

TIVERTON CHARTER REVIEW COMMISSION

GOVERNANCE POLICY

1. Overview

This policy sets forth the basic guidelines for meetings and other governance of the Tiverton Charter Review Commission (2017-2018 term) elected on July 18, 2017 (the “Commission” or “CRC”).

2. Meetings of the Commission

a. Initial Meeting

The initial meeting for the 2017-2018 term of the Commission was convened by the Town Clerk and held on Monday, July 31, 2017 at Town Hall (343 Highland Road).

b. Regular Meetings

The Commission shall endeavor to hold regular meetings in the Tiverton Public Library (34 Roosevelt Avenue) or the Town Hall (343 Highland Road), or other designated locations deemed appropriate by the CRC, at 7:00 P.M. at least twice per month and preferably on the first and third Mondays of each month.

c. Work Sessions

The Commission may hold work sessions and informational meetings from time to time upon agreement of a majority of commissioners. Unless an unforeseen emergency exists, no official vote on any business may be taken at a work session or informational meeting. If such a vote is taken, the same motion shall be placed on the agenda of the next regular meeting for ratification.

d. Special Meetings

Special meetings or emergency meetings of the Commission shall be called by the Chair, Vice Chair, Secretary, or at the request of any four (4) commissioners. Notice of a special meeting or emergency meeting shall be given to each commissioner as far in advance of the meeting as practicable.

At all special meetings or emergency meetings, the first item on agenda shall be the special or emergency business for which the meeting was convened. Such business shall

be exclusively considered until it is finally acted upon or until consideration is concluded and no other business shall be considered or acted upon.

e. Subcommittees

If the Commission designates a subcommittee of three (3) or more commissioners with a defined scope expected to have recurring meetings or other formal status to consider substantive matters, then such subcommittee shall post notices of its meetings as if it were subject to the Open Meetings Act.

f. Public Hearings

The Commission may convene formal public hearings to satisfy requirements of the Rhode Island Constitution, Town Charter, or for any other reason in its discretion.

g. Cancellation or Postponement of Meetings

The Chair may cancel or postpone a meeting due to inclement weather or other unforeseen circumstance, after consulting, if reasonably possible, with the Vice Chair. Notice of cancellation or postponement shall be distributed to all commissioners as well as to the public as soon as practicable.

h. Open Meetings Law

All meetings of the Commission, including regular meetings, work sessions, informational meetings, special meetings, and emergency meetings shall comply with the provisions of Title 42, Chapter 46 of the Rhode Island General Laws (the Open Meetings Act) governing notice, open meetings, closed sessions, and preparation and availability of minutes; provided, however, that if it is not possible to post notice of an emergency meeting 48 hours in advance, notice of such a meeting shall be posted immediately upon scheduling of the meeting and shall remain posted at least 48 hours following the meeting.

3. Conduct of Meetings

a. Moderator

The Chair, or in the Chair's absence, the Vice Chair shall preside at and moderate all meetings. In the event of the absence of both the Chair and Vice Chair, or in the event that both the Chair and Vice Chair are unable to discharge the duties of the Chair, the Secretary shall perform the duties of the Chair during the absence or disability of both the Chair and Vice Chair. The term "Chair" used throughout this policy shall also mean the acting presiding officer as the context requires.

b. Meeting Governance

Five (5) commissioners shall constitute a quorum. The start of a meeting may be delayed for a reasonable period of time pending arrival of a fifth commissioner needed to constitute a quorum. The Chair shall preserve order and decorum, and shall hear and rule on all points of privilege and points of order. The Chair may speak on points of order in preference to other commissioners.

c. Voting

For routine or procedural questions, the moderating officer may inquire as to any objections and if hearing none, may deem and pronounce the question passed unanimously. Otherwise, votes shall normally be taken by a show of hands, with the Chair voting last. The Secretary shall record the specific commissioners voting in the affirmative or negative or abstaining. If the vote on any question before the Commission is not unanimous, the Chair may ask the Secretary to conduct a roll call vote, and the Secretary shall separately record the vote of each commissioner, with the Chair voting last.

d. Speaking by Commissioners

A commissioner wishing to speak shall address the Chair. After being recognized to speak, a commissioner shall not be interrupted except by a question of a point of order, or to yield to another commissioner. Each commissioner shall confine his/her remarks to the question under debate. No commissioner shall speak more than once on the same question until all other commissioners wishing to speak on the question have done so. Meetings shall be conducted in an orderly manner. Consistent with Robert's Rules of Order, debate shall be ended only by the affirmative vote of two-thirds (2/3) of commissioners present. Rules of procedure shall not be utilized to suppress the rights of minority members to have a reasonable opportunity to be heard, and the Chair shall endeavor to protect those rights, and will at all times possess the inherent authority and responsibility to ensure that meetings are run in good order and with proper decorum.

