

AMHERST TOWN BOARD
RULES OF ORDER FOR
TOWN BOARD MEETINGS

(Original adopted July 5, 1988, amendments as noted)

RULE 1: REGULAR MEETING

Regular meetings of the Town Board shall be held on the first and third Monday evenings of each month at 7:00 p.m., except when such meeting is an official Town Holiday in which case the meeting shall be held on the following evening and except on the third Monday evening of the month, if any, in which case a meeting shall not be held. The schedule of regular meetings shall be determined and established no later than January 10, of each year.

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

RULE 2: SPECIAL MEETINGS

Special meetings 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 a majority of the members of the Town Board. Only business specified in the 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.)

RULE 3: WORK SESSIONS

The Town Board shall hold informal work sessions at 3:00 p.m. prior to each regular meeting. These rules shall not apply to any such work session, other than the application of Rule 4. Work sessions shall also be held on all Mondays other than regular meeting days. The Supervisor with the verbal consent of the majority of the Town Board may cancel such work sessions.

Any Department Head proposing an item for the work session will give the item to their liaisons to make sure it gets to the Councilmember's secretaries. Time for the meeting will be 3:00 to 5:00 PM in the conference room.

RULE 4: CONDUCT OF MEETINGS

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 tape-recorded or stenographically transcribed. All regular and special meetings of the Town Board shall be held in the Chambers of the Town Board at the Amherst Town Hall, unless otherwise scheduled by the Town Board.

RULE 5: 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.

RULE 6: SUPERVISOR TO SECURE A QUORUM

In the absence of a quorum during the meeting of the Town Board, the Supervisor may take such measures as provided by law and he may deem necessary to secure the presence of a quorum.

RULE 7: ROLL CALL: MINUTES: ABSENCES

At any and every meeting of the Town Board, upon members being called to order by the Supervisor, the roll of the members shall be called by the Town Clerk, and the names of those absent shall be inserted in the Minutes. Any corrections, alterations or additions to the Minutes of the preceding meeting shall then be read. 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.

RULE 8: ORDER OF BUSINESS

A: The order of business of each meeting shall be:

1. Invocation;
2. Pledge of Allegiance
3. Calling the roll of members by the Town Clerk
4. Reading any corrections, alterations or additions to the Minutes of the proceedings of the preceding meeting
5. Presentation of Congratulatory and Memorial resolutions; proclamations and felicitations;
6. Public Hearings;
7. Suspension of Rules;

8. Consent Agenda (added 2/27/2006);
 9. Appointment(s) to boards and committees;
 10. Committee reports;
 11. Reports from Department Heads;
 12. Unfinished Business;
 13. Communications;
 14. Public Improvement Permits;
 15. Announcements from the Chair;
 16. Announcements of Committee Meetings;
 17. Second suspension of the rules;
 18. Memorials
 19. Adjournment;
- B. The Town Board in its discretion may change the Order of Business at any meeting.
- C. Public Hearings will be scheduled on the second or fourth Mondays in the afternoon or evening so that interested parties can participate more conveniently and plan their schedules accordingly (added 6/16/1997)
- D. Unfinished business – to require a Town Board member who desires to move an agenda item from Unfinished Business to 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 and a Town Board member who desires to move an amended version of an agenda item from Unfinished Business shall submit notice of the amendment pursuant to this same deadline. (added 4-3-06)
- E. 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 meeting for reproduction and distribution. (added 6/17/1997)

- F. Board members shall limit discussion on an item-by-item basis and may adopt rules at the beginning of each Board meeting to limit presentation times. (added 6/17/1997)
- G. Commentary, debates and arguments initiated by Town Board members during public hearings are prohibited. (added 6/17/1997)
- H. Participation of Town Board members during public hearings and suspension of rules is limited to questions on the subject matter. (added 6/17/1997)
- I. All speakers at all public hearings shall limit their oral comments to no more than three (3) minutes. An organized presentation by multiple speakers for one position shall not exceed 15 minutes. The opposition may present an expert or experts for a total of 15 minutes. Following this, Amherst residents may speak for three minutes each.
- J. The Supervisor and Councilmember(s) may speak for no more than two (2) minutes on each agenda item, with the exception that the movant of a resolution may speak for up to three (3) minutes and the Town Clerk shall enforce these time limits. Any Board member desiring to speak concerning any agenda item must seek official recognition by the Supervisor, in order to enable the Town Clerk to permit that Town Board member's time limit to run. The Supervisor shall rule out of order any Town Board member who speaks without first receiving official recognition. The Town Board, by majority vote, may suspend these time limits with respect to an agenda item of especially significant public import. (added 4-3-06)
- K. At a regular business meeting, The Town Board shall not discuss any agenda item that does not receive a second.

