BRUNSWICK TOWN COUNCIL

RULES OF ORDER

AND

PROCEDURE

Amended February 1, 2016

RULES OF ORDER AND PROCEDURE FOR BRUNSWICK TOWN COUNCIL

Town Council Meetings

1. Regular Town Council Meetings

   The Town Council shall meet in regular session in the Town Council Chambers at 7:00 p.m. on the first and third Mondays of each month. If the meeting day falls on a Town holiday, the meeting shall be held on the following day unless otherwise determined by the Town Council. Should there be a need to cancel, postpone or change the location of the regular meeting for any reason, the Town Manager at the direction of the Chair or Vice Chair in the absence of the Chair, shall see that all Councilors are notified and reasonable notice given to the public. Notice of the date, time and location of a rescheduled meeting or change in meeting location shall be made in the same manner as is required in Rule 3, Special Meetings.

2. Town Council Meeting Agenda

   All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Town Council shall be delivered to the Town Manager by 10:00 a.m. on the Wednesday prior to the regular Monday meeting if they are to have consideration at that meeting. The vote of 5 or more Town Councilors is necessary to add an item which is not on the Agenda.

   Agenda items must state clearly the scope and intent of the action to be taken.

3. Special Meetings

   Special meetings may be called by the Chair of the Town Council, by the Vice Chair in the Chair's absence, or by 5 or more members of the Town Council. The Town Manager, at the direction of the person who calls the meeting, shall notify the public of the time and place as outlined in section 49 of these rules.-After the meeting is called, the Town Manager shall notify each Town Councilor of the date, the hour and the purpose of the meeting.

4. Adjourned Sessions

   Any session of the Town 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. Workshop

The Town Council may meet in workshop session to discuss any matter. A workshop session is open to the public and news media. At the discretion of the Chair or the Town Council, public input may be allowed. No binding vote shall be taken on any matter under discussion, but a non-binding vote on any matter under discussion may be taken.

6. Executive Session

An Executive Session may be called only by a vote of three fifths of the members of the Town Council 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 1 M.R.S.A. Sec 401.

7. Public Comment period and guidelines:

A. A Public Comment period for up to thirty (30) minutes shall be included at the beginning of every regularly scheduled Council meeting to allow citizens an opportunity to comment on non-agenda items or issues relevant to the performance of the duties of the Council.

B. During the Public Comment period, speakers will not exceed a time limit of five (5) minutes.

C. Citizens speaking during the Public Comment period must follow the same rules of decorum as described in paragraph 12C.

D. Citizens speaking during the Public Comment period may not make any comments that:

i. disparage individual Town Councilors, Town staff or other citizens;

ii. address specific situations that are in litigation, including situations where the Town is a party to the litigation;

iii. pertain to any personal disputes between themselves and other residents; or

iv. Make any comments referencing support or opposition for any candidate for political office or political causes.

The Chair

8. Chair

The Chair of the Town Council, or in the Chair's absence the Vice Chair, shall preside at the hour appointed for the Town Council to meet, and shall immediately call the members to order. The roll shall then be called by the Town Clerk, who shall enter in the minutes of the meeting the names of the members present.

9. Vice Chair

The Vice Chair shall serve as Chair during the absence or disability of the Chair and, in case of vacancy in the office of the Chair, pending the election of a successor.

10. Town Council Privileges

The Chair may move, second, declare by unanimous consent, and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the right and privileges of a Councilor by reason of acting as the Chair.

11. Temporary Chair

In case of the absence of the Chair and Vice Chair, the Clerk shall call the Town Council to order and call the roll of members. If a quorum is found to be present, the Town Council shall proceed to elect, by a majority vote of those present, a Chair of the meeting, to act until the Chair or Vice Chair appears.

12. Decorum and Order

The Chair shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Town Council.

A. During the Town 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 Chair or the rules of the Town Council. Town Councilors desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine themselves to the question under debate and shall avoid all personalities and indecorous language. A Councilor, once recognized, shall not be interrupted while speaking unless called to order by the Chair, 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 Town Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Town Councilor shall be permitted to proceed. If ruled to be not in order, the

Town Councilor shall remain silent or shall alter the remarks so as to comply with rules of the Town Council. All members of the Town Council shall accord the utmost courtesy to each other, to Town employees and to public members appearing before the Town Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Town Councilors shall confine their questions as to the particular matters before the assembly and in debate shall confine their remarks to the issues before the Town Council. Members shall be removed from the meeting for failure to comply with decisions of the Chair or for continued violations of the rules of the Town Council. If the Chair fails to act, any member may move to require the Chair to enforce the rules and the affirmative vote of a majority of the Town Council shall require the Chair to act.

B. Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applicable to members of the Town Council. While the Chair shall have the authority to preserve decorum in meetings as far as staff members and Town employees are concerned, the Town Manager shall also be responsible for the orderly conduct and decorum of all Town employees under the Town Manager's direction and control. The Town Manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by Town employees in Town Council meetings. Staff members or the Town Manager desiring to address the Town Council or members of the public shall be recognized by the Chair, shall state their name for the record, and shall limit their remarks to the matter under discussion. All remarks and questions addressed to the Town Council shall be addressed to the Town Council as a whole and not to any individual member thereof. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Chair.

C. Public members attending Town Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council meeting may be removed from the premises if a police officer is so directed by the Chair, and such person shall be barred from further audience before the Town Council for the duration of the meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Chair, who may direct a police officer to remove such offenders from the premises. Aggravated cases shall be prosecuted on appropriate complaint signed by the Chair. In case the Chair shall fail to act, any member of the Town Council may move to require the Chair to act to enforce the rules, and the affirmative vote of the majority of the Town Council shall require the Chair to act.

D. Public members desiring to address the Town Council shall be recognized by the Chair, shall state their name and address in an audible tone for the record, and shall limit their remarks to the question under discussion. All remarks and questions addressed to the administration of the Town shall be addressed to the Town Manager and not to any individual Town employee. No person shall enter into any discussion either directly or through a member of the Town Council without the permission of the Chair.

13. Quorum

A majority of the Town Council constitutes a quorum. If less than a quorum convenes at any meeting, the majority of those present may send a police officer or other person for any or all of the absent members, as the majority of the members present agree. If a quorum cannot be obtained, the meeting may be adjourned as provided by Rule 4.

Officers and Employees

14. Election of Officers

At its first meeting of the calendar year, the Town Council shall elect one of its members as Chair and another as Vice Chair by majority vote.

15. Town Manager

The Town Manager, or in the Town Manager's absence, his/her designee shall attend all meetings of the Town Council, except when the Town Manager's removal is being considered. The Town Manager shall keep the Town Council fully advised as to the financial condition and needs of the Town. The Town Manager may make recommendations to the Town Council and make take part in discussions on all matters concerning the welfare of the Town, but the Town Manager may not vote.

16. Town Clerk

The Town Clerk is ex officio Clerk of the Town Council. The Town Clerk shall keep a minute book in which shall be recorded, in chronological order, minutes of all proceedings of the Town Council and such other duties as may be ordered by the Town Council. On the Wednesday prior to the next regular Town Council meeting, the clerk shall furnish each councilor with a copy of the minutes of the preceding meeting. In the absence of the Town Clerk, the Town Council shall appoint a temporary clerk to perform the Town Clerk's duties.

17. Town Attorney

The Town Council, the Chair, or the Town Manager, may request that the Town Attorney attend regular or special meetings of the Town Council.

Duties and Privileges of Town Councilors

18. Seating Arrangements

Town Councilors shall occupy the respective seats in the Town Council Chamber in order of their District number, with At Large Town Councilors seated following the last of the District Town Councilors.

19. Conflict of Interest

A. Financial Interest: A Town Councilor who has a financial interest in any contract with the Town or in the sale, purchase or lease of any land, material, supplies or services to or from the Town, shall disclose the interest and abstain from negotiating, voting upon or otherwise participating in decisions involving such contract, sale, purchase or lease, unless the contract, lease or sale is awarded through a competitive bidding process. Similarly, a Councilor who has a financial interest in any matter before the Town Council, shall disclose the interest and abstain from voting on any matter involving the interest. A copy of the disclosure and the abstention shall be recorded with the Town Clerk. A Councilor has a "financial interest" within the meaning of this section if the Councilor owns at least a ten percent interest in the business or economic entity or ten percent or more of the stock of the corporation involved in the pending transaction or matter.

B. Relationship: A Town Councilor is disqualified in any quasi-judicial matter before the Town Council, if the Councilor is related to any of the parties within the sixth degree (second cousin). The Councilor shall disclose the interest and abstain from voting unless all parties waive the disqualification in writing.

