

**BE IT RESOLVED** that the Town Board hereby adopts the attached Rules of Order for its board meetings:

## **AMHERST TOWN BOARD RULES OF ORDER**

The original version of these Rules of Order was adopted on July 5, 1988. This version is as adopted at the October 7, 2019 Town Board Meeting.

### **1. REGULAR MEETINGS**

A. Regular meetings of the Town Board shall generally be held on the first and third Monday evenings of each month. When such evening is an official Town Holiday, the meeting shall be held on the following day or evening. The schedule of regular meetings shall be determined and established no later than January 10<sup>th</sup> of each year. Where any deadline or meeting date shall fall on a public holiday, the Town Board, by majority vote, shall reschedule said deadline or meeting date.

B. Each regular meeting and all adjourned meetings shall be open for consideration of any matter which in accordance with these rules, may be properly brought to the attention of the Town Board.

C. The Town Board shall conduct regular business meetings at 7:00 p.m. on the first and third Mondays of each month, unless the board otherwise provides. At such meetings, the board shall consider any and all scheduled items on its agenda, unless a three-fourths majority of the board votes otherwise. Any unfinished items shall be carried over to the next meeting. The Town Board shall end its regular business meetings by 11:00 p.m., except that it shall be extended to include the second public expression.

### **2. SPECIAL MEETINGS**

A. Special meetings must be for business of a truly emergent nature and shall be held at the call of the Town Clerk upon direction of the Supervisor or upon filing with the Town Clerk a written request signed by any two members of the Town Board. Only business specified in the public notice thereof may be transacted at a special meeting. Notice shall be at least 48 (forty-eight) hours before the date fixed for holding the meeting.

B. In accordance with New York State Open Meetings Law, the Town Board designates the following locations for the Town Clerk to place public notices for all meetings: (1) the Town of Amherst website; and (2) the bulletin board in the hallway across from the Town Supervisor's Office. In addition, the Town Clerk shall send notification of the Special Meeting to the following designated media: (1) the Amherst Bee; and (2) The Buffalo News.

### **3. WORK SESSIONS**

A. Prior to each regular or special meeting, the Town Board may hold an informal Work Session. These rules shall not apply to any such Work Session, except pursuant to Rule 4 herein.

B. The Work Session will be held either at 3:00 p.m. or 4:00 p.m. in the Council Chambers.

C. The following procedures shall be established for a Monday afternoon Work Session:

(1) On the day of an evening Town Board meeting, the agenda for the afternoon Work Session shall be the official agenda as produced and provided by the Town Clerk's Office. Modifications and exceptions to this rule may be made, but will require the approval of a majority of the Town Board.

(2) The procedure to create the afternoon Work Session agenda on a Monday where there is no scheduled Town Board meeting will be as follows: Items for the agenda shall be submitted in writing by a Town Board member to the Councilmember's secretary by 10:00 a.m. on the Monday prior to the afternoon meeting. If there are no items to discuss at a scheduled work session, such work session may be cancelled and the Councilmember's secretary shall notify the Councilmembers, the Supervisor and the media. Adjustments and modifications may be made with the provision that such modifications require the approval of a majority of the Town Board.

(3) The last Work Session of the month may include budget matters.

#### **4. CONDUCT OF MEETINGS**

A. All regular and special meetings and Work Sessions of the Town Board shall be conducted in strict accordance with the New York State Open Meetings Law and shall either be electronically recorded or transcribed by a stenographer. All regular and special meetings of the Town Board shall be held in the Council Chambers, located at Amherst Town Hall, unless otherwise scheduled by the Town Board.

B. The Order of Business for each meeting shall be:

1. Memorials
2. Invocation
3. Pledge of Allegiance
4. Roll call
5. Discussion and Approval of preceding meeting minutes
6. Proclamations & Announcements
7. Public Hearings
8. Personal Appointments to Boards and Committees
9. Public Expression
10. Consent Agenda
11. Councilmember Resolutions

12. Department Head Resolutions and Reports
13. Unfinished business
14. Communications
15. Public Improvement Permits
16. Public Expression #2; and
17. Adjournment.

C. At its discretion, the Town Board may change the Order of Business at any meeting by a majority plus one (1).

## **5. AGENDA PROCEDURES**

A. Public hearings may be scheduled at staggered times on the agenda in the evening so that interested parties can participate more conveniently and plan their schedules accordingly.

