

RULES OF PROCEDURE TO GOVERN 2024-2026 TOWN COUNCIL

WESTERLY, RHODE ISLAND

Rule 1 Incorporation of Charter Provisions

All requirements of the Charter with respect to the proceedings of the Council are to be strictly followed and no rules shall ever be adopted by the Council that shall be in conflict with any Charter requirement respecting such proceedings.

Rule 2 Duties and Responsibilities of the President and Temporary Vacancy of Position

(a) The Chairperson having the title of President shall preside at all meetings of the Council and, at the stated hour upon the appearance of a quorum, shall call the Councilors to order.

(b) In the absence of a quorum, the President shall declare the meetings adjourned to a future date.

In the absence of the President, the Vice President, who shall be Chairperson, shall call the Councilors to order. In the event that both the President and Vice President are absent the Council by majority vote shall elect a President pro tem for that meeting only.

In the absence of the President and all other Councilors, the Town Clerk shall declare the meeting adjourned to a future date and make such record in the Journal of the Council.

(c) It shall be the duty of the President to preserve order and require procedure in accordance with the rules, to recognize and grant the floor to Councilors wishing to speak, and to declare all votes.

When a voice vote is not unanimous, the vote of each member shall be recorded. If any doubt exists, the Town Clerk shall so state, and a roll call vote shall be held.

In the event a Council member recuses himself/herself on a particular matter, that Councilor need not leave the room, or his/her seat provided the Council is conducting an open meeting but must state the reason for recusing. However, if the Council is in Executive Session, then a Council member upon recusing for a particular matter must leave the room while that matter is under consideration.

Pursuant to the Rhode Island General Laws §36-14-6, a Town Councilor "with a potential conflict of interest must recuse from participation and file a recusal form as soon as he or she has a reason to believe that he or she has a conflict of interest." As soon as a Councilor believes he/she may have a conflict sufficient for recusal, he/she should seek guidance from the Town Solicitor. Recusal forms will be provided by the Town Clerk and filed with her upon completion.

- (d) The President may speak on and shall decide questions of order, subject to appeal to the Council by motion regularly seconded.

Such appeals to the Council upon questions of order shall have precedence and be debatable and no other business shall be in order until the question appealed shall have been decided.

- (e) The current edition of "Robert's Rules of Order Newly Revised" shall govern questions of order and procedure in cases not provided for in these rules.
- (f) The President shall have the right to appoint himself/herself a member of any Committee and shall be an ex-officio member of all committees.

Rule 3 Order of Business and Agenda

- (a) The regular order of business shall be as follows, unless altered by vote of the Council:
- (1) Roll Call, Invocation, Salute to the Flag
 - (2) Recognitions, Awards and Memorials
 - (3) Presentations
 - (4) Citizens' Comments/Councilors' Response
Refer to Rule 11 Citizens' Comments.
 - (5) Consent Calendar –
(Items in this category are considered to be routine and will be enacted by one motion. There is no separate discussion of these items unless a Councilor so requests, in which event the item will be moved to "New Business for discussion and consideration.)
 - a. Approval of Minutes
 - b. Fiscal Matters
 - c. Resignations and Appointments
 - (6) Public Hearings (See Rules 13-16)
 - (7) Unfinished Business
 - (8) New Business
 - (9) Communications & Reports
 - a. Liaison Reports
 - b. Town Council
 - c. Town Manager
 - d. Town Solicitor
 - e. Town Clerk
 - f. Agenda Referrals (*Items to be assigned to future agendas*)
 - g. Requests of Town Manager by Councilors
 - h. Requests of Town Solicitor by Councilors
 - (10) Citizens' Comments/Councilors' Response
Refer to Rule 11 Citizens' Comments.
 - (11) Adjournment
- (b) The President and Town Manager shall ensure that all Town business requiring Council action is placed on a Council agenda. This does not preclude any individual Councilor requesting that an item be placed on an agenda for informational purposes only by a majority vote of the Council.

