

RULES OF THE GORHAM TOWN COUNCIL

Last amended November 9, 2021

Approved November 9, 2021

SECTION 1. TOWN COUNCIL MEETINGS

1.1 Within seven days after the Municipal Election, the Council shall hold an organizational meeting for the purpose of electing a Chairman and the following committees with each Council member serving on two standing Committees to include either (1) the Finance Committee or Ordinance Committee and either (2) the Appointments/Personnel Committee or Economic Development/Capital Improvements Committee.

Organizational Meeting

1. Finance Committee
2. Ordinance Committee
3. Appointments/Personnel Committee
4. Economic Development/Capital Improvements Committee

The members of the Council to serve on the Finance, Ordinance, Appointments/Personnel, and Economic Development/Capital Improvements Committees shall be chosen by a majority of the Council and the Chair of the Council shall serve as an ex-officio member, having no vote on any Committees. Committees shall serve at the pleasure of the Council and will receive and act upon only those items and will perform only such duties as have been specifically referred to each Committee by Council action.

1.2 The regular meetings of the Town Council shall be held in the Gorham Municipal Center, or such other facilities as the Town Council may designate from time to time, at 6:30 p.m., current time, on the first Tuesday of each calendar month. When said day falls on a holiday or on Election Day, the regular meeting shall be held on the following Tuesday, at the same time and place. The date of any regular meeting may be changed by an order or resolve passed at the previous meeting upon the vote of five members of the Council, provided, however, that said change in date will still provide for one regular meeting each month.

Regular Meetings

1.3 Special Meetings may be called by the Chairman, and in case of the Chairman's absence, disability or refusal, may be called by three members of the Town Council. Notice of such meeting shall be served in person or delivered to the residence of each member of the Town Council at least twenty-four (24) hours before the time for holding said special meeting, unless all members sign a waiver of said notice. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be voted upon at such special meeting.

Special Meetings

1.4 Individual topics for Town Council workshops, other than topics brought by the Town Manager, will be done by a vote of the Town Council at their regular meeting. Formal votes of the Town Council are not taken at workshops.

Council Workshops

SECTION 2. CONDUCT OF BUSINESS

2.1 A majority of the members of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken, unless

Quorum Adjourned Meetings

such absent members sign a waiver of said notice.

2.2 The Town Council shall act only by ordinance, order or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title.

**Enactment
Form**

2.3 All Orders approved by the Town Council that ask the voters of Gorham, through a referendum vote, to approve an expenditure of funds, shall include a statement advising voters of the estimated impact on property taxes of said expenditure.

**Referendum
Requirement**

2.4 Initiatives to amend or enact a Town Ordinance, prior to their referral to a committee or an administrative official for development and drafting, and inquiries to committees not related to Town Ordinance shall be placed on a Council agenda for provisional approval. If the ordinance initiative obtains the provisional approval of a majority of Councilors, it may then be referred to the appropriate committee, board or administrative official for further development and drafting.

**Initiatives to Amend
or Enact Ordinances**

2.5 In all votes of command, the form of expression shall be "Ordered"; and of opinions, principles, facts, or purposes, the form shall be "Resolved".

**Order and
Resolve Style**

2.6 Every ordinance, order or resolve shall have a full reading unless the reading is dispensed with by the unanimous vote of those present, in which case reading shall be by title only.

**Full Reading:
Waiver**

2.7 The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the Town Council by the Clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the Town Council. Every ordinance, order and resolve shall require, on passage, the affirmative vote of four members of the Town Council.

**Yeas and Nays
Taken: When**

2.8 No ordinance, except emergency ordinances as defined in Article II, Section 213.1 of the Charter, shall take effect and be in full force until 30 days from and after it shall have received publication as required by Section 213 of the Charter.

**Ordinances:
Effective
When**

2.9 Orders or resolves shall take effect immediately upon passage.

**Orders, Resolve
Effective**

2.10 No ordinance, order, or resolve shall be in order for action at any meeting of the Town Council unless such ordinance order or resolve shall be filed in the office of the Town Manager on or before noon of the Wednesday prior to the regular meeting held on the first Tuesday of each month, and before noon of the fourth secular day next prior to the day of any other meeting. Delivery of all items to the members of the Town Council in accordance with the foregoing, if by postal service, shall be postmarked no later than Thursday prior to the regular meeting.

**Item for
Meetings:
Filed When**

2.11 Any item to be placed on the agenda of the Council or recommended for consideration of the Council must be sponsored by a member of the Council, or by the Town Manager or in the instance when an item is recommended for action by one of the Council's standing committees, shall be sponsored by the Committee with the Committee's vote reflected. Those items sponsored by the Manager shall normally be restricted to routine town administration.

**Items
Sponsored By**

2.12 Any person wishing to address the Town Council will be given the opportunity to do so in accordance with the following procedures:

1. Persons wishing to address the Council on an item which appears on the agenda shall wait until the public hearing is opened on the particular item or, if there is no public hearing, until the consideration of such item is announced, at which time they may address the Council on that particular item only after being invited to speak by the Chair. Public comment on an agenda item or during a public hearing is encouraged to be limited to no more than five minutes by any one speaker. The Chair is granted the discretion to allow an extension of time if deemed necessary.

