

RULES OF PROCEDURE OF THE BOARD OF TRUSTEES VILLAGE OF PORT CHESTER, NEW YORK

MISSION STATEMENT:

Every governmental body has the fundamental right to adopt rules of procedure to govern how it transacts business.

It is the purpose of these Rules of Procedure to ensure that the Board of Trustees operates in an orderly and effective manner; promotes majority rule while protecting minority rights; affirms the role of the Mayor as the presiding officer and, as member of the Board, the ability to participate and vote in like manner; prevents a single member from usurping other member's coequal rights; and enhances public participation and engagement as well as transparency in Board proceedings.

RULE ONE: MEETINGS

1. The Board shall meet at such times as it may determine or as otherwise provided by the Village Charter.
2. There are three regularly scheduled meetings each month: two regular meetings and a work-session. Each meeting shall begin at approximately 7:00 p.m. unless otherwise noticed. The location of the meeting shall be at either 350 North Main Street, 222 Grace Church Street (Village Hall) or 220 Grace Church Street (Senior/Community Center) unless otherwise specified by direction of the Mayor. Notwithstanding the foregoing, the Board may also determine to meet on any other time, or date when desirable or when a holiday falls on a regular meeting date.
3. The first regular meeting shall be held on the first Monday of the month and shall be dedicated to the Village operations and policy discussions. The second regular meeting shall be held on the third Monday of the month and be dedicated to public hearing(s), and matters dealing with economic development.
4. The agenda for the two regularly scheduled meetings described in Section 3 above shall be developed by the Board at a work-session held on the Wednesday preceding the first regularly scheduled meeting. Board members and the Village Manager shall present items for consideration at the work-session. The purpose of the work-session is to timely consider all items necessary and appropriate for future Board action, encourage discussion (to include presentations) among all members in a less formal setting, and facilitate Board actions on matters of policy. Items to be included in the work-session shall be provided to the Clerk in hard-copy and electronic format no later than 5:00 p.m. on the day before the work-session for review by the Mayor. Nothing herein shall prevent the Board from taking action on a particular item at the work-session.

5. Should a time-sensitive and/or urgent item be presented to the Board after the work-session and before the agenda and back-up for a meeting is released to the Board, the Mayor is authorized to place such item on the agenda for such meeting as he/she deems appropriate notwithstanding the provisions of subsection 3 of this Rule.
6. Special meetings of the Board of Trustees are all those Board meetings other than the three regularly scheduled meetings.
7. A special meeting may be called by the Mayor as set forth in §77-6 of the Village Code or if the Mayor is not available by any two Trustees upon notice to the entire Board. Notices for special meetings to Board Members may be given by telephone, e-mail, in person, or in writing at least 24 hours in advance unless an emergency exists.
8. Agenda at special meetings. At a special meeting the agenda and the business to be transacted thereat shall be only that stated in the notice of such meeting, except that any other business may be transacted at such special meeting by the unanimous consent of all the members present of the Village Board. Failure to obtain unanimous consent shall result in the item being placed on the agenda for the next work-session.

RULE TWO: QUORUM

1. A quorum shall be required to conduct business. A quorum consists of four members.
2. In the event that a meeting is cancelled due to a lack of quorum, the Village Clerk shall make a record stating those members of the Board of Trustees who were not present at the time.

RULE THREE: VIDEOCONFERENCING

1. Videoconferencing (Skype as an example) is permitted by State Open Meetings Law. However, it is incumbent upon members who wish to take advantage of this option to notify the Board of Trustees through the Village Clerk sufficiently in advance to ensure sufficient time for public notice is given and to undertake all necessary logistical arrangements. Use of this option enables the member to be part of the quorum, participate and vote.
2. A public body that uses videoconferencing to conduct its meetings shall provide an opportunity to attend, listen and observe at any site at which a member participates,” and in §104(4) Public Officers Law, which states that if a meeting is to be held by means of videoconferencing, “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.”

3. Videoconferencing is different from calling into a meeting. Members who wish to call in by telephone may do so by notifying the Board and the Clerk in advance of the meeting. No public notice is required. However, members are not part of the quorum, are not recorded as “present”, and may not vote.

RULE FOUR: AGENDAS

1. The Mayor, any Trustee or the Village Manager can request that an item be put on the agenda mindful of the priorities established in the current Strategic Plan.
2. Any item that is not included on the agenda at the work-session for a subsequent meeting cannot be considered at such meeting. However, such item may be proposed to the Board at such subsequent meeting as an “add-on”. The addition of such item shall require the unanimous vote of the members present. If the motion is successful, the item may then be considered in the usual manner.
3. The Mayor shall set the agenda as set forth in §77-6 of the Village Code. This rule shall mean that the Mayor shall prepare the agenda and determine the order that the item is listed.
4. The agenda shall be published by the Village Clerk for distribution to the Board, staff and the public.
5. The Village Clerk will distribute the agenda packets electronically via email unless a member makes a standing request for a print copy. Printed copies of the agenda will be delivered personally by the Police Department.
6. Once the agenda is adopted at the agenda meeting, no items may be removed.