B. Every item to be acted upon by the Town Board at a regular meeting thereof shall be clocked-in or time-stamped in the office of the Town Clerk by either individual Town Board members and/or their employees and/or their representatives, by individual department heads and/or their employees and/or their representatives, or by other publicly elected officials and/or their employees and/or their representatives no later than 12 noon on the Wednesday prior to the commencement of each such regular meeting of the Town Board that the item being submitted is to be acted upon.

C. No one shall be permitted to “reserve space” on the agenda prior to the agenda deadline in order for the text of these items to be given to the Town Clerk after the deadline has passed.

D. Using the Minutetraq system, the Town Clerk shall prepare and post the agenda as well as any proposed resolutions, on the website for the Town of Amherst no later than 4:00 p.m. on the Thursday prior to the regular business meeting. Items requiring one (1) weeks’ notice prior to enactment shall be posted immediately upon receipt.

E. All requests for budgetary transfers and amendments from department heads should first be reviewed by the Town Comptroller’s Office. Once approved by the Comptroller’s Office, the request should be put on the agenda by the Town Comptroller. Any requests that come directly to the Town Board without following this procedure will be sent to the Comptroller’s Office before any action is taken.

F. All contracts, agreements, and proposal letters will be required to have a sheet annexed thereto requiring approval as to form by the Town Attorney (or his or her designated Deputy), approval as to content by the appropriate Department Head, and approval as to budget compliance by the Town Comptroller. The contract, agreement, or proposal letter will be approved as to content by the appropriate Department Head and approved as to budget compliance by the Town Comptroller prior to being submitted to the Town Attorney for approval as to form. When the signatures of the appropriate Department Head and the Town Comptroller are obtained, the contract, agreement, or proposal letter will be returned to the

Town Attorney's Office for approval. After his or her approval, the Town Attorney will then notify the individual whose intention it is to place the matter on the agenda either in writing, via e-mail, or via telephone call, to advise that the item can be placed on the Town Board agenda prior to the agenda deadline already established. Each department within the Town of Amherst is responsible for placing the individual contract, agreement, or proposal letter on the Town Board agenda for approval. This resolution shall replace and supersede the resolution previously put forth dated May 6, 2002 and approved by the majority of the Town Board on said date.

**G. UNFINISHED BUSINESS** - A Town Board member who desires to move a land use or rezoning agenda item from Unfinished Business must submit written notice of such intention to the Town Board and to the Town Clerk pursuant to the same deadline for submitting new resolutions for placement on the agenda.

**H. YEAR END REMOVAL OF PENDING ITEMS** - Any local law, resolution or other item other than land use applications still pending on the agenda of the Town Board that was first introduced, submitted and filed in any calendar year is automatically removed there from as of and effective on December 31 of that same calendar year.

**I. SUSPENSION OF RULES FOR UNLISTED ITEMS** - No local law, ordinance, petition, resolution, communication, or item can be acted upon unless it physically appears on the agenda. This includes committee reports unless there is unanimous consent on the part of the Town Board. Nothing in this rule will prevent a member of the Town Board from making an announcement or reports during committee reports. The Town Board may by unanimous consent suspend the rules in order to consider unlisted items, however these items are limited to communication received after the agenda cutoff related to an agenda item and resolutions that clearly state why time is of the essence and the resolution cannot wait until a later scheduled meeting or a Special Meeting.

**J. BOARD APPROVAL FOR PERSONNEL** - For all requests for Town Board approval to hire new personnel or for any promotion, the Personnel Department shall submit a copy to each Town Board member of the "new-hire/promotion" analysis sheet listing the relevant information for each candidate. No action may be taken by the Town Board until this information has been received. The Town Clerk will redact names and other personal information for the published agenda; however, upon Town Board approval of any new employee or promotion, such name, title and cost shall appear in the official minutes.

## **6. CONSENT AGENDA**

A. A "consent agenda" is hereby created to allow the routine, non-controversial business items including Councilmembers' reports or Department Head reports, communications, public improvement permits etc., to be contained in one section of the agenda. The same can be adopted by a single vote of the Town Board, unless a member of the Town Board should object and then any item can be separated if desired and voted on separately, all in an effort to expedite the agenda and operate more efficiently. Agenda items requiring an amendment shall not be eligible for the consent agenda.