- (c) **Agenda Deadline:** It is strongly encouraged that the Town Clerk be notified of a requested agenda item prior to the agenda being set, which during this Council term will be Tuesdays at 10:00 a.m. All supporting material must be included with the agenda at the time of posting and distribution to the Council; otherwise, the agenda item will be removed from the agenda. In case of emergency, the Town Manager may ask the Council President for re-consideration on a case-by-case basis, but this is to be the exception and not common practice.
- (d) Any matter which a citizen wants addressed must be submitted to the Town Clerk, in writing. This does not guarantee that the requested matter will be placed on an agenda. The preferred procedure is that a letter be submitted to the Council, via the Town Clerk, to be placed under Communications. Written communication is not considered an agenda item.

Rule 4 Rules of Order: Motions

- (a) Motions shall be reduced to writing when not understood by the members of the Council, Town Solicitor, or the Town Clerk.
- (b) Any motion or question under debate which consists of two or more independent propositions shall be divided if so directed by the President or if requested by any Councilor.

Rule 5 Rules of Order: Precedence

- (a) The order of precedence shall be as follows:
1. Fix the time to which to adjourn
 2. Adjourn
 3. Recess
 4. Raise a question of privilege
 5. Call for the orders of the day
 6. Lay on the table
 7. Previous question
 8. Limit or extend limits of debate
 9. Postpone to a certain time (definitely)
 10. Commit (Refer to a committee)
 11. Amend
 12. Postpone indefinitely
 13. Main motion

Rule 6 Rules of Order: Conduct of Debate

- (a) Councilors shall confine their remarks in debate to the pending question.
- (b) **Refraining From Attacking A Councilor's Motives.** A Councilor can condemn the nature or likely consequences of the proposed measure in strong terms, but a Councilor must avoid personalities, and under no circumstances can a Councilor attack or question the motives of another Councilor. The measure, not the Councilor, is the subject of debate.

- (c) Refraining from Speaking Adversely on a Prior Action Not Pending. In debate, a Councilor cannot reflect adversely on any prior act of the Council that is not then pending, unless a motion to reconsider, rescind or amend it is pending, or unless the Councilor intends to conclude the Councilor's remarks by making or giving notice of one of these motions.
- (d) Councilors shall not speak more than once upon any question until other members who wish to speak shall have relinquished the floor. Councilors will be allowed to speak more than twice at the discretion of the Council President. However, Councilors will be permitted to speak an equal number of times. The Council President shall have the same right to speak and vote as other Councilors and will speak last.
- (e) Councilors shall address the Chair and be recognized before obtaining the floor to speak or to address any other Councilor, non-Councilor or citizen.
- (f) No Councilor shall address the Chair or demand the floor while any vote is being taken except for a point of order.
- (g) The Council may, by majority vote of those present, limit remarks of all Councilors to a reasonable length of time in debating a particular subject.
- (h) Procedures for Executive Sessions shall follow the Rhode Island Open Meetings Law, Chapter 42-46, Open Meetings, and more specifically § 42-46-4 and § 42-46-5.

Rule 7 Liaisons

- (a) The Council President shall appoint liaisons to the following municipal committees, commissions, and boards, as well as to the listed organizations outside of the municipal control. Liaisons will attend meetings whenever possible and update the Council during the Liaison Reports agenda item. For the 2024-2026 Town Council there will be the following liaison appointments:

Appointments Subcommittee (Municipal)
 Ocean Community Chamber of Commerce
 Concerts on the Beach Committee (Municipal)
 Conservation Commission (Municipal)
 Economic Development Commission (Municipal)
 Harbor Management Commission
 Multicultural Committee
 Municipal Land Trust
 Olean Center
 Public Works Committee (Municipal)
 Recreation Board (Municipal)
 School Building Committee (Municipal)
 Senior Citizens Center
 Stand Up For Animals
 Veterans 'Rolls of Honor' Committee & Veterans Organizations (Municipal)
 Washington County Regional Planning Council
 Westerly Armory
 Westerly Housing Authority

Westerly Public Library & Wilcox Park Association (Voting)
Westerly Prevention & Wellness Partnership (Municipal)

- (b) Liaisons to outside organizations shall only be voting members if the organization requires or suggests that status.

