

**MARCH 19, 2014**

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TOWN OF JERUSALEM

RULES OF PROCEDURE FOR TOWN BOARD MEETINGS<sup>1</sup>

Section 1. Organizational Meeting<sup>2</sup>

The Town Board of the Town of Jerusalem (the “Town Board”) shall meet for the purpose of organizing on or before the 14<sup>th</sup> day of January of each even-numbered year.

Section 2. Regular Meetings<sup>3</sup>

The Town Board shall hold regular meetings on the third Wednesday of each month. Regular meetings shall commence at 7:00 p. m. and be conducted in the meeting room at the Town Hall. A decision to hold a regular meeting at a different time or place shall be announced at the preceding regular meeting.

Section 3. Special Meetings<sup>4</sup>

All meetings of the Town Board other than regular meetings are special meetings. A special meeting may be called by the Supervisor upon two days’ written notice to the entire Town Board or by oral notice when all five Town Board members are present. In addition, the Supervisor must call a special meeting within ten days of a written request by any two members of the board. A member may attend a special meeting by electronic means

Section 4. Quorum<sup>5</sup>

A quorum shall be required to conduct business. A quorum of the five-member Town Board shall be three. In the absence of a quorum, a lesser number may adjourn<sup>6</sup> to another date and compel the attendance of absent members.

Section 5. Executive Sessions

Executive sessions shall be held in accordance with N.Y. Public Officers Law § 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the Town Board, the Town Clerk, and any other persons authorized to attend by the Town Board.

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1 *Adopted March 19, 2014. Town Law, § 63.*

2 *There is no requirement for an organizational meeting. There is a requirement for meeting on or before January 20 of each year to make the accountings of the officers and employees of the town. Town law, §§ 62 (1) and 123.*

3 *Town Law, § 62.*

4 *Town Law, § 62 (2)*

5 *Town Law, § 63, Gen'l Const Law, § 41.*

6 *Gen'l Const Law, § 13.*

Section 6. Minutes

Minutes shall be taken by the Town Clerk.<sup>7</sup> Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter that is not required to be made public by the New York Freedom of Information Law. Such minutes shall be available to the public within one week of the Executive Session.<sup>8</sup>

Minutes shall also include the following:

1. Name of the Town Board;
2. Date, place and time of meeting;
3. Notation of presence or absence of Town Board members and time of arrival or departure if different from time of call to order and adjournment;
4. Name and title of other Town officials and employees present and approximate number of other persons present;
5. Record of communications presented to the Town Board;
6. Record of reports made by Town Board or other Town personnel;
7. Time of adjournment;
8. Signature of Town Clerk or person who took the minutes if not the Town Clerk.

Minutes shall not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Town Board shall direct otherwise. In the latter case, members are encouraged to reduce their comments to writing and furnish a copy to the clerk by the end of the meeting.

Minutes shall be transcribed and distributed within 14 days after the meeting.<sup>9</sup> Minutes shall be approved at the next Town Board meeting after they have become available. Amendments to the minutes shall require Town Board approval. Unapproved minutes are available to the public.

Section 7. Agendas

The agenda shall be prepared by the Town Clerk. The Supervisor, any councilperson or any other Town official may have an item placed on the agenda.

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<sup>7</sup> *Town Law § 30 (1).*

<sup>8</sup> *Public Officers Law § 106.*

<sup>9</sup> *Public Officers Law § 106 (3).*

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The agenda for regular meetings shall be complete at 1:00 pm of the Monday prior to the meeting, unless that day is a public holiday when the agenda shall be complete at 1:00 pm on the Friday prior to the meeting. (Resolution # 52-08) Resolutions to be considered at a meeting shall be in the councilpersons' mailboxes no later than noon on Tuesday prior to the meeting. (Resolution #105-06)

Changes to the agenda shall be made at the beginning of a meeting by majority vote of the Town Board. Matters not appearing on the agenda (as changed) may not be brought up during the meeting without the unanimous consent of all members present.

### Section 8. Voting<sup>10</sup>

Each member of the Town Board shall have one vote. The vote upon every question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes. Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all the members of the town board unless a greater number is required by law.<sup>11</sup>

A vote upon any question shall be taken by “ayes” and “noes,” and the names of the members present (or their absence) and their votes shall be entered in the minutes.

A roll call vote shall be taken and entered in the minutes (1) when required by law;<sup>12</sup> (2) when requested by any member; or (3) whenever there is a spoken “no” vote.

Voting by proxy, by telephone, by email, or by secret ballot is prohibited.

