

***SOUTH WINDSOR TOWN COUNCIL***

***RULES AND PROCEDURES***

***Revised January 21, 2020***



# **SOUTH WINDSOR TOWN COUNCIL RULES AND PROCEDURES**

## **ARTICLE I – RULES AND PROCEDURES**

The Council shall determine its own rules of procedure not inconsistent with the provisions of the Charter, (Charter, Section 304)

## **ARTICLE II – TOWN COUNCIL ORGANIZATION**

### **Section 1 – Organizational Meeting**

Each newly elected Council shall meet for organization in the Town office building at 8:00 p.m. on the first Monday after the election. The meeting shall be called to order by the Town Clerk, who shall administer the oath of office to all Members, provided that in the absence of the Clerk, the meeting may be called to order and the oath administered by any citizen of South Windsor authorized by law to administer oaths. The Council shall then proceed to choose one of its Members as Mayor, to serve for the ensuing two (2) years or until such time as a successor is duly chosen. (Charter, Section 302)

### **Section 2 – Vacancies**

Vacancies in elective offices, including the Board of Education, from whatever cause arising, shall be filled by the Council, [after receiving the nomination by the respective political party]. In filling any vacancy, the Town Council shall select a person of the same political party as that of the former incumbent, unless the incumbent was a nonregistered voter, in which case their successor shall be a nonregistered voter. For the purposes of this section, a nonregistered voter shall mean any elector of the Town of South Windsor who has not been registered with any political party for a period of six (6) months next preceding the date of their appointment. No nomination can be made until the resignation is effective. The nomination to be made at the first regular meeting following the resignation effective date. All appointments to fill vacancies in any elective Town office shall be for the unexpired portion of the term of the elective office so filled.

## **ARTICLE III – THE MAYOR**

### **Section 1 – Method of Selection**

- a. The Council shall, at its Organizational Meeting, proceed to choose one of its Members as Mayor to serve for the ensuing two (2) years or until such time as their successor is duly chosen. (Charter, Section 302)
- b. The Council, at its Organizational Meeting, shall choose one of its Members as Deputy Mayor to perform the duties of the Mayor during the absence or disability of the Mayor. The Deputy Mayor shall serve for a term to coincide with the Council, or until such time as their successor is duly elected.

Section 2 – Duties of the Mayor

- a. The Mayor shall preside over all meetings of the Council and perform such other duties consistent with the office as may be imposed by the Council. (Charter, Section 302)
- b. In case of the absence of the Mayor and the Deputy Mayor, the Clerk of the Council (or in the Clerk's absence, the Town Attorney) shall call the meeting to order. The Council shall then proceed to elect an acting chairperson by a majority vote of those members present.
- c. The Mayor shall be recognized as the official head of the Town for all ceremonial and military purposes. (Charter, Section 302)
- d. The Mayor shall not be deprived of their vote on any question. (Charter, Section 302)

**ARTICLE IV – TOWN COUNCIL MEETINGS**

Section 1 – Regular Meetings

- a. The Regular Meetings of the Council shall be held on the first and third Monday of each month, except August, at 7:00 p.m. at the South Windsor Town Hall. In the event a legal holiday falls on either the first or third Monday of any given month, the Regular Meeting of the Town Council shall be held on the Tuesday after said legal holiday, at the usual time and place of Council meetings as provided for in these Rules and Procedures.
- b. In case of the absence of the Mayor and the Deputy Mayor, the Clerk of the Council (or in the Clerk's absence, the Town Attorney) shall call the meeting to order. The Council shall then proceed to elect an acting chairperson by a majority vote of those members present.

Section 2 – Special Meetings

- a. The Mayor or the Clerk, upon written orders from the Mayor or at least three (3) Members of the Council, shall be empowered to call Special Meetings and shall give notice of time and place of Special Meetings and reasons therefore by email, mail or by personal delivery to all Council Members, Town Manager and Town Attorney at least forty-eight (48) hours before the time of such meeting.
- b. No business shall be considered at any Special Meeting, notice of which has not been included in the call for such meeting. (Charter, Section 304)

- c. Notice of the time and place of such Special Meetings shall be posted in the office of the Town Clerk, and a newspaper or newspapers having general circulation in the Town shall be advised of such Special Meetings at least forty-eight (48) hours prior to the time of said meeting. The notice shall specify the business to be transacted.
- d. The Town Clerk shall certify, upon the original copy of the notice filed with the records of the Council, by whom the meeting was called, the manner in which notice was given to the Members of the Council, the Town Manager, and the Town Attorney, and when such notice was given.

