



TOWN OF CASCO

SELECTBOARD RULES OF ORDER AND PROCEDURES

Section 1. Purpose: The intention of this policy is to establish reasonable rules of procedure for Board meetings and to promote the fair, orderly, and efficient conduct of the Board's behavior, proceedings, and affairs. These rules shall govern the Board's practices and procedures except as otherwise provided by law.

Section 2. Officers; Duties

Officers of the Board shall consist of a Chair and Vice-Chair to be chosen annually at the first Board meeting after the annual town meeting by and from Board members, unless otherwise agreed upon by the Board. The Board shall automatically appoint the Vice-Chair to Chair after the annual Town Meeting. The outgoing Chair is prohibited for holding an Officers position for at least one year, unless otherwise approved by the Selectboard. One of the three remaining Selectboard members shall be chosen as Vice-Chair. In the event selection of a new Chair and Vice-Chair is delayed, the current officers' terms will hold over. All members of the Selectboard are required to vote.

The Chair of the Selectboard shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine course of proceedings. In the absence of the Chair, the Vice-Chair shall preside and have the same authority. In the absence of both the Chair and Vice-Chair the members present may appoint an interim chair for the meeting.

In accordance with 30-A M.R.S.A. § 2635, "the board of selectmen shall deal with the administrative services solely through the town manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the board of selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town."

The majority of the Board shall have final say over matters before the Selectboard. With the exception of duties and powers listed in this policy, no single Selectboard member shall have more authority than another.

Section 3. Meetings: The following are Selectboard rules and procedures for conducting the Selectboard meetings. These rules may be modified as the Selectboard deems appropriate, by vote, in order to conduct the business of the Town.

- A. The Selectboard meetings require a quorum of three members to conduct the business of the Town. If three members are not present, those members present may vote to adjourn

the meeting to another time. Notice of the rescheduled meeting shall be given to all members of the Selectboard and the public.

B. Placing Items on the Agenda:

Selectboard: A Selectboard member may request an item to be considered on a future agenda. Such request shall be submitted to the Town Manager by ~~noon~~ ~~Wednesday~~ ~~Tuesday~~ preceding the next regularly scheduled meeting. Informational material to be included within the Selectboard's packet shall be delivered to the Town Office by noon on the Wednesday before the meeting, so that it can be copied and distributed to the Board.

Members of the Public: A member of public may request an item to be placed on a future agenda through communications with a Board member asking them to sponsor the item for the agenda. The same deadlines as for Selectmen apply.

Emergency Items and Items not on the Agenda: Emergency items and items not the agenda may be added to an agenda. Items not on the agenda may be added to the agenda only if (1) the need to consider the item arose after the posting of the agenda and; (2) there is a need to take immediate action at this meeting of the Selectboard.

The Selectboard Chair and Vice Chair will meet with the Town Manager on the Thursday before the scheduled meeting to review the agenda. The agenda and back up material will be a posted by the Friday before the scheduled meeting.

- C. The Selectboard's regular monthly meetings will be twice a month at ~~6:30-6:00~~ pm typically on the first and third Tuesdays of the month, but may occur on second, fourth or fifth Tuesday. If the regularly scheduled meeting falls on a recognized holiday or there other scheduling conflicts, the Selectboard may schedule an alternate date. During the year, the Selectboard may meet less or more than twice a month. Meeting schedules will be posted on the Town website and at the Town office as far in advance as practical. Changes in meeting schedules will be posted on the Town website. If unscheduled special or emergency meetings are required notifications will comply with State Statute requirements for notice to the public and media.
- D. Action by the Board requires a motion, a second and a vote. In order for a vote to pass at least three board members must vote in the affirmative. In case of tied vote, a motion will be treated as automatically postponed and placed on the next Board agenda for consideration. The meeting clerk shall record who made the motion, who seconded the motion and the final vote tally.
- E. Members of the public will be welcome to offer comments during Public Participation listed on the agenda not to exceed two minutes in duration, per person. Additional information may be provided to the Board in writing, either at or in advance of the meeting. The topics may be the choice of the speaker. If topics warrant an extended discussion or require some action by the Selectboard, the Board may request that topic to

be placed on a future agenda. The total amount of time set aside for this part of the meeting shall not exceed 15 minutes without a Board vote.