C. Appearance of Conflict: A Town Councilor shall avoid the appearance of a conflict of interest, whether there is a technical conflict or not, by disclosure of the facts underlying the potential conflict, and where appropriate, by abstaining from voting on the matter. If, after disclosure, the Councilor believes the interest will affect the Councilor's ability to make a fair and impartial decision faithful to the public interest, the Councilor shall abstain from voting.

D. Participation: An abstaining Councilor may but need not remain in the Town Council Chamber during debate or votes on that issue. An abstaining Councilor who wishes to be heard on a matter may join other members of the public and speak as a member of the public during that

portion of the meeting when the public is being heard. In no case shall an abstaining Councilor participate in Council discussions or deliberations or otherwise act in an official capacity in the matter as to which the Councilor has abstained.

E. Judgment of Qualifications: If there is any doubt as to whether a Councilor has a conflict of interest in any matter, the Chair shall determine the qualification of the challenged member. The decision of the Town Council shall be final.

20. Right of Appeal

Any Town Councilor may appeal to the Town Council from a ruling of the Chair, if that appeal is seconded. The Town Councilor making the appeal may briefly state the reason for the appeal, and the Chair may briefly explain the ruling. There shall be no debate on the appeal, and no other Town Councilor shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the Town Councilors present vote "Yes", the ruling of the Chair is sustained; otherwise, it is overruled.

21. Voting

Every Town Councilor present when a question is put forth shall vote either "Yes" or "No", unless the Town Council shall, for special reason, excuse that Town Councilor from voting. Application to be excused from voting must be made before the votes are called for. The Town Councilor having briefly state the reason for the request, the decision thereon shall be made without debate.

22. Limitation of Debate

No Town Councilor shall speak more than twice upon any one subject without leave of the Town Council.

23. Demand for Roll Call

Upon demand of any Town Councilor, made before the Chair has announced the vote, the roll shall be called for yeas and nays upon any question before the Town Council. It shall not be in order for Town Councilors to explain their vote during the roll call.

24. Personal Privilege

The right of a Town Councilor to address the Town Council on a question of personal privilege shall be limited to cases in which the Town Councilor's integrity, character, or motives are assailed, questioned or impugned.

25. Excusal from Attendance

A Town Councilor may not miss more than two consecutive regularly scheduled meetings unless excused by a vote of the majority of the Town Councilors present.

26. Excusal During Meeting

No Town Councilor may leave the Town Council Chamber during a roll call vote while in regular session without permission from the Chair.

27. Appointments to Municipal Boards and Commissions

All appointments to Town boards and commissions shall be made in accordance with the statutes and the Town Charter. Appointees must be residents of the Town and may not be members of more than one of the following boards or commissions:

Zoning Board of Appeals	Planning Board
Conservation Commission	Village Review Board
Brunswick Housing Authority	Personnel Board
Parks and Recreation Commission	Sewer District
Assessment Review Board	Water District
Marine Resources Committee	

A nomination to a board or commission does not require a second. An appointment to a Town board or commission must be by a vote of five or more Town Councilors.

Exception: Since the People Plus Center transacts business of interest to non-residents, appointees to the Board of Trustees need not be residents of the Town. However, the majority of the Board must be composed of Brunswick residents. (exception added 3/31/1986).

Town Council Procedure

28 a Town Council Action on Items

The following procedures are suggested:

1. Sponsor or manager introduces and explains the item
   Sponsor, manager, staff, or others (as designated by sponsor or manager) provide additional explanation or information
   Any councilor **may** make a motion (Note 1)
2. Town Council questions (no debate)
3. Public input
4. Additional questions from Town Council (no debate)

5. Chair recites motion, if already made, or looks for motion (Note 1)
6. Town Council debate
7. Amendments to motion (optional) and debate
8. Vote on motion (amended, if applicable)

Note 1: As a courtesy on motions, the Chair shall look first to the sponsor, then to the district councilor (if applicable), and then to the remaining councilors.

The Chair, without objection, may modify these procedures as appropriate. *(As amended June 15, 2015)*

29. Procedure of Motions

When a question is before the Town Council no motion shall be entertained except: (a) to adjourn, (b) to recess, (c) to table, (d) for the 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 or postpone indefinitely, shall be put to a vote without debate.