### Section 3 – Work Sessions

Work Sessions will be held on an as-needed basis determined by the South Windsor Town Council.

### Section 4 – Emergency Meetings

- a. In case of emergency, as defined below, the Mayor shall be empowered to call a Special Meeting by having the Members notified.
- b. An emergency shall be a condition requiring immediate preservation of the public peace, health, or safety.
- c. A copy of the minutes of every such Emergency Meeting adequately setting forth the nature of the emergency and the proceedings occurring at said meeting shall be filed with the Town Clerk no later than seventy-two (72) hours after the holding of said meeting.

### Section 5 – Public Meetings

- a. All meetings of the Council shall be open to the public unless an Executive Session is called by the affirmative vote of two thirds (2/3) of the members present and voting, which vote shall be taken at a Public Meeting and shall state the reason for such Executive Session. Executive Sessions may be called in accordance with FOI Laws and Connecticut General Statutes.
- b. All discussions and communications during an Executive Session are considered to be confidential information pursuant to the South Windsor Town Charter, Article IV. Code of Ethics, Section 2-487 Confidential Information.
- c. No official action to be taken unless in an Open Public Meeting.
- d. Council's minutes may only be changed by Council members, the Town Manager, or the Town Attorney, except by permission of the majority of the Council members present.

## **ARTICLE V – A QUORUM**

### **Section 1 – Requirements for a Quorum**

The presence of five (5) members of the Council shall constitute a quorum, but no Ordinance, Resolution, or vote, except a vote to adjourn or to fix a time and place of its next meeting shall be adopted by less than five (5) affirmative votes. (Charter, Section 304)

## **ARTICLE VI – THE ORDER OF PROCEDURE**

Town Council Regular Meetings will begin at 7:00 p.m. starting in January 2014

### **Section 1 – The Order of Procedure**

The Order of Procedure at all Regular Meetings of the Council may be subject to change but should include the following:

1. Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Mayor's Remarks
5. Adoption of Agenda
6. Communications and Reports from Town Manager
7. Public Input [Town Council members will not respond to any public comments/questions]
8. Adoption of Minutes of Previous Meetings
9. Communications from Liaisons, Officers, and Boards Directly Responsible to Council
10. Reports from Committees
11. Consent Agenda
  - a. First Reading
  - b. Second Reading
  - c. Miscellaneous

[All items listed under this section are considered to be routine by the Town Council and will be enacted by one Motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the General Order of Business and be considered in its normal sequence on the Agenda.]
12. Unfinished Business
13. New Business
14. Passage of Ordinance
15. Public Input [Town Council members will not respond to any public comments/questions]
16. Communications from Council

17. Executive Session
18. Adjournment

## Section 2 – Rules Governing Items in Section 1 of this Article

### Item #7 and #15:

#### Public Input

- a. When recognized by the Mayor, the speaker(s) shall approach the lectern, give their name and address, and avoid personalities or impugning of improper motive to any person.
- b. The speaker(s) may address the Council on any matter.
- c. The speaker(s) shall limit their speaking time to five (5) minutes. This limit may not be exceeded, except when invoked by any Member of the Council with the consent of a majority of the Council present.
- d. Town Council members will not respond to any public comments/questions.

## **ARTICLE VII – AGENDA**

### Section 1 – Preparation

- a. The Clerk of the Council shall be responsible for preparing the Agenda for all meetings of the Council and shall see that copies are distributed to the Members at least forty-eight (48) hours before the meeting.
- b. During the preparation of the Agenda, there shall be an Agenda Meeting with the Mayor or their designee, the Minority Leader or their designee, the Town Manager or their designee, and the Clerk of the Council or their designee for the purpose of all parties receiving the agenda information at the same time. The Clerk of the Council shall be responsible for preparing and distributing a schedule of times and dates for the Agenda Meetings to the members as listed. The Agenda Meetings shall be at least ninety-six (96) hours before the meeting and at least forty-eight (48) hours before the actual distribution of the agenda to all Members of the Council.
- c. Items for the Agenda of any meeting of the Council may be submitted at the prior meeting of the Council by the Mayor, the Members, Town Manager, and the Town Attorney.
- d. Additional items for the Agenda may be made by the above persons provided that all such additions be supplied to the Clerk of the Council at least five (5) business days prior to the meeting for which they are intended for consideration. The name of the person submitting an item for

Council consideration shall appear on the Agenda after the item submitted.

