

Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 184-2016, adopted on April 5, 2016, and Resolution 567-2020, adopted October 6, 2020, the Town Board enacted procedures for conducting meetings and hearings of the Town Board of the Town of Oyster Bay; and

WHEREAS, these procedures having been in place for four (4) years, the Town Board after reviewing the procedures finds it desirable to revise and amend said procedures,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board does hereby designate and adopt the following Rules of Procedure pursuant to New York State Town Law § 63 and, subject to the other provisions of New York State Law and the Town Code of the Town of Oyster Bay, these Rules shall govern the meetings of the Town Board of the Town of Oyster Bay:

**PART A: INTERACTION WITH LAW AND SEVERABILITY**

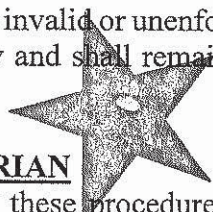
**SECTION 1.** These procedures are to be interpreted as supplementing, and not replacing, prior legislative enactments applicable to town operations and the conduct of Town Board meetings. Such legislative enactments include statutes, rules and regulations of the State of New York, and the Town Code of the Town of Oyster Bay.

**SECTION 2.** Nothing in these procedures shall be construed as expanding, reducing or limiting the powers or rights specifically granted by law to the Town Board and/or any member thereof, nor shall these procedures be construed as altering the number of votes specifically required by law for the taking of official action.

**SECTION 3.** If a court of competent jurisdiction finds any provision(s) of this Resolution invalid or unenforceable, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the court's decision to be invalid or unenforceable, and all other provisions of this Resolution shall not be affected thereby and shall remain in full force and effect.

**PART B: TOWN ATTORNEY AS PARLIAMENTARIAN**

**SECTION 1.** Questions regarding the interpretation of these procedures which arise during a meeting of the Town Board shall be decided by the Town Attorney who shall act as Parliamentarian.



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**SECTION 2.** Decisions of the Town Attorney made pursuant to Part B Section 1 hereof may be appealed to the full Board by motion of any member of the Town Board, duly made, seconded and adopted.

**SECTION 3.** Robert's Rules of Order shall control the procedure of all meetings of the Board to the extent that Robert's Rules of Order are not contradicted by these Rules of Procedure.

#### **PART C: MEETINGS**

**SECTION 1 - Regular Meetings.** The Town Board generally will hold regular meetings on Tuesdays, with at least one meeting per calendar month. Such regular meetings shall commence at 10:00 AM or 7:00 PM, as determined by a Resolution adopted by the Town Board, and all meetings shall be conducted in the Boardroom at Town Hall, 54 Audrey Avenue, Oyster Bay, New York. At the discretion of the Town Board, the location of regular meetings may be changed to accommodate anticipated larger audiences than the Boardroom can accommodate. Any deviation from this schedule shall be determined by the Town Board.

**SECTION 2 - Special Meetings.** Special Meetings of the Town Board are all those Town Board meetings other than regular meetings. A special meeting may be called by the Supervisor or by the written request of two (2) members of the Town Board, by giving at least two days' notice in writing to members of the Town Board of the time when and the place where the meeting is to be held, in accordance with New York State Town Law §62.

**SECTION 3 - Executive Sessions.** Executive Sessions shall be held in accordance with the New York State Public Officers Law §105. All executive sessions shall be conducted during a public meeting.

#### **PART D: POLICIES**

**SECTION 1 – Quorum.** A quorum of the Town Board shall be required to conduct business. A quorum of the seven (7) member Board shall be four (4) members.

**SECTION 2 – Agendas.** The agenda for a public meeting is published on or before the Friday preceding the Tuesday meeting. A proposed resolution may be added to the Agenda (Action Calendar) at or during a public meeting by the consent of a majority of the Town Board.

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**SECTION 3 – Voting.** Pursuant to New York State Town Law each member of the Town Board shall have one vote. The vote upon every question shall be taken with the Supervisor voting first, and then by each Councilperson voting in order of seniority. Each Board Member may vote “aye,” “no,” “abstain,” or recuse.

**SECTION 4 - Order of Business.** The order of business shall be:

- Call to order
- Citations and Public Service Announcements
- Roll Call
- Pledge of Allegiance
- Public Hearings
- Action Calendar (Resolutions)
- Opportunity for the Public to Address the Board on Resolutions Only
- Adjournment
- Public Comment

The order of business need not be followed if the Supervisor, as Presiding Officer, determines that it is appropriate to deviate.

**SECTION 5 – Minutes.** Minutes of all Town Board meetings shall be the responsibility of the Town Clerk who, pursuant to approval from the Town Board, may employ the services of an individual to take minutes. Minutes of a public meeting shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes of an executive session shall be taken of any action that is taken by formal vote and shall consist of a record or summary of the final determination of such action and the vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law. Minutes need not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board resolves to have the Clerk do so.