RULE FIVE: CONSENT AGENDA

1. A consent agenda consists of routine, procedural, informational and self-explanatory non-controversial items combined together for a single action of the Board without any debate or discussion.
2. A proposed consent agenda for adoption at a subsequent regularly scheduled meeting will be developed by the Board at the work-session.
3. During the adoption procedure of the proposed Consent Agenda, any member of the Board may object to any item or items that are on the Consent Agenda. No motion is required to remove an item from the Consent Agenda. Such objection will result in the item being returned to the regular portion of the Agenda and

taken up as the first item(s) of the resolution or correspondence portion of the meeting as the case may be.

RULE SIX: MOTIONS

1. Any member can make a motion. Member must be recognized by the presiding officer before making motions and speaking.
2. Every motion requires a second before debate begins.
3. Any member can request a full reading of any proposed resolution.
4. A member once recognized by the Mayor, shall not be interrupted when speaking unless it is to call him/her to order. If a member, while speaking is called to order, he/she shall cease speaking until the question of order is determined and, if in order, shall then be permitted to proceed.
5. As the presiding officer, the Mayor shall determine points of order. Where there is disagreement with regard to a ruling by the Mayor on such matters, an appeal may be taken by a member to the entire Board. The Mayor and members may seek guidance from the Corporation Counsel as parliamentarian.
6. Members shall refrain from making any comment unless and until recognized by the Mayor.
7. Motions to close or limit debate may be entertained by the majority (e.g., four members) only after the Presiding Officer properly recognizes such a motion.
8. Discussion of a subject is not permitted while a motion is pending.
9. A motion to reconsider is in order at the same meeting only by a member who voted on the prevailing (winning) side. A two-thirds vote of the Board is required to reconsider.

RULE SEVEN: VOTING

1. Each member shall have one vote.
2. Once the question has been put by the Mayor and the vote is being taken, members shall confine themselves to voting and not resume discussion or debate or make further comments on the question. If a member begins explaining his/her vote, or continues discussion, once a call for vote has been made, the Mayor shall call that member out of order and ask that member to only state his/her respective vote.

3. A majority of the total authorized voting power (e.g. four members) is necessary to pass a matter unless otherwise specified by State law (e.g. bond resolution).
4. A vote upon any question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes.
5. A member may not be compelled to vote. A member may refrain from voting as a matter of personal choice. Such decision is neither an “aye” nor a “no” and a member abstaining shall be recorded as “Abstention” for such vote.
6. A member shall recuse where he or she is disqualified from participating and voting on a matter. Recusal is the proper response to a conflict of interest. In such event, the member shall not participate in the matter and must step away from the dais.
7. An item that is the subject of a tie vote will be carried over to only the next regular meeting. Should the item result in a tie vote a second time, it shall be deemed as defeated and would require re-introduction at a subsequent meeting if a sponsor so chooses.

RULE EIGHT: ORDER OF BUSINESS

1. The general order of business at each regularly scheduled meeting (not the work-session) shall be:
 1. Call to order
 2. Pledge of Allegiance
 3. Public hearings
 4. Accepting of minutes of previous meetings
 5. Public Comment (limit 5 minutes per speaker)
 6. Report(s) from staff
 7. Consent Agenda
 8. Resolutions
 9. Correspondence
 10. Public Comment (limit 5 minutes per speaker)
 11. Trustee Comments (limit 5 minutes per speaker, however additional time will not be unreasonably withheld upon request)
 12. Adjournment

Note: an Executive Session may be scheduled before or after the regular portion of a meeting.

2. The order of business may be suspended by the Mayor at his/her discretion at the meeting. The order of business only refers to the numerical order that an item is placed, and not to be interpreted as the elimination of an item from the agenda.

RULE NINE: PUBLIC COMMENT

1. With the exception of a Public Hearing, the public shall only be allowed to speak during the Public Comment period of the meeting, unless invited to do so by the Mayor.
2. The Village Clerk shall provide a sign-in sheet at the podium for those wishing to speak during public comment. Speakers are encouraged to provide their name and address on such sign-in sheet and shall be called in such order.
3. Speakers must step to the front of the room, and be recognized by the Mayor before proceeding. Speakers shall direct their comment through the Mayor and face the Board at all times.
4. Speakers shall be limited in their remarks to FIVE (5) minutes and shall be guided accordingly. Speakers are limited to speaking one time and are not permitted to come to the podium and speak again. The Village Clerk shall track the speaker's time with a timing device and notify the speakers when their time has expired.
5. Speakers may not yield any remaining time that they may have to another speaker.
6. Members should refrain from interrupting a speaker during his/her remarks. However, after such comment has concluded, a member may, through the Mayor, request the opportunity to clarify.
7. All remarks shall be addressed to the Board as a body and not directed to any member thereof.
8. Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Failure to do so shall provide sufficient cause for the Mayor to take such steps as necessary, including expulsion from the meeting.
9. Written communications are strongly encouraged and accepted.

