

## **BY-LAWS AND RULES OF ORDER OF THE ELIOT BOARD OF SELECTMEN**

1. In consonance with the ordinance governing boards, commissions and committees, the Eliot Board of Selectmen adopt the following as rules of order for conduct of their affairs.
2. Sequence of Business:
  - A. For the regularly scheduled meeting (2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month), the sequence of business shall be as outlined on Attachment 1. The Board reserves the right to take items of business out of sequence.
  - B. Special meetings called at the request of the Chairman or Vice Chairman shall be devoted only to those items and arising related items for which the special meeting was called.
  - C. Executive Sessions shall be used as prescribed by law and only when the nature of the business is so sensitive that a discrete non-public discussion is mandated. No votes shall be taken in executive session.
3. Conduct of Business:
  - A. Regular and Special Business Meetings:
    - (1) The presiding officer (Chairman or Vice-Chairman), shall call the meeting to order at the appointed time, cause the minutes of the preceding meeting to be acted upon and call up business of the selectmen in the sequence provided for by paragraph two.
    - (2) The presiding officer is responsible for determining the presence of a quorum to properly transact business and to cast valid votes. The presiding officer will also determine if motions are necessary to conduct the business at hand and also if a proposed motion is in order. The presiding officer will maintain the meeting in proper order.
    - (3) The will of the Eliot Board of Selectmen is usually determined and expressed by its actions on proposals submitted for its consideration in the form of motions and resolutions offered by members recognized for that purpose. In order to make a motion, a member must address the chair and secure recognition. If the motion is in order, and is seconded by another member, it is stated by the presiding officer and is subject to the action of the board. Rules of motion are contained in pages 5 through 8 of these by-laws.
    - (4) Debate:
      - (a) Prior to voting on a motion, the board will avail itself to a period for discussion of the matter.
      - (b) In order to discuss a question, a member must address the chair and be recognized by the presiding officer for that purpose. The presiding

officer should first recognize the mover of a proposition of the member of a committee presenting a report and should endeavor to alternate recognitions between those opposing a question. A member will not be recognized to speak a second time on an item until all those wishing to speak a first time have been recognized and have spoken. It is also customary, though not necessarily incumbent upon the chair, to permit the proponent of a proposition to make the closing remarks in the debate. Members are limited to ten (10) minutes of debate or discussion for each recognition to speak. The Board of Selectmen reserves the right to revise the time limit of debate at the opening of any meeting. However, in any revision to the length of debate, a new specific time limit shall be set and will apply for that meeting only.

In debate, a member must confine himself to the question under consideration, must avoid personalities and must not arraign motives. Members should be silent and respectful while another has the floor and in questioning the speaker, should first address the chair, who will in turn inquire if the speaker desires to yield. The presiding officer as a member of the Board of Selectmen has the right to debate and discuss the matter under consideration. Should he desire, he may call another to the chair before taking the floor.

Any member of the public may interject an opinion or raise a question by securing recognition of the presiding officer and being authorized to speak. A member of the general public is subject to the same time limit and rules of debate as members of the Board of Selectmen. The board may at the start of meeting pass special rules of debate governing the general public.

- (5) After the presiding officer has concluded that the desire for discussion has been satisfied or terminated as prescribed, he shall call for a vote on the matter in hand. Voting shall normally be by voice or hand vote. However, written ballots may be used when the board by voice determines to so vote.

B. Work Sessions:

The Board of Selectmen may have informal meetings to discuss material, develop plans, etc., prior to taking official action at a business meeting. These meetings will be held as determined necessary by the Chairman of the board. These meetings are open to the public; however, posting of such meetings will not normally be made.

C. Committees:

- (1) Some of the work of the Board of Selectmen can be more readily accomplished if transacted by a committee which can give a specific matter more detailed consideration. These committees will usually be appointed to consider one specific

matter and will then be disbanded. It is the duty of a committee to develop a set of recommendations upon which the Board of Selectmen can act.

- (2) The board will select members for a working committee or empower the Chairman to appoint. Unless otherwise designated, the first person named to the committee is its Chairman.
- (3) The committee is bound by the same rules that govern the Board of Selectmen.
- (4) The committees should not compromise or duplicate the work of the town's standing committees.