- e. Items not on the Agenda for a Regular Meeting or Work Session may be taken up at said meeting except as provided in Article XIII, Section 1.
- f. The Council Clerk shall put notice on the Town website and advise a newspaper or newspapers having a general circulation in the Town of a Meeting open to the Public at least forty-eight (48) hours before said meeting.
- g. The Clerk of the Council will provide a list of the New Business Agenda items, as submitted to the Clerk under these Rules, intended for consideration at the next meeting to the Town Council members by electronic communication at least three (3) business days prior to the meeting. However, errors, delays, and/or unintentional omissions of the items will not prevent the Council from taking up the items at the Council Meeting, so long as the items are taken up as otherwise provided under these Rules.
- h. The Agenda shall contain the following notice:

Public Meetings are the time and place at which the Town Council conducts official business of the Town. The Council reserves time and invites the public to be heard during Public Input of each Public Meeting, as follows:

Item #7 and #15:

Public Input – Speaker(s) generally are to limit their comments to five (5) minutes each and shall avoid personalities or impugning of improper motive to any person.

- i. For the purpose of this section, the day of the Town Council meeting shall be considered a business day prior to the meeting.

**ARTICLE VIII – MOTIONS**

Section 1 – Regular Motions

- a. All motions shall be made aloud before being seconded, debated, or passed on.
- b. Motions shall be reduced to writing when requested by the Mayor or by a majority of the Council present.
- c. Any motion may be withdrawn by the mover before an amendment or decision.



## Section 2 – Motions of Precedence

- a. When a question is before the Council, no motion shall be received except:
  1. To fix the time of adjournment - to set the time, and sometimes the place, for another meeting to continue business of the session, with no effect on when the present meeting will adjourn.
  2. To adjourn - to end a meeting.
  3. To lay upon the table – is properly used only when it is necessary to suspend consideration of a main motion in order to deal with another matter that has come up unexpectedly and must be dealt with before the pending matter can be properly address.
  4. To commit or recommit – to refer to a committee. The question can then be carefully investigated and put into better conditions for consideration.
  5. To postpone to a certain time – action on a pending question may be postponed to another time. Alternatively, a motion can be postponed until after a specific event has occurred, such as after a relevant report has been issued.
  6. To close debate at a specified time – to end debate on a pending proposal and bring it to an immediate vote.
  7. To postpone indefinitely – to avoid taking a direct vote on a main motion.
  8. To amend – to modify a motion.
  9. For the Previous question – a motion to end debate, allow no further discussion or subsidiary motions (except a motion to lay on the table, which outranks it), and take the vote on all pending motions.
- b. Motion to fix the time of adjournment, to lay upon the table, to postpone to a definite time, and to close the debate at a specified time, shall be decided without debate, except with respect to the time fixed, which shall be subject to amendment altering the time.

## **ARTICLE IX – ORDINANCES AND RESOLUTIONS**

### Section 1 – Introduction

- a. Resolutions shall be composed by the Town Manager and should be referred to the Town Attorney for correct wording, as necessary.
- b. All Ordinances shall be introduced in written form and shall be confined to one subject, which shall be clearly stated in the title (Charter, Section 307). It shall be the duty of the Clerk of the Council immediately upon introduction of such written ordinance to provide a copy to be retained in

the Town Clerk's Office for public inspection, and a copy to be posted in a public place in the Town office building. For the convenience of the public, copies shall be placed in the Town's public library and posted on the Town's website.

- c. Before any Ordinance shall be acted upon, it shall be reviewed by the Town Attorney and corrections made as deemed appropriate by the Town Attorney to ensure accuracy, clearness, conciseness, and consistency of text and phraseology, as well as its constitutionality and legality with existing Ordinances or State Statutes, shall be submitted to the Council. Further, a copy of the Ordinance upon which final action is based shall bear the Town Attorney's endorsement that such review has been made.
- d. Any Ordinance shall be introduced and a time and place set for Public Hearing as follows:

BE IT RESOLVED an Ordinance entitled: (Name Ordinance) on file in the Town Clerk's office is introduced and (state date, time and location) is set for a Public Hearing on said Ordinance.