#### **PART E: RULES AND PROCEDURES**

**SECTION 1 - General Rules of Procedure.** The Supervisor shall preside at meetings of the Town Board. In the Supervisor's absence the Senior Councilperson shall preside. There is no limit to the number of times a Town Board member may speak on a question. Motion to close or limit debate may be entertained but shall require the affirmative vote of four (4) members of the Board.

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**SECTION 2 - Guidelines for Public Comment.** Members of the public will be allowed to address the Board during Public Hearings, Action Calendar and/or Public Comment periods according to the guidelines set forth below.

**General Requirements.** Each speaker will submit his/her name and address upon a form to be provided by the Town Clerk or his/her designee. On such form, the speaker shall also indicate whether he/she wishes to speak or comment on a Public Hearing, Action Calendar item, i.e., resolution, or Public Comment. Speakers must be recognized by the Presiding Officer, and shall be called to speak in the order determined by the Presiding Officer. Speakers must step to the front of the room and speak into the microphone at the lectern. Speakers are not to approach the dais without invitation and are directed to make their remarks from the lectern. No materials (records, documents, etc.) may be placed on the dais or presented to the Board unless either authorization is requested and granted by the Presiding Officer or a Board member specifically requests to see such materials. All materials that are granted authorization or requested by a Board member for presentation shall be presented to the Town Clerk who shall pass it the Board. Speakers' remarks shall be addressed to the Board as a body and not to any specific Board member, nor to any of the Town's staff or other members of the audience.

### **Decorum Rules**

#### **1. Purpose of Decorum Rules:**

- a. To ensure that the meetings of the Town Board are conducted in a way that allows the business of the Town of Oyster Bay to be effectively undertaken and to ensure that the Decorum Rules are understood by individual or individuals attending Town Board meetings.
- b. To ensure that members of the public who attend meetings of the Town Board can be heard in a fair and impartial manner.
- c. To ensure that the meetings of the Town Board are conducted in a professional and respectful manner that is open to all viewpoints and which is protective of the content of each speaker's speech.
- d. To prevent and address behavior that prevents the Town Board from conducting orderly and efficient meetings.

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**2. Rules for the Speaker:**

- a. All remarks shall be directed to the Board as a body. Remarks shall not be directed to any individual Board member, to any of the Town's staff nor to any member of the audience.
- b. The speaker shall not disrupt, delay, or otherwise impede the orderly conduct of the proceedings by defaming, intimidating, making personal insults, making threats of violence or threats against public order and security, or otherwise violating these Decorum Rules and Procedures.

**3. Rules for the Public:** Members of the public in the audience shall not engage in any of the following activities during a Town Board meeting:

- a. Members of the public shall not shout out or speak out when not recognized by the Presiding Officer.
- b. Members of the public shall not disrupt, delay, or otherwise impede the orderly conduct of the proceedings by defaming, intimidating, making personal insults, making threats of violence or threats against public order and security, or otherwise violating these Decorum Rules and Procedures.

**4. Enforcement of Decorum Rules.**

- a. If these Decorum Rules or Rules and Procedures (collectively "Rule or Rules") are violated, the Presiding Officer shall request the individual or individuals violating a Rule or Rules to stop the violation and the Presiding Officer will issue a verbal warning that the individual or individuals will be required to leave the Board Room if they do not stop the violation of the Rule or Rules.
- b. If the individual or individuals refuse to stop the violation(s), the Presiding Officer shall cut off comment or debate and shall verbally request that the individual or individuals leave the Board Room.
- c. If the individual or individuals refuse to leave when a verbal request is issued by the Presiding Officer, the Presiding Officer shall verbally direct the individual or individuals to leave the Board Room.
- d. If the individual or individuals refuse the direction from the Presiding Officer, the Presiding Officer may seek the assistance of law enforcement to remove the individual or individuals.

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- e. Any decision relating to the enforcement of the Decorum Rules by the Presiding Officer may be overturned by a vote of the majority of the Board Members following a motion, duly seconded.

**Public Hearings.** Speakers, other than the applicant or its attorneys or experts, shall have five (5) minutes to address the Board on the specific matter that is the subject of the Public Hearing before yielding to the next speaker. Speakers may not yield their time to other speakers. All of the rules and guidelines set forth in the section above, entitled "General Requirements" and "Decorum Rules" shall apply.