The public shall be encouraged to limit their comments to items directly relating to the actual agenda item, and not to repeat statements made by prior speakers. The Chair may decide questions of relevance. The Chair shall not allow comments of a personal or derogatory nature, as they relate to the applicant, Councilors or other speakers.

Once the public hearing has been closed or public comment has ceased on an agenda item that did not have a public hearing, the Council shall begin its deliberation and no further public comment will be taken. The Chair may, at its discretion, allow additional clarification of the facts adduced at the public hearing and individual Councilors may ask specific questions through the Chair of either the public or staff to further inform themselves prior to completing their deliberations.

2. Persons wishing to address the Council on an item not appearing on the agenda shall do so only during the public comment section of the agenda or after disposition of all items appearing on the agenda at the discretion of the Council.

3. Any person wishing to address the Council shall so signify by raising a hand and/or standing. After being recognized by the Chairman and giving adequate identification he or she may address the Council. When, in the opinion of the Chairman, their identify has not been adequate for those assembled, the Chairman shall request further information before permitting the person to speak.

4. Persons present at Council meetings are requested not to applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

2.13 A copy of the record of Council decisions taken at a formal meeting shall be attested and posted by the Town Clerk within three working days at one or more places within the Town of Gorham. Such minutes shall constitute the official record of the actions on all Ordinances, Resolutions, Orders and Votes taken by the Council; such posting shall constitute publication within the meaning of Section 902 of the Town Charter and the date of such posting shall be the date of publication for the purpose of determining the required time for filing petitions under this

Procedure for
Addressing
Council

Posting of
Minutes

SECTION 3. COUNCIL CHAIR AND MEETING PROCEEDURES

3.1 The Chairman shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be taken, and, a quorum being present, shall proceed with the order of business.

Chairman to be
Presiding
Officer

3.2 The Chairman shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided. The Council may also, at its first meeting or thereafter during the year, elect a Vice Chairman or Chairman Pro Tempore from among its members to exercise all the powers of Chairman during the temporary absence or disability of the Chairman.

**Preserve Decorum,
Decide All
Questions of
Order**

3.3 The Chairman shall declare all votes, but if any member doubts a vote, the Chairman shall cause a return of the members voting in the affirmative and in the negative without debate.

**Declare Votes:
Cause Return
Of Votes**

3.4 When a question is under debate, the Chairman shall receive no motion but to:

**Debate:
Rules of**

(1) adjourn
(2) lay on the table
(3) for the previous question
(4) postpone to a day certain
(5) refer to a committee or some administrative official
(6) amend
(7) postpone indefinitely
which several motions shall be precedence in the order in which they stand arranged.

3.5 The Chairman shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, and the motion for the previous question, shall be decided without debate.

**Motion to
Adjourn: Lay
on Table**

3.6 When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next regular meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such next regular meeting or unless five of the members present consent to such reconsideration. A petition once presented to and acted upon by the Town Council shall not again be received by the Town Manager for presentation to the Council in the same or substantially the same form during the term of the present Council. A member of the Town Council, voting with the majority on the original petition, shall be privileged to reintroduce such a petition.

Reconsideration

3.7 Upon the motion for the previous question being made and seconded, the Chairman shall put the question in the following form: "Voting is now on whether there shall be further debate on (state the motion)." All debate shall then be suspended. If the motion for the previous question is adopted by a majority of the Councilors present, the motion to which it applied shall be voted at once.

**Motion for
Previous
Question**

3.8 No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the chair or not.

**Not to be
Debated or
Amended**

3.9 Every member present when a question is put shall give their vote, unless the Council, for special reasons, shall excuse that Councilor. Application to be so excused must be made before the Council is divided, or before the calling of the yeas and nays, and decided without debate.

**Member
Excused from
Voting: When**

3.10 Every motion shall be reduced to writing, if the Chairman shall so direct.

**Motion to be Reduced
to Writing: When**

3.11 Any member may require the division of a question when the sense will admit it.

Division of Question

3.12 A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments of the main question.

**Motion for
Referral**

3.13 All questions relating to priority of business to be acted upon shall be decided with discussion limited to Council members, but any Councilor may solicit information from any other person.

**Priority of
Business**

3.14 The rules shall not be dispensed with or suspended unless five of the members of the Council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

**Suspension of Rules:
Amendment
or Repeal**

3.15 In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Robert's Rules of Order" shall be taken as authority to decide the course of proceedings.