#### 4. Public Hearings:

- A. In the conduct of town business, it may become necessary for the board to hold a Public Hearing to determine the will of the town or to provide residents information. Notice of such hearings will be posted in advance of the hearing date as mandated by state law.
- B. The presiding officer of the hearing shall be the Chairman of the Board of Selectmen or an alternate as designated by the board.
- C. Any discussions shall be governed by the rules of debate described in paragraph 3.a.(4). Additional rules or guidelines may be adapted by the board for a specific hearing and be announced at the start of that hearing.

The only voting to take place at a public hearing are non-binding opinion or information votes unless the public hearing is held in conjunction with a regular meeting. All voting shall be in the manner prescribed by paragraph 3.a.(5). Any action or binding votes by the Board of Selectmen shall be taken at a business meeting. A business meeting and public hearing may be combined.

#### 5. Public Notices:

The Board of Selectmen will normally provide the public necessary information through paid notices and press releases in the three newspapers, (Foster's Daily Democrat, Portsmouth Herald and York County Coast Star) widely circulated in Eliot. Other newspapers and media may be used as determined necessary and as available to the board.

#### 6. Special Rules:

From time to time, it may be necessary to adopt special rules or procedures to conduct the business of the town of Eliot by the Board of Selectmen. The Selectmen will, as necessary, adopt temporary rules or permanent amendments to these existing rules of order by a vote of the board. The public will be notified in advance of implementing such measures.

### **Motions**

1. Motions may be classified as main or principal motions introducing a proposition and secondary or ancillary motions designated to affect the pending main motion or its consideration.
2. Main motion – a main motion is in order only when there is no other business before the assembly, and yields in precedence to all other questions. Secondary motions may be subdivided into subsidiary, incidental and privileged.
3. Secondary motion – subsidiary motions are applicable to other motions for the purpose of modifying the main question or affecting its consideration and disposition. They have precedence of the motion to which applied but yield to privileged and incidental motions. They take precedence among themselves in the following order: to lay on the table; for the previous question; to close or extend debate; to postpone to a day certain; to commit, recommit and refer; to amend; and to postpone indefinitely.
4. Motion to lay on the table – the motion to lay on the table is in effect a motion to suspend consideration of the question and, if agreed to, also suspends consideration of all pending questions relating to the motion to which applied until such time as the assembly may determine to take it from the table for further consideration. The motion is not debatable and may not be amended, postponed, committed, divided or reconsidered.
5. Motion for the previous question – the purpose of the motion for the previous question is to close debate peremptorily and bring the assembly to an immediate vote on the pending questions. It may be ordered on a single question, a group of questions or any part of a pending question, as on an amendment. It precludes both debate and amendment and requires a two-thirds vote for passage under general parliamentary procedure. It yields to the motion to table, to the question of consideration and to privileged and incidental motions and may be reconsidered, but takes precedence of motions to postpone, amend and commit.
6. Motion to postpone to a day certain – this applies to the main motion and its pending amendments and is debatable only as to the advisability of the postponement proposed, and does not open to debate the subject matter of the motion to which applied. It is subject to amendment and reconsideration, to privileged and incidental motions, to motions for the previous question and to lay on the table but has precedence of all other subsidiary motions.
7. Motion to commit, recommit and refer – the motions to commit, recommit and refer are practically equivalent and provide for reference of the pending proposition to a committee. While the motion to recommit ordinarily applies to the whole subject including pending amendments, it may apply to certain features only. It may be amended as by adding instructions to the committee as to time and manner of report. Debate on the motion is limited to the question of reference and instructions. It takes precedence of motions to amend and indefinitely postpone but yields to other subsidiary motions and to all incidental and privileged motions. It may be tabled or postponed with the main question but to subsidiary motions except the motions-----to amend and for the previous questions may be applied separately. It is subject to reconsideration of the question submitted to it but after that time the subject matter may only be reclaimed by a motion to discharge the committee.