B. At each Work Session that takes place on the same day as a regular business meeting, the board shall begin the Work Session by discussing whether each item should appear on the

consent agenda for that evening's regular business meeting. In discussing each Item, the board shall determine the items upon which it can reach a unanimous vote and the Town Clerk shall compile a list of such items to be known as the "unanimity list" and shall also make copies of the unanimity list available to the citizens, media, and others who attend the regular business meeting. It may also consist of items appearing under Department Heads.

C. The Town Clerk shall prepare the "unanimity list" simply noting by an asterisk or some other identifying mark on a pre-existing copy of the agenda or a separate list for a given regular business meeting, those items which the Town Board has unanimously agreed to approve.

D. In considering items under the consent agenda at each regular business meeting, the Town Board shall first take a single vote to approve or deny all of those items that appear on the unanimity list.

## **7. MEETING PROCEDURES**

**A. QUORUM** -The majority of the duly constituted membership of the Town Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

**B. SUPERVISOR TO SECURE A QUORUM** - In the absence of a quorum during the meetings of the Town Board, the Supervisor may take such measures as provided by law and as he may deem necessary to secure the presence of a quorum.

**C. ROLL CALL: MINUTES - ABSENCES** - At any and every meeting of the Town Board, upon the members being called to order by the Supervisor, the roll of members shall be called by the Town Clerk and the names of those absent shall be inserted into the minutes. Any corrections, alterations, or additions to the minutes of the preceding meeting shall then be read and then the minutes deemed to be approved. In all cases when an order, resolution, or a motion shall be entered in the minutes of the Town Board, the name of the members presenting or moving the same shall be entered.

### **D. DECORUM**

1. The Supervisor shall convene the Town Board promptly at the hour specified for the convening of the Town Board and shall preserve order and decorum. The Supervisor shall recognize Councilmembers in the order in which the members have requested recognition for the purpose of debate on any question under consideration except the consent agenda. The Supervisor shall decide all questions of order, said decision being final unless an appeal is taken to the Town Board and sustained.

2. Speakers shall address the board as a whole, in an orderly manner. All speakers shall refrain from partisan political commentary, personal, impertinent, slanderous or profane remarks directed to any member of the board, staff or general public that disrupt the meeting. Any person who makes such remarks or otherwise disrupts the meeting with loud outbursts, shouting, threats or other disruptive behavior shall, at the discretion of the Supervisor or after a motion and majority consensus of the board, be ruled out of order. If after receiving a warning, any person persists in disrupting the meeting, the Supervisor shall order that person to leave and may utilize law enforcement to enforce that order.

3. The Supervisor may appoint the Town Attorney as Parliamentarian to assist with

procedural questions, upon the Supervisor's request.

4. Commentary, debates and arguments initiated by Town Board members during public hearings and the public expression portion of the agenda are prohibited (Added 6/17/1997). Town Board members who expand their comments in the Public Hearing portion of the agenda beyond the simple statement of questions shall be ruled out of order by the Supervisor.

#### **E. APPEAL FROM THE SUPERVISOR'S RULING**

1. On every appeal, the Supervisor shall have the right to assign the reasons for his or her decision. If the question on which the appeal is taken was not debatable, the Town Board shall decide the case without debate. If the question was debatable, no member shall speak more than once concerning an appeal from the Supervisor's ruling. The Supervisor shall state the question: "Shall the ruling of the Supervisor be overturned?"

2. A motion to overrule a ruling or decision of the Supervisor shall require approval by a majority vote of the Town Board.

**F. DEPUTY SUPERVISOR** - In the absence of the Supervisor from any meeting of the Town Board, the Deputy Supervisor shall act in place and stead of the Supervisor, with all the powers and privileges incident to Section 42 of New York State Town Law. The Deputy Supervisor shall be permitted to vote only if that individual is also a Town of Amherst Councilmember.

**G. MAJORITY VOTE** - A majority of the total vote of the entire membership of the Town Board shall be necessary to carry any local law, ordinance, question, proposition, resolution, motion, or any other matter, except where it is otherwise provided herein or required by law that a two-thirds vote or a unanimous vote is required.