30. Motions to be Stated by Chair – Withdrawal

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

31. Motions Out of Order

The Town Council may at any time permit a Town Councilor to take out of order an ordinance, resolution, or motion on the Agenda if approved by a majority vote of the Town Council present.

32. 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 at the same session may be resumed only upon the affirmative vote of at least 6 members of the Town Council.

33. 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 their order before the main question. If a motion for the previous question fails, the main question and any pending amendments remain open for debate. A motion for the previous

question is out of order until all Town Councilors have had an opportunity to address the main questions or amendment.

34. 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 matter is not in order.

35. 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.

36. Procedure in Absence of Rule

Robert's Rules of Order modified by these rules shall govern Town Council procedures. The Chair shall make the determination subject to appeal of the Town Council.

37. Anonymous Communications

Unsigned communications may not be introduced in Town Council.

38. Tie Vote

In case of a tie in votes on any proposal, the proposal shall be declared lost.

39. Motion to Table

Motion to table is debatable, but debate will be limited to determining the necessity of the motion and will not go into the merits of the main question. A motion to table may specify a time certain for consideration of the main question.

Ordinance and Resolution

40. Introduction

All ordinances and resolutions shall be introduced in the Town Council in printed or written form.

41. Review

All proposed ordinances shall be reviewed by the Town Attorney and bear the Town Attorney's certification that they are correct in form. A proposed Bond

Ordinance shall be reviewed by Town Bond Counsel and bear the Town Bond Counsel's certification.

42. Procedure

Ordinances, except emergency measures, shall not be passed until they have been read on two separate days at regular or special meetings of the Town Council unless this requirement is dispensed with by the affirmative vote of at least 6 Town Councilors. Each reading shall be by title only, but on request of two or more Town Councilors, the second reading shall be section by section for as many sections as are requested. On the passage of every ordinance or resolution, the vote shall be taken by yeas or nays and entered in full upon the record. Every Town Councilor shall be required to vote, unless excused for cause by vote of the Town Council. The vote shall be for or against a pending ordinance or resolution and not on the report of the committee thereon.

A. Public Hearing on Ordinances

A. Public Hearing on Ordinances

1) Before an ordinance is enacted, amended or repealed the Town Council shall hold a public hearing, notice of which must be published in a newspaper having general circulation in the Town at least 10 days before the hearing date. The text of the intended act must be included in the notice where it is reasonable to do so, in the opinion of the Town Council. Otherwise, the notice must contain a reasonable summary of the purpose of the intended act. In either case, a reasonable number of copies of the proposed ordinance must be made available to the public at the office of the Manager for at least 10 days before the hearing date.

Public hearing process:

The Town Council will conduct the public hearing by reading the item, opening the public hearing, testimony, and closing the public hearing. Once the public hearing is opened, the sponsor or appropriate staff person will introduce the item, and comments will be allowed from both the public and Council, with an opportunity for responses from questions. Once the public hearing is closed, the Council will determine if any action is necessary as allowed under the Council rules and the Town Charter, but the Council is encouraged to postpone action until a future meeting to allow for the consideration of the public comments.
(revised 2/9/2015)

2) An ordinance becomes effective 30 days after passage unless the ordinance is adopted on an emergency basis.

B. Emergency Ordinances

1) To meet a public emergency affecting life, health, property or the public peace, the Town Council may enact one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

2) An emergency ordinance shall be plainly designated an emergency ordinance and, after the enacting clause, it shall contain a declaration stating the existence of an emergency, which shall be described in clear and specific terms.

3) An emergency ordinance may be enacted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least 6 Councilors shall be required for enactment. After its enactment, the ordinance shall be published and printed in a newspaper having a general circulation in the community and posted in at least 2 public places. It shall become effective upon enactment, but it shall automatically stand repealed on the 50th day following the date on which it was enacted.

4) An emergency ordinance may be repealed by the enactment of a repealing ordinance in the same manner specified in this section for the enactment of emergency ordinances. An emergency ordinance may become a regular ordinance by its reenactment according to this rule.

Miscellaneous

43. Privileges of Floor

No persons except members of the Town Council and officers named in the rules, and persons invited by the Chair of the Town Council, or by vote of the Town Council, shall be admitted within the area adjacent to Councilor seating and between Councilor seating and the podiums of the Town Council meeting room, and the Chair shall cause this rule to be rigidly enforced.