Rule 8 Appointments

- (a) NOTICE – Vacancies are listed on Council agendas and posted on the Town website.
- (b) APPLICATIONS – Persons interested in serving on a Board, Commission or Committee shall complete a standard application. Applications will be posted on the Town’s website pending appointment. Persons interested in being re-appointed to a Board, Commission or Committee must also submit an application to the Council. Council should give first consideration to alternate members for elevation to full membership on Boards, Commissions and Committees when a vacancy occurs if an alternate member submits a letter to the Council of his interest in being elevated to said vacant position.
- (c) APPOINTMENTS TO ZONING BOARD, PLANNING BOARD, LICENSING BOARD AND ECONOMIC DEVELOPMENT COMMISSION – Members serving on the Zoning Board, Planning Board, Licensing Board or Economic Development Commission will only be allowed to serve on one of those boards in order to avoid possible conflicts of interest and will not be considered for appointment to one of the other aforesaid committees until their term has expired.
- (d) APPLICATION REVIEW PROCESS – Council liaisons will review applications and may conduct an interview with each applicant before bringing forth a recommendation to the full Council. If the Council liaisons cannot bring forth a recommendation, then the Council may conduct an interview with each applicant.
- (e) PRESENTATION – Only individuals who have filed an application with the Town Clerk may be nominated.
- (f) ORIENTATION – Newly appointed board members shall schedule an orientation with the appropriate Town department head.
- (g) RESIDENCY REQUIREMENT – Persons serving on all Boards, Commission and Committees must be residents and qualified to vote in the Town of Westerly, unless otherwise specified by ordinance.
- (h) REMOVAL – Members of the Board of Finance and Licensing Board shall be subject to removal by the Town Council for cause, which shall include, but not be limited to, the requirement that members shall not be absent without justifiable reason from any two meetings within a twelve-month period. Members of the Zoning Board of Review shall be subject to removal pursuant to §260-24(A)(3) of the Zoning Ordinance. Members of the Planning Board shall be subject to removal pursuant to §5-19(C) of the Code of Ordinances.

- (i) INTERVIEWS – Interviews shall be conducted by the Council for the positions of Town Solicitor and Assistant Solicitors, Municipal Court Judge, Probate Judge and Town Sergeant.
- (j) AD HOC COMMITTEES – The Town Council may appoint members to ad hoc Committees to investigate narrow issues that are outside the purview of standing committees.

Ad hoc committees will expire one year from when they are established. The committee chair must present its findings to the Council during the final month the committee is formed. In addition to the final report, ad hoc committees will give reports at the pleasure of the council.

Each ad hoc committee meeting must have a chair and a secretary. The Town Council Liaison cannot chair, vote, or direct meetings. The liaison may file minutes in the absence of the secretary.

Ad hoc committees are advisory only, with no enumerated powers. Ad hoc committees will not duplicate the duties of town employees or direct the actions of town employees.

An ad hoc committee member may be removed for cause.

Town employees can be ex-officio members of ad hoc committees but cannot be voting members.

Rule 9 Council Operations

The Town Council adds the following requirements for agenda items for town council meetings as follows, per requirements of the Open Meetings Law:

- (a) The Town Council meetings schedule is adopted annually by the Town Council in accordance with the Open Meetings Act. Council meetings shall be held at 6:00 p.m. on the first and third Mondays of each month; however, if a holiday falls on the first or third Monday, then the meetings will be held on the second and fourth Mondays of each of those months. Special Meetings will be scheduled at a date and time as needed. When an Executive Session is deemed necessary, it will usually be held immediately following the Open Session. There shall be a 9:30 p.m. curfew.
- (b) Special Meetings of the Town Council may be called by the President. Special Meetings of the Town Council shall be called by the Town Clerk at the written request of four (4) Council Members.
- (c) Emergency meetings may be called by the President when said meetings are deemed necessary when the public welfare so requires.
- (d) The President and Town Manager shall set the bi-weekly meeting agenda. Any emergency items that are placed on the agenda must receive a majority vote of the Council before being heard. Said majority shall report to the Council, in writing, relative to all such matters. Any matter of new business, which has been considered favorably by the Council, will be moved to the following meeting for consideration.