RULE 9: AGENDA

A. 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; or by an 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 (in order to not further burden the Town Clerk or her staff in doing this) no later than 12:00 noon on the Wednesday prior to the commencement of each such regular meeting of the Town Board, at which meeting the item being submitted is to be acted upon. (added 1/5/2004)

No local law, ordinance, petition, resolution, communication or item can be acted upon unless it physically appears on the agenda, and this includes committee reports, unless there is unanimous consent on the part of the Town Board. Personnel actions shall be listed on the Town Board agenda, omitting any reference to any individual, but simply listing the Civil Service position and title and the wage or salary for that particular position. However, nothing in this rule will prevent a member of the Town Board from making announcement or reports during committee reports.) (added 8/16/1999)
(Supereceded by addition 1/5/2004 above)

The Town Clerk shall prepare and post the agenda, no later than 5:00 PM on the second business day prior to a regular board meeting. Posting shall be deemed sufficient if made on the Website for the Town of Amherst. (added 8-7-06). The agenda, as well as any proposed resolutions, shall be posted on the Website for the Town of Amherst no later than 3:00 PM on the Thursday prior to the regular business meeting. (added 8-21-06)

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

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. (added 8/15/2005)

D. A “consent agenda” is hereby created to allow the normally non-controversial business items currently following the Councilmembers’ reports, contained in Department Head reports , communications, public improvement permits etc., to be contained in one section of the agenda, and the same can be adopted by a single vote of the Town Board, unless the Supervisor or a

Councilmember 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. (added 2/27/ 2006)

E. All requests for budgetary transfers and requests from Department Heads should first be reviewed by the Finance Department (now the Town Comptroller's Office), approved by Finance (Comptroller's Office), and the request should be put on the agenda by the Finance director (Town Comptroller).

F. All contracts, agreements, and proposal letters will be required to have the names and titles of the Department Head, Comptroller, and Town Attorney on the page that contains approvals of the Supervisor and the contractor. The Department Head will sign their approval as to content and the Town Comptroller their approval as to budget compliance prior to being submitted to the Town Attorney for approval as to form. After his/her approval, the Town Attorney will then notify the individual whose intention it is to place the matter on the agenda either in writing or via e-mail advising that the item can be placed on the Town Board agenda prior to the agenda. 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 supercede the resolution dated May 6, 2002 and approved by the majority of the Town Board on said date. (added 12/6/2004)

G. Any item under Unfinished Business for 3 consecutive meetings with no action taken shall be removed from the agenda and may only be re-introduced when the sponsor is prepared to take action.

H. Any local law, resolution or other item pending on the agenda of the Town Board that was first introduced, submitted and filed prior to January of any calendar year is automatically removed there from as of and effective on December 31 of that same calendar year. (added 2/22/1999)

I. All resolutions and local laws shall have a second prior to being placed on the agenda.

RULE 10: DECORUM

A. The Supervisor shall convene the Town Board promptly at the hour specified and shall preserve order and decorum. The Supervisor shall recognize council members for the purpose of debate on any

question under consideration except the consent agenda, in the order he/she sees their hand raised. Each councilmember may speak for two (2) minutes on any question and may be recognized by the supervisor twice. All discussion shall be confined to the question under discussion without personal reflections. The Supervisor shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Town Board and sustained. The Supervisor shall declare out of order any personal comments and after one warning may end a Councilmember's speaking on that issue. The Supervisor shall not otherwise interrupt council speakers nor interject his/her comments during the time allocated to a councilmember. Nothing in this shall prevent the Supervisor from speaking on any issue for two (2) minutes, twice.