44. Permission Required to Address Town Council

Persons other than members of the Town Council and Town Officers are not permitted to address the Town Council except with permission of the Chair.

45. Fiscal Note

If a proposal has a direct fiscal impact of $25,000 or more and requires a Council vote outside the annual budget process, the Council may consider that proposal only after the Finance Department has provided the Council with a written evaluation of the direct impact of the proposal on Town revenues and expenditures during the current and following fiscal year. As used in this rule,

"proposal" means a supplemental appropriation, a proposed contract or a proposed grant.

This rule does not preclude the Council from considering a proposal's longer term impact on Town revenues and expenditures.

46. Suspension of Rules

Any provision of these rules not governed by the Charter or code may be temporarily suspended at any meeting of the Town Council by a vote of six or more Town Councilors. The vote on the suspension shall be taken by yeas and nays and entered upon the records.

47. To Amend Rules

These rules may be amended or new rules adopted by majority vote of the Town Council. An amendment must be submitted in writing at a preceding meeting and shall be placed on the Agenda under the order of new business.

48. Correspondence to the Town Council will be handled per the "Town Council Policy on Correspondence addressed to the Council" as adopted on February 4, 2008.

49. Public Notice

Town Council public meetings will comply with the laws of the State of Maine as set forth in 1 MRSA §406. Notification will be provided to the public through one or more of the following methods: newspaper, webpage, local access TV, email. When special meetings are called, notification will be made to the media as soon as possible and a copy of the agenda will be posted by one or more of the methods listed above as soon as it is available. Notice will also be provided for any meeting when a majority of any Town Council appointed committee is to meet. Any policies adopted by the Town Council regarding this issue are repealed upon enactment of this section.

APPENDIX

There will also be an appendix with the following materials:

Appendix A – State Law section - 1 §401. Declaration of Public Policy, Rules of Construction
Appendix B – State Law section - 1 §405. Executive Session
Appendix C - 1 §406. PUBLIC NOTICE
Appendix D - Town Council Policy on Correspondence addressed to the Council
Appendix E – Town of Brunswick – Citizen Complaint Resolution Process
Appendix F – Town Council Interactions with Manager, Staff, and Attorney (Council Rules and Procedures – Adopted 02/01/2016)

Appendix A – State Law section - 1 §401. Declaration of Public Policy, Rules of Construction

Maine Revised Statutes

Title 1: GENERAL PROVISIONS

Chapter 13: PUBLIC RECORDS AND PROCEEDINGS

§401. DECLARATION OF PUBLIC POLICY; RULES OF CONSTRUCTION

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Legislature that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this subchapter. [1975, c. 758, (RPR).]

This subchapter does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of this subchapter. [2011, c. 320, Pt. B, §1 (NEW).]

This subchapter shall be liberally construed and applied to promote its underlying purposes and policies as contained in the declaration of legislative intent. [1975, c. 758, (RPR).]

SECTION HISTORY
1975, c. 483, §1 (AMD). 1975, c. 758, (RPR). 2011, c. 320, Pt. B, §1 (AMD).

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Appendix B – State Law section - 1 §405. Executive Session

Maine Revised Statutes

Title 1: GENERAL PROVISIONS

Chapter 13: PUBLIC RECORDS AND PROCEEDINGS

§405. EXECUTIVE SESSIONS

Those bodies or agencies falling within this subchapter may hold executive sessions subject to the following conditions. [1975, c. 758, (NEW).]

1. **Not to defeat purposes of subchapter.** An executive session may not be used to defeat the purposes of this subchapter as stated in section 401.

[2009, c. 240, §2 (AMD) .]

2. **Final approval of certain items prohibited.** An ordinance, order, rule, resolution, regulation, contract, appointment or other official action may not be finally approved at an executive session.

[2009, c. 240, §2 (AMD) .]

3. **Procedure for calling of executive session.** An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.

[2009, c. 240, §2 (AMD) .]

4. **Motion contents.** A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

[2003, c. 709, §1 (AMD) .]

5. **Matters not contained in motion prohibited.** Matters other than those identified in the motion to go into executive session may not be considered in that particular executive session.

[2009, c. 240, §2 (AMD) .]

6. **Permitted deliberation.** Deliberations on only the following matters may be conducted during an executive session:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal; [2009, c. 240, §2 (AMD).]

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire; [2009, c. 240, §2 (AMD).]