- F. Members of the public are welcome to submit a request to either a Selectboard member or Town Manager to be placed on a future agenda outside of Public Participation for consideration of inclusion.
- G. Members of the public shall address the Board from a designated podium. Members of the public shall refrain from speaking until recognized by the chair.
- H. Rules for approaching the podium may be waived at the discretion of the Board Chair.
- I. Rules for the public participation portion of Board meetings do not apply to public hearings. The Board may vote to waive the rules and invite public discussion when, in the opinion of the Board, the additional public discussion would be beneficial to the Board's decision-making process.
- J. **Executive Sessions:** The Selectboard has a right to meet in a private and confidential manner called Executive Sessions, as allowed or required by State and Federal law. The Selectboard shall not take any action, including votes, during Executive Sessions.

Section 4. Conflict Of Interest

The Selectboard shall rely on and abide by 30-A M.R.S.A. § 2605 Conflicts of Interest ([addendum A](#)). This includes avoiding the appearance of any potential conflict of interest by disclosure or by abstention.

Section 5. Code Of Ethics

The Selectboard shall subscribe to the Code of Ethics for Appointed and Elected Municipal Officials, addendum ~~A~~-B, and shall avoid behavior that that may be in conflict with the Code.

Section 6. Compensation

The Selectboard shall be compensated via stipend based on Budgetary approval at the Town's Annual Town Meeting. Nothing in this process prevents an Selectboard member from waiving payment for their services.

This policy supersedes any prior policy related to this subject.

Date:

Approved by Casco Selectboard:

Eugene Connolly, Chair

Grant Plummer, Vice-Chair

Mary-Vienessa Fernandes

Robert MacDonald

Addendum A

CHAPTER 123
MUNICIPAL OFFICIALS
SUBCHAPTER 1
GENERAL PROVISIONS

§2605. Conflicts of interest Certain proceedings of municipalities, counties and quasi-municipal corporations and their officials are voidable and actionable according to the following provisions. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] 1. Voting. The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] 2. Contracts. A contract, other than a contract obtained through properly advertised bid procedures, made by a municipality, county or quasi-municipal corporation during the term of an official of a body of the municipality, county or quasi-municipal corporation involved in the negotiation or award of the contract who has a direct or an indirect pecuniary interest in it is voidable, except as provided in subsection 4. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] 3. Restrain proceedings. The Superior Court may restrain proceedings in violation of this section on the application of at least 10 residents of the municipality, county or area served by the quasimunicipal corporation. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] 4. Direct or indirect pecuniary interest. In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity. When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation. A. This subsection does not prohibit a member of a city or town council or a member of a quasimunicipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves. [PL 1987, c. 737, Pt. A, §2 (NEW); PL

1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] 5. Former municipal and county officials. This subsection applies to former municipal and county officials. A. No former municipal or county official may, for anyone other than the municipality or county, knowingly act as an agent or attorney, or participate in a proceeding before a municipal or county government body for one year after termination of the official's employment or term of office with that government body in connection with any proceeding: (1) In which the specific issue was pending before the municipal or county official and was directly within the responsibilities of that official; and (2) Which was completed at least one year before the termination of that official's employment or term of office. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] B. No former municipal or county official may, for anyone other than the municipality or county, knowingly act as an agent or attorney, or participate in a proceeding before a municipal or county government body at any time after termination of the official's employment or term of office with that government body in connection with any proceeding: (1) In which the specific issue was pending before the municipal or county official and was directly within the responsibilities of that official; and (2) Which was pending within one year of the termination of the municipal or county official's employment or term of office. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] C. This subsection may not be construed to prohibit former municipal or county officials from doing personal business with the municipality or county. This subsection does not limit the application of Title 17-A, chapter 25. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] For the purpose of this subsection, a municipal or county government body includes an agency, board, commission, authority, committee, legislative body, department or other governmental entity of a municipality or county. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] 6. Avoidance of appearance of conflict of interest. Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] 7. Municipal officers adopt ethics policy. In their discretion, the municipal officers may adopt an ethics policy governing the conduct of elected and appointed municipal officials. [PL 1989, c. 561, §19 (NEW).] SECTION HISTORY PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§A22,C8,C10 (AMD). PL 1989, c. 561, §19 (AMD).