- B. Town Board members, who expand their comments in public hearings and the Suspension of Rules portion of the agenda beyond the simple statement of questions, shall be ruled out of order by the Supervisor. (added 6/17/1997)
- C. The Supervisor may appoint a Parliamentarian to assist him/her with the conducting of the meeting.

RULE 11: APPEAL FROM THE SUPERVISOR'S RULING

A. 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 debatable, no member shall speak more than once. The Supervisor shall put the question: "Shall the ruling of the Supervisor be overturned?"

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

RULE 12: 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 that office.

RULE 13: 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 by statute that a two thirds vote or a unanimous vote is required.

RULE 14: 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 shall have respectively voted. Each member, as his or her name is called, shall respond in the affirmative or the negative as the case may be. To verify the vote and correct possible errors, the Town Clerk may repeat the call of the roll. The only exception to this procedure is if a member abstains from voting in accordance with Rule 18 herein. Any councilmember may request a roll call vote.

RULE 15: ABSTENTIONS

Every member who shall be physically present in the Town Board 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 shall direct the Town Clerk to record such member's vote in the affirmative on the question being voted upon.

RULE 16: SPEAK WHEN RECOGNIZED BY SUPERVISOR

No member wishing to speak shall proceed until he or she has addressed the Supervisor and shall have been recognized by him or her. Such recognition by the Supervisor shall not be unreasonably withheld.

RULE 17: SUSPENSION OF THE RULES

A. These rules may at any time during a meeting be suspended by 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.

B. These rules shall be suspended at least once at each regular or special meeting in order to afford members of the public

C. Speakers during the Suspension of Rules portion of 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 an opportunity to do so before a very late hour. Those members

of the public wishing to speak shall sign in at the Supervisor's position and write their name, address and the nature of their comment prior to the beginning of the meeting. The Supervisor shall recognize those speakers for comment on the meeting's agenda. All comments shall be confined to issues before the Town Board that evening. Personal reflections shall not be allowed and be immediately declared out of order and the speaker's opportunity maybe terminated. Town Board members shall not respond to individual speakers but may respond for one minute (1) before suspension is concluded.

D. The Town Board directs the Town Clerk to resume collecting the names and addresses of every person who speaks during Suspension of Rules or during public hearings and publishes the name in the Town Board meeting minutes. In addition each speaker needs to disclose whether he/she is a current or past Town of Amherst employee, a Town of Amherst Committee member and if engaged in a contractual relationship with the Town (and if so, for what department, or what committee) (added 8-7-06)

E. There shall be a second suspension near the end of the meeting for any Amherst resident who wants to speak. Town Board members and Department Head's shall not respond during the meeting but should respond in writing at a later time. Members of the community may also communicate with the Town Board in writing.

RULE 18: WITHDRAWAL OF RESOLUTION OR MOTION

Any resolution or motion offered by a member 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, providing the member seconding such resolution or motion shall also withdraw his or her second to the same.

RULE 19: MOTIONS NOT AMENDABLE OR DEBATEABLE

A. All motions for an adjournment, for a recess, to call the previous question, or to lay on the table shall be neither amended not debated.

B. 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.

C. 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, before a roll call begins, all members shall have a right to avail themselves of the provisions of Rule 20.

RULE 20: PREVIOUS QUESTION AND AMENDMENTS

The call for the previous question” shall be as follows:

“I move to call the previous question” and until it is decided, shall preclude all amendments and debate. 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 the main question without further debate.

RULE 21: MOTION TO RESCIND

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

RULE 22: MOTIONS FOR RECONSIDERATION AND CHANGING ONE’S VOTE

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 the meeting day next succeeding that on which the action proposed to be reconsidered or upon which a change of vote is requested took place and at which a quorum is present.

A motion to reconsider must be made by a 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 after that a change of vote can only be made by permission of the Town Board which can be given by general consent, or by adoption of a motion to grant permission.

When a motion to reconsider or a motion to change one’s vote has been defeated, it shall not again be submitted to the Town Board without unanimous consent for a period of at least thirty (30) days. (added 2/22/99)

RULE 23: 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) and the Rules of the New York State Assembly shall be followed.

RULE 24: AMENDMENTS

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

These rules are effective immediately.

(Last revised: March 15, 2006)