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency; [1987, c. 477, §3 (AMD).]

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions; [1999, c. 144, §1 (RPR).]

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage; [2009, c. 240, §2 (AMD).]

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; [1999, c. 180, §1 (AMD).]

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and [1999, c. 180, §2 (AMD).]

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter. [1999, c. 180, §3 (NEW).]

[2009, c. 240, §2 (AMD) .]

SECTION HISTORY
1975, c. 758, (RPR). 1979, c. 541, §A3 (AMD). 1987, c. 477, §§2,3 (AMD). 1987, c. 769, §A1 (AMD). 1999, c. 40, §§1,2 (AMD). 1999, c. 144, §1 (AMD). 1999, c. 180, §§1-3 (AMD). 2003, c. 709, §1 (AMD). 2009, c. 240, §2 (AMD).

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Appendix C - 1 §406. PUBLIC NOTICE

Maine Revised Statutes

Title 1: GENERAL PROVISIONS

Chapter 13: PUBLIC RECORDS AND PROCEEDINGS

§406. PUBLIC NOTICE

Public notice shall be given for all public proceedings as defined in section 402, if these proceedings are a meeting of a body or agency consisting of 3 or more persons. This notice shall be given in ample time to allow public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned. In the event of an emergency meeting, local representatives of the media shall be notified of the meeting, whenever practical, the notification to include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding. [1987, c. 477, §4 (AMD).]

SECTION HISTORY
1975, c. 483, §6 (AMD). 1975, c. 758, (RPR). 1987, c. 477, §4 (AMD).

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Appendix D - Town Council Policy on Correspondence addressed to the Council

Town Council Policy on Correspondence addressed to the Council
Adopted by Town Council on February 4, 2008

Town Council Policy on Correspondence addressed to the Council

PURPOSE: The Council receives correspondence from residents and business owners both on a wide variety of issues and in multiple formats. These formats may include regular mail, email and phone calls. The purpose of this policy is to establish a process by which written communications will be managed in order that Councilors, staff and the initiators of such correspondence will have an understanding and an expectation of how the correspondence will be managed.

GENERAL GUIDELINES: Any correspondence **(written or electronic)** received at the Town Office addressed to any Councilor in their official capacity will be copied and made available to the full Council. Correspondence that is received at the Town Office but is addressed in a personal manner to a Town Councilor shall only be shared with the full Council at the discretion of the Councilor receiving the correspondence. The correspondence will not be referenced by the individual Councilor unless copies have been made available to the full Council.

EMAIL CORRESPONDENCE RECEIVED: The Town Council acknowledges that all emails received and sent that concern the government of the Town of Brunswick are public documents regardless of the email account. (Personal accounts, accounts in the names of spouses etc included). Email correspondence that is received at the generic email account in the Town Office will be responded to with a courteous reply by the Town Manager's Administrative staff. This response will be a limited acknowledgment that the email has been received and shared with the Council and senior staff. The response will not divulge the individual email addresses of the members of the Council. The response will include a disclaimer to the following effect:
"Your message has been forwarded to the Town Council. Responses from individual Councilors may or may not reflect any position of the full Council. Citizens that have an urgent need to communicate with Councilors are encouraged to call their district Councilor or a Councilor At-large."

EMAIL CORRESPONDENCE RESPONSES: Upon receipt of an email a determination will be made to classify the correspondence as either a political or Council level policy issue or an administrative issue. Administrative staff as determined by the Town Manager will respond to the administrative emails with copies provided to the full Council. All emails that are of a political or Council level policy nature will be forwarded to the full Council and the Manager will await instruction before any response is provided by staff. Councilors that respond individually to emails from constituents received via the Town Office will forward the response to the administrative staff so that the correspondence can also be shared with the full Council and the Town Manager.

If adopted, this policy will be referenced in the Council Rules of Order and Procedure as follows:

48. Correspondence to the Town Council will be handled per the "Town Council Policy on Correspondence addressed to the Council" as adopted on February 4, 2008.

Appendix E – Town of Brunswick – Citizen Complaint Resolution Process

TOWN OF BRUNSWICK
CITIZEN COMPLAINT RESOLUTION PROCESS
Adopted by Town Council on March 3, 2008

PURPOSE: To provide a fair procedure for addressing citizen complaints with town staff.