**Action Calendar.** During the period identified as "Opportunity for the public to address the board on resolutions only," speakers may address the Board only on pending resolutions. Speakers shall identify all resolutions upon which they wish to speak on the form noted above and shall limit their remarks as to those resolutions only. Speakers shall have three (3) minutes to address the Board on each identified resolution, but not to exceed ten (10) minutes in total. A timer shall be utilized that will beep or produce another sound to indicate that a speaker's time limit for addressing resolutions has been reached. Upon being notified that his or her time limit has been reached, a speaker shall cease speaking, leave the lectern, and return to his or her seat. Speakers may not yield their time to other speakers. All of the rules, procedures and guidelines set forth in the section above, entitled "General Requirements" and "Decorum Rules" shall apply.

**Public Comment.** During the period identified as "Public Comment" speakers shall have five (5) minutes to address the Board. Speakers may not yield their time to other speakers. All remarks shall be addressed to the Town Board. The public comment period is designed for comments only. Board members shall not be required to answer questions or respond to comments, but may respond to questions or comments at their discretion or may direct the question or comment to the appropriate individual to respond. A timer shall be utilized that will beep or produce another sound to indicate that a speaker's five (5) minute time limit for Public Comment has been reached. Upon being notified that his or her time limit has been reached, a speaker shall cease speaking, leave the lectern, and return to his or her seat. All of the rules and guidelines set forth in the section above, entitled "General Requirements" and "Decorum Rules" shall apply. The presiding officer may modify these guidelines if warranted.

**SECTION 3 - Use of Recording and Electronic Equipment.** All individuals shall place their respective cell phones and electronic devices in silent mode during the public

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meeting. All individuals attending the public meeting are allowed to photograph and tape or video record public meetings so long as the photography or recording is done in a manner which does not interfere with the meeting. The Presiding Officer may make the determination that the photography or recording is being done in a manner that interferes with the meeting after taking into consideration attendant movement and activity, distance from the deliberations of the Board, noise, size of equipment, ability of the public to participate in the meeting notwithstanding the photography or recording, and any other pertinent factor. If the Presiding Officer makes the determination that the photography or recording is interfering with the meeting, the Presiding Officer may request an accommodation to avoid the interference and if not sufficient or complied with, order the photography or recording to be stopped. Any individual violating this section shall be given a verbal warning by the Presiding Officer to cease the conduct. In the event the individual refuses to cease, the Presiding Officer shall request that the individual leave the Board Room. Upon a refusal to leave on request, the Presiding Officer shall then verbally direct the individual to leave the Board Room. Upon refusal of said direction, the Presiding Officer may seek assistance of law enforcement to remove the individual.

**SECTION 4 – Signs and Banners.** Members of the public may display signs and/or banners at public meetings so long as the signs or banners do not interfere with the meeting, do not obstruct the view of other attendees, do not violate the fire code, and do not contain obscene language. The Presiding Officer may make the determination that the signs or banners interfere with the meeting after taking into consideration attendant movement and activity, distance from the deliberations of the Board, the size of the sign or banner, ability of the public to participate in the meeting notwithstanding the sign or banner, and any other pertinent factor. If the Presiding Officer makes the determination that the sign or banner is interfering with the meeting, the Presiding Officer may request an accommodation to avoid the interference and if not sufficient or complied with, order the sign or banner be removed.

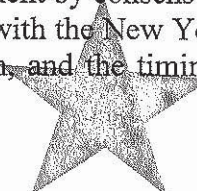
Any individual violating this section shall be given a verbal warning by the Presiding Officer to cease the conduct. In the event the individual refuses to cease, the Presiding Officer shall request that the individual leave the Board Room. Upon a refusal to leave on request, the Presiding Officer shall then verbally direct the individual to leave the Board Room. Upon refusal of said direction, the Presiding Officer may seek assistance of law enforcement to remove the individual.

**SECTION 5 - Executive Session Policy.** It is the policy of the Town Board to conduct Town business in an open fashion and to make available as much information as may

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legally and practically be disseminated. The New York State Open Meetings Law authorizes the Board to conduct business in executive session in a number of areas. These include: 1. Matters which will imperil the public safety if disclosed; 2. Matters which may disclose the identity of a law enforcement agent or informer; 3. Information relating to criminal investigations which would imperil effective law enforcement if disclosed; 4. Discussions relating to proposed, pending or current litigation; 5. Collective bargaining negotiations; 6. Personnel matters relating to particular individuals; and 7. The proposed acquisition, sale, or lease of real property or securities when disclosure would substantially affect the value. The Board recognizes that it is authorized to use executive sessions in these and other situations. To maintain confidentiality and to encourage the uninhibited discussion of the subject matter in executive session, all statements made and positions taken by all participants must remain confidential and may not be disclosed by any participant unless and until disclosure of such information as may be legally disseminated is authorized by affirmative vote of four (4) members of the Board. It has been and continues to be the practice of the Board that all members of the Board, acting together, come to agreement by consensus on the specific information which is to be released to the public in accordance with the New York State Open Meetings Law, the suitable vehicle for reporting that information, and the timing of the reporting.

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