### Section 2 – Public Hearing

At least one Public Hearing, notice of which shall be given by the Clerk of the Council at least five (5) days in advance by publication in a newspaper having a general circulation in said Town, posting a notice in a public place, and posting on the Town website, shall be held by the Council before any Ordinance shall be passed, except any Ordinance relating to the appointment or designation of officers or to the Council or its procedures. (Charter, Section 306)

### Section 3 – Required Votes

No Ordinance or Resolution shall be adopted by less than five (5) affirmative votes. (Charter, Section 304)

### Section 4 – Public Meeting

No Ordinance or Resolution shall be adopted or appointment or removal made except at a meeting of the Council open to the Public. (Charter, Section 304)

### Section 5 – Other Regulations

In addition to the above rules on Ordinances and Resolutions, the Council is referred to Charter, Section 208, and Charter, Sections 305, 307, 308, 312, 313, and 314 of the Charter for regulations covering these subjects.

### Section 6 – Emergency Ordinance

- a. An Emergency Ordinance shall be only for the immediate preservation of the public peace, health, and safety.
- b. It shall contain an explicit statement of the nature of the emergency.
- c. An Emergency Ordinance shall not be adopted by less than six (6) affirmative votes.

Note: Further regulations of Emergency Ordinances and appropriations are covered in the Charter, Section 308.

### Section 7 – Approved Ordinances

The Clerk of the Council shall provide the Town Clerk with a copy of each approved Ordinance together with a letter certifying approval of the Ordinance as presented, no later than five (5) days following approval by the Council.

## **ARTICLE X – APPOINTMENTS OR REMOVALS FROM BOARDS, COMMISSIONS, OR COMMITTEES BY THE COUNCIL**

### Section 1 – Submission of Appointments and Removals

Any submission of an appointment or removal for consideration by the Manager or Council must be in written form and in the case of a removal, must be accompanied by a statement of cause.

### Section 2 – Consideration by Council

Whenever any appointment or removal is submitted, a vote on said appointment or removal shall be referred to the next Regular Meeting except the selection of the Mayor or Deputy Mayor. This rule may not be suspended except that it shall not apply to the appointment of Council Members to Council Committees, permanent or temporary. The submission shall include the name of the office, and the name of the nominee.

### Section 3 – Passage by Council

All appointments and removals made by the Council must be passed by not less than five (5) affirmative votes of the Council Members except as otherwise provided in the Charter.

#### Section 4- Notification to Town Clerk

Resignations of elected Town officials shall be submitted directly to the Town Clerk, with a copy to the Clerk of the Council. Further, the Clerk of the Council shall advise the Town Clerk in writing of all subsequent appointments to fill unexpired terms of elected officials, within three (3) days of action by the Town Council on such resignations and/or appointments.

### **ARTICLE XI – COMMITTEES**

#### Section 1 – Power to Appoint Committees

The Council shall have the power in accordance with Section 305 of the Charter to create or abolish by Ordinance, boards, commissions, and committees except those provided by the Charter.

#### Section 2 – Terms of Committees

All appointments to commissions, boards, and committees shall be for a term set by the Council, and any officer or committee member so appointed shall serve until their successor is appointed and qualified. (Charter, Section 502)

#### Section 3 - Minority Representation

In making appointments to committees, the Council shall not appoint more than a bare majority from any one party. (Charter, Section 502)

#### Section 4 – Filling of Vacancies

Any vacancies occurring on any committee, board or commission, shall be filled by the Council [after receiving the nomination by the respective political party] for said unexpired term with a person from the same political party as the former incumbent, except as otherwise provided in the Charter, (Charter, Section 502). No nomination can be made until the resignation is effective. The nomination to be made at the first regular meeting following the resignation effective date.

#### Section 5 – Powers

No Committee shall have the power to employ any persons for or on behalf of the Town, nor to incur any expense unless specifically authorized by the Council, and not in conflict with the Charter.