DEFINITIONS

Complainant: any person who lodges a complaint against any town employee

Complaint includes the following:

- Perceived conduct by a town employee that violates town policies or ordinances;
- Disagreement with the way the Town's codes, policies, procedures, rules and practices have been applied;

Council Appeals Committee is a panel of 2 Town Councilors. The two Councilors will be one at-large Councilor and the Councilor for the district where the citizen resides. The Council Chair may appoint an alternate Councilor in the event that a Councilor is unable to participate in the Council Appeals Committee for any reason, in the event that the Complainant has a reasonable objection to the participation of a Councilor or if a Complainant does not reside in Brunswick.

Respondent Employee is the town employee who is the subject of a complaint filed by a complainant

Supervisor is the direct supervisor or Department Head of the employee with whom a complaint has been filed.

NATURE OF COMPLAINTS

There are three types of complaints that this policy is intended to cover. The nature of the complaint will determine the role that the Town Manager and the Town Council has or if the role is restricted to one, the other or both. This policy does not and can not replace existing collective bargaining agreements, the Town Personnel Ordinance or the Town Charter. The nature of complaints are the following:

1. A complaint that pertains to the behavior of a Town employee acting in the capacity of their position;
2. A complaint that involves either the failure of an employee to perform certain tasks or of an employee performing certain tasks. These complaints would typically be where an employee is following accepted practices and the complainant is questioning the policy and not the specific employee.

3. A complaint that ultimately is about the actions or lack thereof of the Town Manager.

COMPLAINT RESOLUTION PROCEDURE

1: Communication: Discussion and Dialogue

The preferred method for dealing with any complaint is open discussion and dialogue between the Complainant and the Respondent, or the Complainant and the Respondent's supervisor. If this is not possible, then the Complainant may refer the complaint to the Town Manager unless the complaint is about the Town Manager, in which case the Complainant shall refer the complaint to the Assistant Town Manager as set forth below.

2: Referral to Town Manager

A Complainant may at any time file a formal complaint with the Town Manager. A formal complaint defines in writing the names of those involved, identifies witnesses, describes when the event occurred, and explains the details of the complaint providing the essential facts.

The Town Manager will conduct an informal investigation of the complaint. The Town Manager may meet with the parties involved, together or separately, to discuss the situation. The Town Manager shall take all appropriate steps toward resolution. Where disciplinary action is a possibility, the Town Manager will conduct an investigation in accordance with the town's personnel policies and collective bargaining agreements. The Town Manager will make a decision to finalize the complaint and will inform the parties of the decision in writing, giving reasons for the decision. If the Town Manager deems it advisable, mediation by staff and/or outside mediator services may be recommended or offered. Any disciplinary action imposed by the Town Manager is subject to the collective bargaining agreements, personnel ordinance, Town Charter and State and Federal law. A complainant not satisfied with the outcome of the discipline rendered by the Town Manager can only express their dissatisfaction with the Manager's action to the Council Appeals Committee. Neither the Council Appeals Committee or the Town Council can overrule discipline or lack thereof imposed by the Town Manager unless requested by the employee or as prescribed in the collective bargaining agreements, personnel ordinance, Town Charter or State and Federal law.

Complaints about an employee who is performing tasks consistent with established policy will be referred to the Town Manager. The Manager will explain the policy and offer the Complainant an opportunity to seek reconsideration of the policy by the Town Council.

3: Referral to Council Appeals Committee

A Complainant may refer a complaint to the Council Appeals Committee in the event of a complaint about the alleged actions or inactions of the Town Manager or in the event that the Complainant is dissatisfied with how a complaint has been resolved by the Town Manager. If the complaint is about the alleged actions or inactions of the Town Manager,

the Complainant shall file a written complaint to the Assistant Town Manager describing the details of the complaint. The Assistant Town Manager shall refer this complaint to the Council Chair.

Upon receipt of notice of a complaint about the alleged actions or inactions of the Town Manager or notice that a Complainant is dissatisfied with how a complaint has been resolved by the Town Manager, the Council Chair shall appoint a Council Appeals Committee to investigate the complaint.

The Council Appeals Committee shall meet with the Town Manager and the Complainant to hear the nature of the complaint. At all times, any meeting with the Complainant or with the Town Manager will be attended by both Councilors. If the either or both of the Councilors find merit with the complaint, they will bring the issue to the full Council for consideration. Such action will follow the principals of employee discipline. If both Councilors find the actions of the Town Manager to be acceptable, then the issue will be deemed closed with a report of such provided to the Complainant and the full Council.