**H. RECORDING AYES AND NOES** - On a roll call, the ayes and noes shall be taken and shall be entered in the minutes of the Town Board and the Town Clerk shall record the names of the members and the way each will have respectively voted. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. To verify the vote and to correct possible errors, the Town Clerk may repeat the call of the roll. The only exception to this procedure is if the member abstains from voting in accordance with Rule I - Abstentions.

**I. ABSTENTIONS** - Every member who shall be physically present in the Council Chambers when a question is stated by the Supervisor must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with the Code of Ethics of the Town of Amherst. If a member wrongfully attempts to avoid casting his or her vote, wrongfully abstains, or otherwise refuses to vote, the Supervisor, or in the event that the Supervisor is the member in question, the Deputy Supervisor or other acting chairperson, shall direct the Town Clerk to record such member's vote in the affirmative on the question being voted upon.

#### **J. PUBLIC EXPRESSION**

1. The purpose of Public Expression is to allow opportunity for the public to formally

communicate with the board on any matter involving Amherst. This is not designed to be a conversation with the Board, but an opportunity for the public to express their opinion on issues that the Board will cover during that meeting or to bring attention to an issue involving Amherst.

2. These rules shall be suspended for Public Expression at least once at each regular meeting in order to afford members of the public and others the opportunity to address the Town Board prior to the consideration of the agenda. By majority vote, the Town Board may also have Public Expression at any special meeting.

3. These rules may at any time during a meeting be suspended by a two-thirds (2/3) majority of all members of the Town Board present; however, the member making application for such suspension must state the purpose for which the same is asked.

4. Speakers during the Public Expression portion of the meeting shall be limited to three (3) minutes at the podium so that meetings may flow quickly and efficiently, providing everyone who is interested in speaking with an opportunity to do so before a very late hour.

5. Those members of the public wishing to speak shall sign in at the podium and write down their name and address on a sign-up sheet. The sign-up sheet will remain at the podium until the Public Expression portion of the meeting begins. The Supervisor shall recognize those speakers for comment. After the last signed in speaker has spoken, the Supervisor will ask if any additional members of the public who have not previously signed in would like to speak. Those members of the public wishing to speak will sign in at the podium and write down their name and address on a sign-up sheet and the Supervisor shall recognize those speakers for comment. Remarks shall be addressed to the board as a whole and not to any single member thereof. In the event that a speakers' inquiry is urgent or their comment is inaccurate, the Supervisor or a Town Board member may respond for one (1) minute after closing Public Expression. All speakers shall abide by the Rules of Order for Decorum.

6. Public expression shall allow the public to address the board on any matter that concerns the Town of Amherst prior to adjournment. A person may speak at both public expressions during the same meeting.

7. Public expression shall not exceed one (1) hour unless extended by a majority vote of the board.

**K. WITHDRAWAL OF RESOLUTION OR MOTION** - Any resolution or motion offered by a member of the Town Board may be withdrawn by the member presenting it at any time before an announcement by the Supervisor of the vote thereon, or before an amendment to such resolution or motion has been adopted, provided that the member seconding such resolution or motion shall also withdraw his or her second to the same.

**L. MOTIONS NOT AMENDABLE OR DEBATABLE**

1. All motions for an adjournment, for a recess for the previous question, or to lay on the table shall be neither amended nor debated.

2. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared.

3. While the Supervisor is stating any question or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his vote must do so before the start of the roll call, provided that, before a roll call begins, all members of the Town Board shall have a right to avail themselves of the provisions of Rule 7(M) (Previous Question).

**M. PREVIOUS QUESTION** -The call for the previous question after reasonable debate shall be as follows: "I move to call the previous question." Until it is decided, all amendments and debate shall be precluded. The motion requires a second and must be approved by a two-thirds majority of all members of the Town Board present. When the Town Board shall order the previous question called and amendments are pending, the question shall first be taken upon the amendment(s) and then upon the main question without further debate.

**N. MOTION TO RESCIND** - A motion to rescind can only be entertained when moved by a Town Board member who voted with the majority in the action which is proposed to be rescinded and the motion requires the affirmative vote of a majority of the total members of the Town Board.

**O. MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE**

1. A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same meeting day or on the regular meeting day next succeeding that on which the action proposed to be reconsidered or upon which a change of vote is requested took place. A quorum must be present.

