

## **CITY COUNCIL RULES OF PROCEDURE FOR PUBLIC MEETINGS<sup>1</sup>**

- MEETING SCHEDULE:** The City Council shall hold its regular (voting) meetings on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Monday of each month. Workshop (non-voting) meetings shall be held on the Monday before each regular meeting of the City Council, except during the months of July and August when workshop meetings shall be held on the night of and immediately prior to the regular meeting. If any meeting falls on a holiday, the meeting shall be rescheduled for the next work day. The meeting schedule for 2022 is attached as Attachment 1 and may be modified by a majority vote of the City Council.

Special meetings of the City Council shall consist of all meetings other than regular or workshop meetings at which four (4) or more members of the Council are present. A special meeting may be held on the call of the Mayor or by four or more Councilmembers, upon no less than twenty-four (24) hours (except if less notice is required by an emergency situation, then notice shall be as practicable) written notice via e-mail and telephone call to all Councilmembers and the Mayor.

- LOCATION OF MEETING AND CHANGES:** Unless otherwise announced, all meetings of the City Council shall be held at 7 p.m. in the Court Room at the Municipal Center located at One Municipal Plaza, Beacon, New York. Any changes in the date, time or location of the Council's meetings shall be determined by the Mayor and noticed in accordance with lawful requirements.
- QUORUM REQUIRED TO ACT:** A majority of the whole number of the City Council, including vacancies, abstentions and any members disqualified, shall constitute a quorum. Therefore, a quorum of the seven (7) member City Council is four (4) members. A quorum shall be necessary to take any formal action and to exercise any power, authority, or duty of the City Council. No member shall withdraw from a meeting of the Council without the permission of the Mayor when required to maintain a quorum.
- EXECUTIVE SESSIONS:** In accordance with Article 7 of the Public Officers Law, all meetings of the City Council shall be open to the public, except as provided that the Council may enter into an executive session, as defined by Article 7 of the Public Officers Law, to discuss those topics or items for which the Public Officers Law allows for a closed session. The decision to enter into an executive session for the purposes and in the manner as set forth in Article 7 of the Public Officers Law must

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<sup>1</sup> These Rules of Procedure are in addition to any requirements imposed upon the City Council by relevant State or Local Laws.

be submitted by a motion calling for an executive session setting forth the general subject matter to be considered. The motion to enter into an executive session, its general subject matter thereof and the vote on the motion shall be recorded in the minutes of the open session. Attendance at an executive session shall be permitted to any member of the City Council and any other persons it authorizes.

5. **APPOINTMENTS:** For any proposed “senior” personnel appointments, following the announcement of the Mayor’s appointment, the Council may defer a vote on such appointment for an additional period to allow time for public comment and/or Council discussion. Such senior appointments shall include the City Administrator, Department Heads, new consultants for planning, engineering or city attorney, Police and Fire promotions, and such other personnel as the Council may decide. Any Councilmember is free to discuss the individual being appointed/promoted; however, certain matters discussed concerning the decision to hire the individual, including personnel files, may not be discussed in public and any Councilmember who wishes to discuss the particulars of a specific employee shall first confirm the discussion of same is appropriate with the City Attorney or City Administrator.
6. **VOTING:** A quorum, as defined in Section 3 of these Rules, shall be required to perform and exercise any power, authority or duty of the Council.
  - a. **Abstentions and Absences:** Abstentions and absences shall be considered a negative vote for the purposes of determining the final vote on a matter submitted to a vote.
  - b. **Silence:** In any vote, silence by any Councilmember shall be understood as a positive vote on a matter submitted to a vote.
  - c. **Questions:** The answer to a question submitted to the Council shall be made by counting the “ayes” and “nays” in response to a question seeking all members in favor and all opposed.
7. **ORDER OF BUSINESS – MEETING AGENDA:** The following is the order of business at all regular and special meetings of the City Council and shall be followed to the greatest extent possible where applicable:
  - a. Call to Order
  - b. Pledge of Allegiance
  - c. Roll Call
  - d. Community Segment (if scheduled)
  - e. Public Comment
  - f. Public Hearings (if scheduled)
  - g. Reports: Mayor, Councilmembers, and City Administrator
  - h. Appointments
  - i. Local Laws and Ordinances

- j. Resolutions
- k. Budget Amendments
- l. Approval of Minutes
- m. Announcement of Next Meeting
- n. Second Public Comment
- o. Adjournment

The regular order of business at a meeting may at any time be suspended by majority vote of the Council.

**8. GENERAL RULES OF PROCEDURE & STANDARD OF CONDUCT:**

- a. Presiding Officer: The Mayor shall preside at all meetings of the City Council. In the Mayor's absence, the Acting Mayor shall determine who presides at the meeting. In the event the Mayor has failed to appoint an Acting Mayor, or where such member is absent from the meeting, the Council shall determine who presides at the meeting.
- b. Guidelines for Councilmembers:
  - 1) Conflict of Interest. A Councilmember prevented from voting by a conflict of interest shall leave the City Council table during the debate, shall not vote on the matter, and shall otherwise comply with the State law and City ordinances concerning conflicts of interest.
  - 2) Non-Disclosure of Confidential Information. "Confidential information" for this rule is defined as follows:
    - a) Specific information, rather than generalized knowledge, received by a Councilmember as a result of their position that is not available to the general public on request; or
    - b) Information furnished to a Councilmember under circumstances as to suggest the information is confidential, including when the provider of the information identifies the information as confidential; or
    - c) Information made confidential by law, including specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy; or
    - d) Discussions held in Executive Session. No Councilmember may disclose confidential information or otherwise use such information for his or her personal gain or benefit or the gain or benefit of another. No council

member may disclose confidential information to any person not entitled or authorized to receive the information.