**Parliamentary
Proceedings**

SECTION 4. COUNCIL COMMITTEES

4.1 The Finance Committee shall consist of three members of the Council. Said Finance Committee shall act by majority vote. The Council Chairman shall serve as an ex-officio member of said committee, having no vote on the committee. The members of the Finance Committee shall be appointed annually by vote of the Council. The Chairman shall be elected by a majority vote of the Committee members. The Finance Committee shall have the power and duty to review monthly and annual financial reports, meet with the Town Auditors and review the annual audit, review the warrants for the expenditure of Town funds, and advise the Town Manager on matters of current expenditures within the Municipal Budget. The Council may refer matters relating to Town finances brought to its attention by either the Town Manager or the Finance Committee, to the Finance Committee, which shall study the same and make appropriate recommendations to the entire Council.

Finance Committee

4.2 The Ordinance Committee shall consist of three members of the Council. Said Ordinance Committee shall act by majority vote. The Council Chairman shall serve as an ex-officio member of said Committee, having no vote on the committee. The members of the Ordinance Committee shall be appointed annually by vote of the Council. The Chairman shall be elected by a majority vote of the Committee members. In addition to those other powers which the Council may, from time to time assign to it, the Ordinance Committee, when requested by the Council, shall review proposed ordinances or amendments and make recommendations to the Council prior to final action.

Ordinance Committee

4.3 The Appointments/Personnel Committee shall consist of three members of the Council and act by majority vote. The Council Chairman shall serve as an ex-officio member of said committee, having no vote on the committee. Among such other powers as the Council may from time to time assign to said committee, it shall recommend to the entire Council persons for appointment to various positions and offices which are properly to be filled by the Council, except that the Committee shall not make recommendations as to the composition of committees of the Council, such as the Finance Committee, Ordinance Committee, Economic Development/Capital Improvements Committee, or the Appointments Committee, or to any other standing or ad hoc committees of the Council which may hereafter be established.

In addition to those other personnel matters which the Council may, from time to time, assign to it, the Committee shall review and make recommendations to the Council on methods of evaluating Council employees and implementing such evaluations.

**Appointments/Personnel
Committee**

4.3.1 Appointments Procedure.

1. Prior to recommending an applicant for service on the Planning Board, Board of Appeals or Economic Development Corporation, the Chair of the Appointments/Personnel Committee shall contact the Council Chair and the Chair of the volunteer board or committee to discuss the appointment or reappointment of the applicant.
2. Prior to recommending an applicant for service, the Town Council's Appointments/Personnel Committee may interview the applicant-
3. The meeting agenda, the applications to be considered, and any other supporting documents shall be sent to Appointments/Personnel Committee members, in a timely manner, prior to the proposed meeting.
4. Applicants are encouraged to attend a meeting of the committee to which they wish to be appointed.

4.4 The Economic Development/Capital Improvements Committee shall consist of three members of the Council and act by majority vote. The Council Chairman shall serve as an ex-officio member of said committee, having no vote on the committee. The Committee shall review matters that are sent to it by the Town Council and generally include topics regarding economic development, capital projects and capital equipment. In addition, the Committee shall review and make recommendations to the Council on the Town's industrial and commercial development goals and objectives. The Committee is responsible for maintaining an economic development program and policies subject to full Council approval, working with the Economic Development Director. Also, the Committee shall consult with the Town Manager regarding proposed capital improvements, equipment and the Manger's capital plan.

**Economic Development/
Capital Improvements
Committee**

4.5 All Committees of the Town Council, including standing committees and special committees, shall keep recorded minutes of their meetings except that portions of meetings held in executive session may be exempt from this provision except where required by law. Meeting agendas should be posted to the Town Web site in a timely manner prior to a proposed meeting. Meeting minutes are encouraged to be taken and posted to the Town website.

**Board and Committee
Reporting**

SECTION 5. CONDUCT OF COUNCIL MEMBERS

5.1 Councilor inquiries concerning routine Town business should notify the Town Council Chair and then the Town Manager. In accordance with Section 218 of the Town Charter, Council Members shall not give any orders to Town Staff. Direct inquiries by Councilors, on such matters, to Department heads, should be avoided.

Contacting Staff

5.2 No member of the Town Council shall represent to anyone or knowingly allow anyone to infer that he/she speaks on behalf of the Town Council unless, by Order of the Council, a Councilor has been officially designated as its Representative to another organization.

Speaking on behalf of Town Council

5.3 Council members shall be respectful of other Council members and members of the public and use appropriate business decorum during meetings.

Respect Others

5.4 Council members must be mindful of the need to preserve the integrity of the Town Council and the Town when conducting the people's business. When a member of the Town Council has a conflict of interest or the appearance of a conflict of interest on an item under consideration by the Council, the Council member shall follow this process:

Conflicts of Interest

1. Disclose the conflict or potential conflict to the other Council members and the public before a motion is made.
2. Tell the Council whether or not you believe you can discuss the item and treat all of the parties fairly and fulfill your duty as a Council member to vote in the best interest of the entire Town.
3. Ask the Town Council to vote on whether the Council member shall be recused from participating and voting on the item, or continue to participate and vote.
4. If any Council member discovers part way into a discussion that they may have a conflict of interest, the Council member may raise a point of order and the Town Council shall immediately suspend business to resolve the issue.
5. Councilors shall refrain from sponsoring an item for agenda consideration where there is a potential conflict of interest.