- (e) Any matter which is tabled by the Council at a Town Council meeting, and which is not assigned to a specific subsequent meeting will not appear on a subsequent agenda unless first assigned by a majority vote of the Council.
- (f) The Council will maintain a list of agenda referral items made by Councilors, including the topics and the date the referral was made. The agenda referral list will be maintained by the Council President, or a representative nominated by the President. Councilors will make agenda referrals during the agenda referral agenda item. A referral topic will be added to the agenda referral list at the request of two Council members.

Rule 10 Clerk of the Council

- (a) The Clerk of the Council shall be the custodian of all the papers, correspondence and records of the Council and shall keep the Journal of its proceedings, which shall record votes passed by the Council and reasons for said vote if any. All other details of said proceedings shall be available on the video record of the meeting, which shall be noted by the Clerk on all minutes. The Clerk shall record the proceedings of Executive Sessions and shall keep an audio record of said proceedings.
- (b) In the event the Clerk or Deputy Clerk is not present at the time the President calls a meeting to order, the President shall appoint a Clerk Pro Tem to keep the minutes of the meeting and to file same in the office of the Town Clerk.

Rule 11 Citizens Comments

- (a) During any regularly scheduled Council meeting, there shall be two opportunities for Citizens' Comments. The first Citizens' Comments shall be restricted to agenda items only and shall be limited to five (5) minutes per speaker. To the extent that comments are related to a matter scheduled for public hearing, those comments shall be deferred to the public hearing portion of the agenda so that comments may be heard by all parties attending the public hearing and become part of the public record. The second Citizens' Comments shall also be limited to five (5) minutes per speaker but shall be open to agenda items and any Town Government matter over which the Council has supervision, control, jurisdiction, or advisory power. Other matters may be heard by a majority vote of the Council. (See also Rule 3(d))
- (b) Time Parameters: Each citizen will have one opportunity to speak.
- (c) Written Comments: Citizens are encouraged to submit written comments in advance of the Council meeting so that they can be accessed by the public in advance of a meeting. Written comments will not be read aloud at a meeting but can be referred to by any Councilor. All written comments should be submitted as far in advance of a meeting as possible, with a deadline for inclusion under Communications being 10:00 a.m. the Thursday before the next Monday's meeting; however, written public comment can be submitted prior to the meeting and all

comments must be received no later than 10:00 a.m. on the day of the meeting in order to be entered into the record of the meeting.

- (d) Councilors may have up to five (5) minutes to respond to Citizens' Comments, should not engage in discussions between Councilors, shall maintain decorum, and shall refrain from personal attacks and disparaging remarks. A level of decorum is the expected standard.
- (e) If the commenter commits any of the following violations, the meeting chairperson will notify the public commenter of a violation and give a warning that states what in the commenter's speech was prohibited. A second warning will result in the commenter being asked to leave the podium. If a warning has been given to the commenter in a previous meeting, the chairperson has the discretion to end their comment after the first warning. The chairperson has the discretion on whether to stop the commenter's timer during the discussion.
- (f) Violations:
 - (1) Speech and Conduct Violations
 - (a) Profanity
 - (b) Lewdness – Vulgar, indecent, or sexually suggestive
 - (c) Targeted threat
 - (d) Disruptive speech or conduct
 - (2) Topic Violations:
 - (a) Issues outside the agenda items of the Westerly Town Council for first Citizens' Comments
 - (b) Issues that are not a Town Government matter over which the Council has supervision, control, jurisdiction, or advisory power.

Rule 12 Changes to the Rules of Council

- (a) The rules of the Council, excepting Rule 1, may be altered, or extended or repealed by a majority vote of all of the Councilors at any meeting of the Council, provided descriptive notice of the proposed changes shall have been given in writing at a preceding Town Council meeting.
- (b) Any single rule may be suspended for the proceedings of any meeting of the Council upon majority vote of the Councilors present, which vote shall specifically refer to the rule which is to be suspended and state for what purpose the rule is to be suspended.