- c. Guidelines for Community Segments: Speakers are invited to speak and are placed on the agenda by prior arrangement with the Mayor's office and are placed on the agenda at the Mayor's discretion.
- d. Guidelines for Public Comment and Public Hearing Sessions:
  - 1) The City Council is committed to First Amendment Free Speech and believes our city government is made stronger through an engaged and active public. Our Public Comment and Public Hearing Sessions are two of the key ways that those who live and work in Beacon provide feedback, input and inspiration for City Council. These guidelines are designed to provide a civil environment where everyone can speak and listen.
  - 2) There shall be two (2) segments during each regular meeting of the City Council dedicated to public comment, one at the beginning of the meeting and another at the end.
  - 3) A speaker shall be allowed to speak at either the first public comment segment or the second, but not both.
  - 4) Those who would like to speak during either of the public comment segments should sign up on the sheet provided at the meeting and shall be allowed to speak on a first-come, first-serve basis. Remote speakers via Zoom shall be recognized following in-person speakers by raising hands on Zoom. If meeting attendance is not possible, interested parties, or their representatives, are also welcome to submit their written and signed comments in advance. Communications clearly labeled as for Public Comment or Public Hearings may be read out loud or otherwise included in the public record. If not so labeled, written comments will be considered private communications with the Council.
  - 5) The total time for all speakers at any one public comment segment shall not exceed thirty (30) minutes unless approved by a majority vote of the Council.
  - 6) The Presiding Officer may appoint a timekeeper for purposes of the public comment segments.
  - 7) A speaker may speak on any issue which is properly up for discussion on the agenda or which the City has the ability to act upon, provided that a speaker may not speak on any issue which has already been discussed at an earlier public hearing during the meeting or one that is to be discussed at a later public hearing during the meeting.
  - 8) Conduct of Speakers: All persons speaking before the Council shall conform to

the following standards of conduct:

- a) In-person speakers must step to the podium to address the Council and complete the sign-in sheet placed at the podium, unless they have signed in at the sign-in sheet placed at the table. Accommodations shall be made for all persons with disabilities who need such accommodation.
  - b) Remote speakers via Zoom must wait until authorized to speak by the Secretary to the City Mayor. Only remote speakers with a digital hand raised shall be called upon to speak. If necessary, priority shall be given to Beacon residents.
  - c) Before addressing the Council, a speaker must provide their name, home municipality, and organization (if any) for the record.
  - d) A speaker's individual time to speak during the public comment session may not exceed three (3) minutes unless, in the Presiding Officer's sole discretion, additional time is granted.
  - e) A speaker's individual time to speak at a public hearing may not exceed five (5) minutes.
  - f) Speakers shall address all members of the Council and shall avoid speaking to any one member directly or to the general public present at the meeting.
  - g) Hate speech and abusive language or conduct shall not be tolerated.
  - h) Any statements, comments or remarks made by a speaker shall not speculate as to the personal motives of a member of the Council or the City Administrator and/or constitute a personal attack or defamation. Statements, comments or remarks about any employee of the City other than the City Administrator or member of the public shall follow the same rules as above, and in addition, shall not include direct criticisms.
  - i) The audience shall be respectful of all speakers and shall refrain from comments and gestures, private discussions, cell phone use, or other conduct that interferes with the orderly progression of the meeting or in any way discourages free speech.
  - j) Any speaker who fails to conform their conduct to the above shall be directed by the Presiding Officer to cease speaking and yield the floor.
- 9) The Council, City employees and guests at the Council table are expected

to conduct themselves with a mutual respect to the public and conform to the rules set forth above regarding conduct during Public Comment and Public Hearing proceedings.

10) Debate or discussion between audience members and the speaker having the floor shall not be permitted.

11) Debate or discussion with the speaker by a member of the Council, the Mayor, the City Administrator, City Attorney, a guest at the Council table, or any other City employee in the audience, who has information pertinent to the discussion shall not be permitted, except in the Presiding Officer's discretion.

9. **RULES OF ORDER.** All questions of order or procedure of the Council not herein provided for shall be decided in accordance with Robert's Rules of Order Revised for Deliberative Assemblies.

10. **COUNCIL COMMUNICATION.** The City Administrator oversees the day-to-day operations of the City, including management of all City officers, employees, vendors and contractors. Councilmembers lack the authority to give orders, directions or instructions, either publicly or privately, to any City officer, employee, vendor or contractor. Any communication, whether written, electronic or verbal, with officers and employees of the City and members of the Council are to be expressed in a respectful and courteous manner and copied to the City Administrator.

During a meeting of the City Council, any Councilmember statements should be confined to the question before the Council and shall not involve a personal attack or criticism of any member of the Council, any officer, or employee of the City, or any member of the public.

11. **RECORDING OF MEETINGS.** No person shall record the proceedings of the meetings of the City Council, or any part thereof, by electronic or any other type of recorder, nor with a "steno-type" or similar machine, nor by motion picture, television or any other type of camera or visual record, without having previously made application, in writing, to the City Council at least two (2) business days in advance of the meeting for which permission is requested and without having received written permission therefore. Permission shall be granted upon a finding that the recording and/or broadcasting will not be disruptive or obtrusive of the public meeting and reasonable conditions may be imposed upon the granting of the application. This rule shall not be construed to prohibit the use of a handheld audio recording device or video device which does not interfere with the meeting, or the making of notes by any person or persons at such meetings, whether or not such notes shall constitute a complete transcript of the proceedings, nor shall this rule apply to the City Clerk or to members of the City Council.

12. **AMENDMENTS:** The foregoing Rules of Procedure may be amended from time to time by a majority vote of the Council.