## Section 6 – Reports

Pending/Closed Lists – requests from the Council members shall be reported upon twice a month. Items will be on the pending list until the request has been completed, and then it will be put on the closed list.

Attendance Reports – All boards and commissions appointed by the Council shall submit an attendance report on a quarterly basis.

Liaison Report – All boards and commissions that have a Council Liaison will submit a monthly summary of their meetings.

All final reports of the Council acting as a body, or any other Committees, on a subject shall be submitted in written form and signed by all the Members of the Council or committee. Members of the Council, acting as a body, or a committee, failing to sign the majority report shall submit in written form a minority report or their own report on the subject before the Council or Committee, duly signed.

All boards, commissions, and committees appointed by the Council shall submit to the Council quarterly written reports, including a summary of meetings held, attendance, actions taken, and plans in progress.

## Section 7 – Standing Committees

- a. The following Standing Committees, consisting of three (3) or more Members from the Council (which include the Mayor), shall be appointed by the Mayor within two (2) weeks of the adoption of the Rules and Procedures, temporary or otherwise, by the Council and shall be subject to confirmation by the Council.

Audit Committee  
Ethics Committee  
Energy Committee  
Naming of Public Lands and Buildings Committee  
Pension Committee  
Personnel Committee  
Public Health & Safety Committee  
South Windsor Architectural and Nature Center Sub-Committee

and such other Standing Committees as the Council may from time to time approve.

### Audit Committee

The purpose of this committee is to hire (or recommend hiring of) and evaluate the performance of the Town's financial auditor. Meet quarterly to conduct a post-audit meeting with the auditor; review internal controls and programs and controls designed to prevent and detect fraud, including compliance with same with auditor, and plan future audits. Meet as necessary to review and forward to auditor suspected fraud or illegal acts affecting the government that comes to the attention of the committee. Management is responsible for forwarding these items to the committee as soon as possible.

### Ethics Committee

The purpose of this committee shall be to render a written advisory opinion, upon the written request of the Council or any of the persons included in Section 2-492 of the South Windsor Code of Ordinances, as to the application of Chapter 10, Section 1001 of the Charter and Sections 2-481 through 2-490 of the South Windsor Code of Ordinances to any specific relevant situation. This committee shall be appointed by Council and shall comply with Sections 2-491 through 2-492 of the South Windsor Code of Ordinances.

### Energy Committee

The purpose of this committee shall be to investigate appropriate, cost-effective opportunities for implementing energy efficiency measures in all aspects of South Windsor's public buildings, including operational changes and changes in maintenance or capital improvements. These recommendations shall be forwarded to the Town Council or appropriate municipal agency or official as designated by the Town Council.

Research and facilitate the use of clean, renewable energy within the Town of South Windsor.

Educate South Windsor residents about clean energy options, energy efficiency, and energy conservation.

Identify appropriate Federal and State incentives and grant programs that provide opportunities for clean, renewable energy, energy efficiency, or energy conservation.

Take advantage of unique opportunities and resources within South Windsor for providing clean, renewable energy to help fulfill local energy needs.

### Naming of Public Lands and Buildings Committee

The Committee shall be responsible for recommending to the Town Council the naming of all public parks, open spaces, and facilities in the Town of South Windsor subject to the approval of the Town Council (exclusive of Board of Education Facilities). The final decision to name, or rename, a Town owned park, open space, athletic field, or facility rests solely with the Town Council; and any action taken by the Town Council shall be binding.

### Pension Committee

The Pension Committee manages the investments and funding of the Town's retirement plan.

### Personnel Committee

The role of this committee is to lead the annual appraisal of the Town Council's employees; and to review and recommend compensation of the Town Manager and Clerk of the Council, and other duties assigned by the Council.

### Public Health and Safety Committee

The purpose of this Committee shall be to study any issues identified by the Town Council, Town Manager, or Town Attorney of both public health and safety, and bring to the attention of the Council whatever measures the Committee believes necessary to improve our standards in both of these fields; also, to maintain liaison between the Board of Education, the Planning and Zoning Commission, the Town Manager, the Water Pollution Control Authority, the Volunteer Fire Department, the Ambulance Service Provider for the Town, and the Council.