RULE TEN: RECORDING EQUIPMENT

1. All members of the public and all public officials are allowed to tape or video record public meetings.

2. Recording is not allowed during executive sessions.
3. The recording must be done in a manner which does not interfere with public speakers and the orderly processes of the meeting.
4. The Mayor may make the determination that the recording is being done in an intrusive manner, taking into consideration, but not limited to, brightness of lights, distance from the Village Board, size of the equipment, the amount of noise generated by the activity, and the ability of the public to still participate in the meeting.
5. If the Mayor determines that the recording is interfering with the meeting, the Mayor may request the individual alter his/her behavior to eliminate the interference. If the Mayor's request is not complied with, the Mayor may direct that the individual be removed from the meeting.

RULE ELEVEN: ADJOURNMENT

A motion to adjourn is always in order (except when a vote is being taken) and such motion shall be decided without debate.

RULE TWELVE: MINUTES

1. Minutes shall be taken by the Village Clerk.
2. Minutes are not required to be a verbatim account of the meeting. Nor should the minutes include a reference to each comment made during the meeting. At a minimum, the minutes should reflect actions taken by the Board. However, the Board may require that an audio or video recording be made of its meetings to insure accuracy and to resolve any disputes. These audio or video recording must be available for a minimum 4 months after transcription and/or approval of minutes or proceedings as stated in the Records Retention and Disposition Schedule MU-1.
3. Furthermore, the Board may, by a majority vote of its membership, require that a specific statement, text of a resolution or agreement, etc., be included verbatim in the minutes.
4. There is no State statutory requirement that the Village Clerk record the remarks of an individual made during an open meeting or an executive session merely because the speaker so requests. Without a resolution or board directive requiring the Clerk to include more information in the minutes, a member may not require the Clerk to correct or amend the minutes to include any more detailed information.

5. Minutes shall also include the following:
 - a. Date, place and time of meeting
 - b. Notation of presence or absence of Board members and time of arrival or departure if different from the time of call to order
 - c. Name and title of other village officials and employees present
 - d. Record of report of Village Manager
 - e. Record of communications received
 - f. Time of adjournment
 - g. Signature of Clerk

6. The Village Clerk shall comply with the requirements established in the State Open Meetings Law.

RULE THIRTEEN: CHANGE OF RULES

1. The Board may, by two-thirds vote of those present and voting, waive or suspend any rule of the Board so long as it does not conflict with the Charter, Village Code or State Law for the maximum duration of that meeting.

2. These Rules shall remain in force and effect until amended by a 2/3 vote of the Board.

3. At the Re-organization meeting, Rules of Procedure may be adopted by a majority vote of the Board.

RULE FOURTEEN: PROCEDURES NOT COVERED

Robert's Rules of Order, (Current Edition, Henry Robert et al) shall govern the procedure of the Board as to any matter that is not covered in these Rules or applicable law. A copy of Robert's Rules shall be provided to each member.

RULE FIFTEEN: PARLIAMENTARIAN

The Corporation Counsel shall be the Parliamentarian.

RULE SIXTEEN: REORGANIZATION MEETING

1. The Reorganization Meeting will be held on the Tuesday after the first Monday in April following the Village Election or on such adjourned date as the Board may determine at such meeting.

2. At the Reorganization Meeting, the Mayor shall determine the seating arrangement of the Board.

3. The Reorganization Meeting will include the following resolutions:
 - Appointment of Village Clerk
 - Appointment of President of the Board of Trustees (Deputy Mayor)
 - Appointment of Village Treasurer
 - Appointment of Corporation Counsel
 - Appointment of Deputy Village Clerk
 - Appointment of Deputy Treasurer
 - Appointment of Registrar of Vital Statistics
 - Appointment of Village Justice
 - Appointment of Associate (Acting) Police Justice
 - Appointment of Associate (Acting) Police Justice
 - Appointment of Code Prosecutor
 - Appointment of Vehicle & Traffic Prosecutor
 - Appointment of Auditor of Claims
 - Appointment of Receiver of Taxes
 - Appointment of Trustees of the Police Pension Fund
 - Appointment of two Trustees to the Port Chester-Rye Brook Public Library Intermunicipal Committee (IMC)
 - Appointment of the Village Manager to the Port Chester-Rye Brook Public Library Intermunicipal Committee (IMC)
 - Appointment of two Trustees to the School District Liaison Subcommittee
 - Adoption of the Rules of Procedure of the Board of Trustees
 - Designate of Depositories for funds of the Village of Port Chester
 - Designate of Depository for funds of the Police Pension Fund of the Village of Port Chester
 - Adopt the Investment Policy for the Village of Port Chester
 - Adopt the Fund Balance Policy for the Village of Port Chester
 - Adopt the Journal Entry Policy
 - Adopt the Fixed Asset Policy of the Village of Port Chester
 - Adopt the Procurement Policy for the Village of Port Chester
 - Providing for Mileage Reimbursement
 - Providing for attendance at training schools, education sessions, etc. for the benefit of local government
 - Designation of the Official Newspaper of the Village of Port Chester

RULE SEVENTEEN: MISCELLANEOUS

Board members that anticipate being absent from a meeting should notify the Clerk as soon as practicable.

Adopted: September 7, 2010
Amended: March 19, 2012
Amended: September 18, 2017
Amended: June 4, 2018