TIME LIMITS

Although time limits are not required in the Citizen Complaint Resolution Process all parties are requested to initiate the process promptly and resolve the conflict in a timely and reasonable fashion.

SUPPORT FROM THE TOWN MANAGER OR ASSISTANT TOWN MANAGER

A complainant may approach the Town Manager or the Assistant Town Manager to request information and assistance about the options available and the steps needed to address a conflict in accordance with the Citizen Complaint Resolution Process.

CONFIDENTIALITY

Personnel laws and policies govern an employee’s privacy rights. Disciplinary action is generally not subject to public disclosure. If disciplinary action is taken against a Respondent as a result of the Complaint Process, the Complainant will be advised only that such action has been taken. The specific details of the disciplinary action shall not be disclosed to the Complainant.

Appendix F – Town Council Interactions with Manager, Staff, and Attorney (Council Rules and Procedures – Adopted 02/01/2016)

The Town of Brunswick, through its charter, has adopted the council-manager form of government. Policies are established by the town council and are implemented by the town manager and professional staff. It is important that the roles of each are clearly understood and appreciated. The town council works through the town manager, who directs the professional staff.

Council Interactions with the Town Manager

Section 302 of the town charter provides (in part), "The manager shall be the chief administrative officer of the town. The manager shall be responsible to the council for the administration of all town affairs placed in the manager's charge or under this Charter." Although councilors are encouraged to regularly communicate with the town manager, the town manager is responsible to the town council as a body, rather than to individual council members.

The town council and the town manager are a participatory team. Consequently, the town council and town manager should continuously review goals and priorities. The town council and town manager should develop processes that facilitate these reviews.

It is also important that the town manager keep the town council informed. The town manager will communicate with the town council in various ways, including presentations, memorandums, reports, and e-mail. It is equally important that the town council provide ongoing feedback and information to the town manager, including responses to communication that request council input or feedback.

The town council shall review the town manager on a regular basis to ensure that the town council and town manager are in agreement as to performance goals and expectations.

Council Interactions with Town Staff

Section 204 (c) of the town charter provides, "Except for the purpose of inquiry, the council and its members shall deal with the administrative officers solely through the manager. Neither the council nor any member thereof shall give orders to any subordinates of the manager, either publicly or privately." Councilors should avoid situations that can result in staff being directed, intentionally or unintentionally, by one or more members of the town council.

Staff is obligated to take guidance and direction only from the town manager or their designated management supervisors. Staff is directed to reject attempts by individual members of the town council that direct or otherwise pressure them into making, changing, or influencing recommendations.

The town manager will strive to ensure that councilors receive timely responses to inquiries. Councilors and staff should inform the town manager when inquiries are made, so that the manager may assess the magnitude of the request. If the town manager determines that a request by an individual council member would more appropriately be directed to the full town council, the town manager shall advise the council member on the procedures for adding an item to the council meeting agenda.

Staff support to Boards, Committees, Commissions, and Task Forces

Staff support and assistance may be provided to boards, committees, commissions and task forces. However, those bodies do not have supervisory authority over town employees. Staff members remain responsible to their immediate supervisors and ultimately the town manager. Staff shall continuously advise their supervisors of the type and quantity of work being requested by these bodies to ensure that it remains clear that staff supervision remains with management. The town manager shall advise these bodies when requests and directives to staff are inappropriate.

Staff support includes preparation of agendas, appropriate backup materials and meeting minutes. Staff shall be responsible for ensuring that meetings are noticed and conducted in accordance with Maine's Freedom of Access Act (FOAA) and the Town's established policies and procedures. Staff members also assist chairs of these bodies to ensure compliance with state and local laws and regulations.

Council Interactions with Town Attorney

Section 215 of the town charter provides (in part), "The council shall appoint and determine the compensation of the town attorney." The town attorney is responsible to the town council as a body, rather than to individual council members. Individual councilors who wish to confer with the town attorney must obtain permission from the town council chair or vice chair, or from the town manager. Should that permission be denied, the councilor should bring his or her request before the full town council. For budgetary control purposes, the town manager shall be apprised any time an individual councilor confers with the town attorney. As discussions may be sensitive, it may be appropriate to disclose only the general nature of the communication.