2. A motion to reconsider must be made by a Town Board member who voted with the prevailing side on the action proposed to be reconsidered. A member has a right to change his or her vote up to the time the result is announced. Afterward, a change of vote can be made only by permission of the Town Board. Such permission can be given by general consent or by adoption of a motion to grant permission.

3. When a motion to reconsider or a motion to change one's vote has been defeated, it shall not be submitted to the Town Board without unanimous consent for a period of at least thirty (30) days.

**P. ALL POINTS OF ORDER NOT COVERED BY THESE RULES** - On all points of order not governed by these rules of the Town Board, Robert's Rules of Order (Revised) shall prevail. In the event that a point of order shall arise which cannot be covered by either the Rules of the Town Board or by Robert's Rules of Order (Revised), the Rules of the New York State Assembly shall be followed.

**Q. RESOLUTION AMENDMENTS** - The Town Board shall not vote on any proposal or resolution unless each member of the Town Board and the Town Clerk have possession of the proposal or resolution in writing prior to the commencement of the meeting. Any amendment during a meeting must be presented to the Town Clerk and the Town Board in writing by the sponsor of the amendment.

**R. COMMITTEE REPORTS** - Board members are to report only on actionable items under Committee Reports. Meeting announcements, general committee information and non-actionable items can be submitted to the Town Clerk prior to the meetings for reproduction and distribution.



**S. MINUTES** - The Town Board directs the Town Clerk to collect the names and addresses of every person who speaks during public expression or during public hearings and to publish their names in the Town Board meeting minutes.

**T. SECOND REQUIRED FOR DISCUSSION** - At a regular business meeting, the Town Board shall not discuss any agenda item that does not receive a second.

#### **U. PUBLIC HEARINGS**

1. Following the Petitioners' public comments that may last up to fifteen (15) minutes, a knowledgeable leader of any opposition or their attorney may also have fifteen (15) minutes for a rebuttal presentation. All other speakers at all public hearings may only speak once and shall limit their oral comments to no more than three (3) minutes. One exception to this rule is public hearings regarding the budget, where speakers shall limit their oral comments to no more than five (5) minutes.

2. Whenever a public hearing shall extend for more than ninety (90) minutes, the Town Board by three-quarters majority vote may adjourn the balance of the hearing to a future regular board meeting. On the occasion of such an adjournment; however, all speakers who have not already spoken, yet wish to give testimony, shall pre-register to speak at the adjourned session. At that adjourned session, no oral comments will be heard from anyone other than those who have pre-registered. Written comments may be submitted at any time prior to the close of the hearing; however, and will be included as part of the official record. Upon conclusion of all testimony on the matter that the public hearing concerns, the Town Board, after giving due consideration to all applicable New York State or local laws, shall vote on the matter or set a future decision date.

3. The Town Board may vote on any public hearing matter for which all speakers have been accommodated. Decisions dealing with land use shall be delayed until the meeting following the meeting at which the public hearing was held if requested by two (2) Town Board members. All other hearing decisions may be delayed until the next regular meeting of the board to allow public comment to be submitted and evaluated.

4. Participation of Town Board members during public hearings is limited to questions on the subject matter. Town Board members who expand their comments in the public hearings portion of the agenda beyond the simple statement of questions shall be ruled out of order by the Supervisor.

5. Public hearings and decisions regarding land use, and traffic safety matters will be scheduled during evening (7:00 PM) meetings.

6. Persons whose comments at public hearings are NOT on the topic of the public hearing shall be warned by the Supervisor and if they argue or persist off topic may be ruled out of order.

#### **V. AMENDMENTS OF THESE RULES OF ORDER**

These Rules shall not be rescinded, altered, or amended, nor shall any additional rule be added thereto except by a majority vote of the total members of the Town Board and only after at least one (1) weeks' notice in writing filed with the Town Clerk.

## **W. MAINTENANCE OF THESE RULES OF ORDER**

The Amherst Town Attorney's Office shall be responsible for maintaining these Rules of Order and for changing them pursuant to amendments adopted by the Town Board. As soon as possible after their adoption and subsequent amendment, the Rules of Order in effect shall be posted on the Town of Amherst website and shall be filed with the Amherst Town Clerk, who will make them available to the public upon request.

The Town Clerk shall have available for immediate visual display for the public a complete and up-to-date copy of the Amherst Town Board Rules of Order.

These Rules are effective immediately.