### South Windsor Agricultural, Arts and Nature Center Committee

The Committee will help create a project celebrating the farm heritage of South Windsor on the Priest Farm property, focusing on agricultural heritage and sharing the aesthetic charm of agriculture with the presence of farmland and active farming activities along with the heritage farming, agricultural, and artwork, including farm animals for beauty. The facilities are to become a source of education and the creation of a beautiful open space close to the Town Center.

- b. The Standing Committees shall consult with the Town Manager to make recommendations for the necessary revision or revisions of any existing Ordinance or Ordinances and to draw up any proposed Ordinance or

Ordinances the Committee may deem necessary for the consideration of the Council.

## **ARTICLE XII – VOTING**

### **Section 1 – Minimum Requirement**

No vote except to adjourn or to fix time and place of the next meeting shall be adopted by less than five (5) affirmative votes. (Charter, Section 304)

### **Section 2 – Roll Call Votes**

The ayes and nays of each and every vote of the Council shall be by Roll Call vote unless the vote is unanimous and recorded in the journal. (Charter, Section 304)

### **Section 3 – Recording of Votes**

All votes recorded in the Minutes of the meetings of this Council shall be construed as unanimous by the Members present unless the nays and abstentions are recorded therein, including the names of the Members voting nay, or abstaining.

## **ARTICLE XIII – TIME OF ADJOURNMENT**

Meetings of the Council shall not be later than 11:00 p.m. unless this rule is waived by a unanimous vote of the Council.

## **ARTICLE XIV – PARLIAMENTARY AND CHARTER AUTHORITY**

The last published edition of “Robert’s Rules of Order” shall be the parliamentary authority in the Council except as otherwise provided in these rules, and except that should any of these rules be inconsistent with the provisions of the Charter, then the Charter shall prevail.

## **ARTICLE XV – SUSPENSION OR AMENDMENT OF RULES**

### **Section 1 – Suspension of Rules**

Any of these rules, except Article VIII, Section 2, may be suspended by a unanimous vote of the Council, provided that such action is not inconsistent with any provisions of the Charter or State Statutes. Any item added to the Agenda under Suspension of the Rules may not have action taken until the next Regular Meeting; except in cases of emergency on two thirds (2/3) vote of the Members present.



## **ARTICLE XVI – RECORDS**

### **Section 1**

The Town Clerk shall maintain in their office an index of all Town Council meeting Minutes along with a permanently bound copy of all such Minutes. Such index shall be kept up to date by the Clerk of the Council.

### **Section 2**

All Regular and Special Town Council Meetings, and Work Sessions, shall be recorded and are available on the Town website.

## **ARTICLE XVII – LEGAL OPINIONS**

All requests for legal opinions shall be submitted in writing to the Town Manager.

## **ARTICLE XVIII – PERFORMANCE EVALUATION**

An annual Performance Evaluation of the Town Manager, and the Clerk of the Council will be held in Executive Session by the Town Council in the month of June. Reports of these meetings will be inserted in the personnel records of the employees.

## **ARTICLE XIX – TOWN ATTORNEY HIRING PROCESS**

Biennial, the Town will put out a Request for Proposals for the Town Attorney. The following process will be used to evaluate the responses and make a determination as to the lowest most qualified response.

RFP: Biennial, consistent with the re-election of the Council, the Town Manager will prepare and release an RFP for Town Attorney Services. The Town Manager will be responsible for ensuring the RFP is posted on the Town website, noticed in a local newspaper and sent directly to known or interested firms.

Committee: A Committee will be formed to review responses from the RFP, interview top applicants, rank the respondents, and make a recommendation to the Council. The Committee shall consist of a Council member from the majority party, a Council member from the minority party, the Town Manager, and two staff that have significant interaction with the Town Attorney whom the Town Manger shall designate.

Review: After the receipt of applications, they will be arranged in order by cost of services. The Committee will interview the lowest cost applicants, not to exceed five applicants.

Interview: The Committee will interview the applicants to determine the following: best fit, plan for representation of the Town, process for effective communication, the team or individuals being presented, costs, methods of controlling costs. All of these shall be scored by each individual member of the Committee and scores shall be averaged.

Recommendation: Based on the average scores, the Committee shall recommend the highest scoring firm or individual to the Council for appointment as Town Attorney. All five scores shall be shared with the Council.