporarily suspended at any meeting of the Village Board by a three-fourths majority vote of all members of the Board present. The vote on any such suspension shall be taken by the "Ayes" and "Nays" and entered upon the record.

28. To Amend Rules

These rules may be amended, or new rules adopted, by a majority vote of all members of the Board. Any such alteration or amendment shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order of new business. This requirement shall be waived solely by unanimous consent, with the recorded votes of all members of the Board.

29. Sunshine Law

In the event that any of the foregoing rules are in conflict with the Sunshine Law, the Sunshine Law shall govern.

Amended 12-4-2017