8. Motion to amend – changes in the text or terms of the proposition require a second and must be reduced to writing if requested by the Chairman. There is no number to the number of amendments, which may be proposed, and new amendments may be offered as rapidly as the pending amendment is disposed of. Amendments in the second degree, that is, amendments to amendments, are admissible but amendments in the third degree, that is amendments to amendments to amendments, are not in order. Only four amendments in the first and second degrees may be pending simultaneously, as follows: (1) amendment; (2) amendment to the amendment; (3) substitute for the amendment (1.e., when it is desired to replace the entire pending amendment); and (4) amendment to the substitute. The amendment must, of course, be offered first and the substitute before the amendment to the substitute, but otherwise there is no rule governing the order in which the four amendments may be presented. They must, however, be voted on in the following order; first, amendments to the amendment; second, amendments to the substitute; third, the substitute; and last, the amendment. Debate on an amendment is in order only when the main motion is debatable, and is then limited to the proposed modification. An amendment which has been rejected may not be offered the second time in identical form, and no amendment may be proposed reversing the operation of an amendment previously adopted. Motions to amend will not be entertained unless germane or relevant to the main question, and no proposition different from that under consideration will be admitted under guise of amendment. This motion yields to all privileged, incidental and subsidiary motions except indefinite postponement. It is subject to amendment, to the operation of the previous question and to reconsideration, and when laid on the table carries with it the proposition proposed to be amended. Likewise, when the main question is laid on the table, postponed or recommitted, all pending amendments accompany it. The motion to amend is not applicable to the motion to lay on the table for the previous question, to adjourn or to suspend the rules.
9. Motion to postpone indefinitely – the motion to postpone indefinitely provides for final adverse disposition for the session and amounts to summary rejection. It is debatable and opens to debate the question to which applied but is subject to no subsidiary motion except the motion for the previous question.
10. Incidental motions – include questions arising incidentally in the consideration of other questions and decided before disposition of the one to which they are incident. They have no relative rank and merely take precedence of the pending question in the consideration of which they have arisen. All are undebatable with the exception of appeal, reconsider, take up out of order, determine method of procedure, divide pending questions and questions relating to nominations.
11. The motion temporarily to suspend the rules may not be debated or reconsidered and is not subject to the application of any subsidiary motion.
12. Withdrawal or modifications of a motion after it has been “stated” by the presiding officer is affected by unanimous consent of the Board of Selectmen. Consent of the seconder is not required but if modified the seconder may withdraw the second. When applied to the main motion it includes all adhering motions, but when applied to amendments or adhering motions the main question is not affected.

13. Points of order may be made while another has the floor, and when the question concerns the use of unparliamentary language the member so called to order must be seated pending disposition of the matter. The question must be raised at the time the proceeding-giving rise to the objection occurs and will not be entertained after the board has passed to other business. If the point of order is overruled, the member resumes the floor but if the objection is sustained, he may proceed only by consent of the board. Debate on questions of order is for the information of the chair and may be closed by the presiding officer at any time.
14. The motion to reconsider must be made by one who voted with the prevailing side but may be seconded by any member. It is only in order on the day or at the next regular meeting after the vote proposed to be reconsidered is taken. The motion is of the highest privilege and may be entered for record on the minute while another has the floor, but cannot be called up for consideration until the pending question is disposed of, when it takes precedence of all new business. If applied to a debatable question it reopens the entire subject to debate. The motion may not be amended, committed or indefinitely postponed and requires a majority vote for passage. If agreed to, the motion reopens the entire question for further action as if there had been no final decision. The motion is to take up out of order is merely another form of the motion to suspend the rules and requires a two-thirds vote for enactment. It is not amendable and debate is limited to the specific question presented.
15. A motion to divide the question is in order where the pending question includes propositions so distinct that, one being taken away, a substantive proposition will remain. Such motions are applicable to main questions and their amendments only and no subsidiary motion except the motion to amend is admitted.
16. Nominations do not require a second. Where the rules of an assembly fail to provide a method of nomination a motion for such provision is in order. The motion to close nomination, is subject to none of the subsidiary motions save the motion to amend and is decided by a two-thirds vote.
17. Use of motions to effect a purpose in the board or its working committees when applicable may be summarized as follows: the board may protect itself against business which it does not wish to consider by invoking the motion to lay on the table, by raising the question of consideration or by voting to postpone indefinitely. It is desired to suppress debate, the motion to limit debate and the demand for the previous question are available. Modification of a proposition may be secured through amendment or reference to a committee with or without instructions. Action may be deferred by postponement to a day certain, by providing a special order or by the motion to table. A question may be brought up a second time for consideration in the assembly by voting to take from the table, by reconsideration or by the motion to rescind, repeal or annul.

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