### Section 9. Order of Business

A. The order of business for regular meetings shall be:

1. Call to order
2. Pledge of Allegiance
3. Changes to the Agenda
4. Approval of minutes of previous meeting
5. Auditing
6. Public hearings (if any)

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<sup>10</sup> *Town Law § 63.*

<sup>11</sup> *For example, state law requires a 3/5 vote to authorize standardization of bidding (Gen'l Mun Law § 103 (5)); a 3/5 vote to approve a zoning amendment where a protest has been filed (Town Law, § 265 (1)); a majority plus one to approve a land use measure that the Yates County Planning Board has disapproved or recommended be changed (Gen'l Mun Law, § 239-m (certain zoning measures) and 239-n (certain subdivisions)).*

<sup>12</sup> *For example, on the question of adopting a local law, MHRL § 20(1).*

7. Opening of bids (if any)
8. Reports of officers and committees
9. Old business
10. New business
11. Public comment period
12. Adjournment

B. The presiding officer may permit deviations from the order when appropriate.

Section 10. Reports

Reports to the Town Board shall be submitted in writing unless otherwise permitted by the Town Board.

Section 11. Introduction of New Business

All local laws and other matters that may require referral to the Yates County Planning Board or action under the SEQRA shall be first introduced by a member at a meeting of the board and then referred to the appropriate committee or official for further action.

Section 12. Conduct of Business in General

The Town Board acts by Resolution or Order. A motion is an application by a member at a meeting for action by the Town Board.

The Supervisor shall preside at meetings. In the Supervisor's absence, the Deputy Supervisor shall preside. In the absence of both the Supervisor and the Deputy Supervisor, the members present shall choose a presiding officer.<sup>13</sup> The Supervisor may debate, move and take other action that may be taken by other members of the Town Board.

Town Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking. Every motion, other than the motion to adjourn, requires a second before it may be considered. A member, once recognized, shall not be interrupted when speaking unless it be to call the member to order. If a member, while speaking, is called to order, such member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed.

There is no limit to the number of times a member may speak on a question.

The presiding officer shall decide all questions of order, subject to appeal to the entire town board. Any member may appeal to the board a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly state the ruling. There shall be no debate

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<sup>13</sup> *Town Law §§42 & 63.*

on the appeal and no other member shall participate in the discussion. The question shall be: "Shall the decision of the chair be sustained?" If the majority of the members present vote "aye," the ruling of the chair is sustained; otherwise it is overruled.

**Section 13. Guidelines for Public Comment**

The public shall be allowed to speak only during a public hearing, during the public comment period of the meeting, or at such other times as a majority of the Town Board shall allow.

Speakers must be recognized by the presiding officer.

Speakers must give their name, home community and the name of any organization they represent.

Town Board members may, with the permission of the Supervisor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

All remarks shall be addressed to the Town Board as a body and not to any member thereof or to other persons present. Remarks shall be limited to three minutes or less and shall be relevant to matters before the Town Board or potentially before the Town Board.

Interested persons or their representatives may address the Town Board by written communications. Written communications shall be delivered to the Clerk or the Clerk's designee. Speakers should not read written communications verbatim but may summarize their contents.

Persons with disabilities, who require assistance in attending a meeting or in furnishing comments and suggestions, should contact the Town Clerk to request such assistance.

**Section 14. Use of Recording Equipment**

All members of the public and all public officials are allowed to record public meetings by tape, videotape, or digital means, provided that the means of recording does not intrude upon or disrupt the business of the meeting. Recording is not allowed during executive sessions. The recording must be done in a manner which does not interfere with the meeting.

**Section 15. Videoconferencing**

If videoconferencing is used to conduct a meeting, the public notice for the meeting

shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.<sup>14</sup>

Section 16. Adjournment

Meetings shall be adjourned by motion. No second is required.

Section 17. Supervisor's Authority between Meetings

Whenever the Town Board shall not be in session, the Supervisor shall have the authority to conduct the routine business of the Town.

Section 18. Amendments to the Rules of Procedure<sup>15</sup>

These Rules of Procedure may be amended from time to time by the Town Board. Unanimous consent is required to amend the rules during the meeting when first proposed. A majority vote is sufficient to adopt an amendment at a subsequent meeting.

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14 Pub Off Law § 104 (4). If all of these requirements are met, Skype may be used. Op OML 5169.

15 No amendment would be allowed that would override New York State law. References to many statutes are contained in the footnotes. No attempt has been made to assure that these references are complete.