Rule 13 Public Hearings/General

- (a) The Council will conduct public hearings to consider the following matters:
 - 1) Zone Change Applications
 - 2) Proposed Ordinances
 - 3) General Informational Hearings
 - 4) Others
- (b) Members of the public who wish to address the Council at a public hearing, may notify the Council by signing a sheet which will be available

at the Town Clerk's Office until 4:00 p.m. on the day of the hearing and outside of the Council Chambers just prior to the Council meeting.

- (c) The application of these rules to public hearings shall supersede any other rule or rules pertaining to public participation.
- (d) Public hearings are held for the primary purpose of allowing the public an opportunity to hear relevant information, as it is presented to the Council, in an open forum. Such information is presented in order to facilitate the decision-making process.

Members of the public will be given the opportunity to address the Council as to their support for or opposition to the proposition before the Council. In the interest of completing all agenda items within the time permitted by curfew, hearing participants shall be required to prepare their remarks in such a way as to conform to the time allowances prescribed by these rules.

Rule 14 Zone Change Applications

- (a) Opening Statement: The applicant or his/her representative will be allowed ten (10) minutes to present an opening statement.
- (b) The applicant may then present witnesses. Following direct examination of each witness presented by the applicant, the witness may be cross-examined by members of the Council, the Manager, and the Solicitor.
- (c) At the conclusion of the applicant's presentation, members of the public shall be permitted ten (10) minutes to speak in support of or in opposition to the application.
- (d) Pursuant to the public comment period, the Solicitor shall make recommendations to the chair as to whether the speaker's comments are relevant. Comments which, in the opinion of the Solicitor, are not relevant to the matter at hand, shall not be permitted.
- (e) Council members may question the applicant or the speakers at any time during the proceedings.
- (f) Closing arguments by the applicant shall be limited to ten (10) minutes, at which time the applicant may rebut and/or respond to comments and/or questions made by members of the public.
- (g) At the request of the applicant or his/her representative, the Solicitor shall advise the Council of the weight to be given to evidence presented by members of the public.
- (h) Decisions will be made within 45 days after the date of completion of the public hearing.
- (i) Any request for a withdrawal of or a continuance of a public hearing on an application must be received in writing by the Town Clerk's Office no later than 12:00 noon on the Friday prior to the public hearing. Failure to

comply with the aforesaid provision shall deem the application to be withdrawn.

Rule 15 Proposed Ordinances

- (a) The Manager, Solicitor, Town Clerk, and/or proposing Councilor shall briefly summarize the proposed ordinance and its effects.
- (b) Members of the public who have notified the Council of their intention to speak may speak either in support of or in opposition to the ordinance but said comments shall be limited to ten (10) minutes.
- (c) The Council will then deliberate over the proposal, pursuant to Rule 6.

Rule 16 General Informational Hearings

- (a) At the determination of the Council, general informational hearings will be held from time to time to present proposed municipal initiatives and/or to clarify municipal undertakings.
- (b) The Manager and/or his/her delegate(s) will be permitted a reasonable length of time to present supporting information to the public.
- (c) At the conclusion of the proponent's presentation, members of the public may address the Council for ten (10) minutes and may speak in support of or in opposition to the proposal.

Rule 17 Presentations

The regular order of business provides for oral presentations by individuals and organizations. All presentations should be limited to fifteen (15) minutes. If additional time is needed, the Council shall take a poll vote to allow the speaker an additional five (5) minutes to complete the presentation.

Rule 18 Use of E-mail Communications

Any electronic communication through the official Town e-mail address shall be strictly used for official business purposes. All personal or other private sector communications shall be kept separate from the official Town e-mail. A Councilor must avoid personalities, and under no circumstances can a Councilor attack or question the motives of another Councilor or member of the public via any electronic communication through the official Town e-mail address.

These rules of procedure were adopted at a meeting of the Town Council held on: December 16, 2024.