e. Speaking by Members of the Public

- (1) The Commission endeavors to maximize public input while recognizing the need to conduct business in an orderly and efficient manner. Members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment, once, for a period of three (3) minutes, or longer at the discretion of the Chair, and at other times only

when invited to do so by the Chair. If the Chair allows participation by the public on an item where the public is not otherwise entitled to speak, then the Chair shall allow all those wishing to be heard a reasonable opportunity to be heard, subject to reasonable constraints on the length of comments and the number of speakers. If in the judgment of the Chair, it is not possible to accommodate the desired participation of every member of the public wishing to be heard, the Chair shall endeavor to ensure that contrary viewpoints are aired at least once before reasonably ending public participation.

- (2) Members of the public shall address their comments to the question under debate. Any member of the public wishing to speak shall speak at the podium, use the microphone (if in use), and state his or her full name and connection, if any, to Tiverton. Speakers are not required to identify their address of personal residence, but the Chair may provide registered voters and residents of Tiverton with speaking priority.
- (3) The Chair shall enforce order and decorum among members of the public in attendance at meetings. Any person when entitled or permitted to address the Commission shall, while speaking, be subject to the same rules and shall be entitled to the same privileges of order applicable to commissioners, provided, however, that any commissioner may ask the speaker a question or obtain information.

f. Time of Adjournment

No item of business other than that of adjournment may be conducted before the Commission at any meeting after three (3) hours of length; provided, however, that this rule may be suspended by an affirmative vote of two-thirds (2/3) of commissioners then present.

g. Minutes

Minutes will be taken by the Secretary or otherwise as provided below. In addition to written minutes, audio and video recordings of meetings are encouraged. Members of the public shall also be free to take audio and video recordings of open sessions, so long as equipment does not interfere with the meeting or the public's rights to observe and participate in the meeting. Finalized minutes shall be adopted by majority vote of the Commission, but any objection to the minutes by minority voting members must be noted

in the finalized minutes if the objecting commissioner so requests, and furthermore, any written statement that an objecting commissioner wishes to include in the minutes may not be excluded from the finalized minutes.

4. Meeting Agenda

a. Preparation

The agenda request window for regular meetings shall close at 3:00 P.M. one week before the scheduled meeting (e.g., 3:00 P.M. on the previous Monday before a Monday meeting). Any commissioner or member of the public may request an item to be placed on the agenda by filing any designated forms, together with appropriate supporting documentation, with the Secretary by the above deadline.

The Secretary shall work in conjunction with the Chair and Vice Chair in the preparation of the agenda. In consultation with and unless otherwise instructed by the Chair or Vice Chair, the Secretary shall have the authority to reject items for the agenda that the Secretary deems not appropriate for the agenda, including but not limited to, those items that do not specify an action to be taken by the Commission that is within its power to take, those items lacking sufficient supporting documentation, and those items where there is insufficient time to refer to other town agencies or officials prior to coming before the Commission. The Secretary may also delay placing a requested item on a meeting agenda to conform to the Commissioner's workflow schedule. The Secretary shall also have the authority to accept additional agenda items after the deadline from a commissioner in his/her discretion if thought necessary for the efficient and proper administration of the Commission.

The agenda shall be timely posted in compliance with applicable law. Items relating to an agenda and other correspondence items shall be distributed from time to time by the Secretary to all commissioners delivered in accordance with their instructions or, if no instructions are given, in a shared mailbox at Town Hall. A full copy of agenda packets (if any) and other public records shall be maintained by the Secretary, and the Secretary shall request that the Town Clerk also maintain full copies available for inspection in Town Hall, and shall be provided to any member of the public upon request, provided however that a reasonable copying charge in compliance with the Access to Public Records Act may be imposed for documents.

b. Items Added During a Meeting

New agenda items can be added only during a Commission meeting by majority agreement of the commissioners then present. Unless otherwise determined by the Commission at the meeting, all items on the agenda shall be considered moved and seconded for purposes of discussion at all meetings of the Commission. Pursuant to RIGL §42-46-6(b): “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

c. Consent Agenda

All items designated as a consent agenda item are to be considered routine by the Commission and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a commissioner so requests, or a member of the public so requests and the Chair permits, in which event the item will be removed from consent agenda approval and considered in its normal sequence on the agenda.

d. Charter Items

The Commission recognizes that its singular focus, as set forth in Section 1205 of the Town Charter, is to “review the Charter and recommend for approval and adoption, amendments or revisions in a manner provided by the State Constitution.” To properly and efficiently discharge these duties, the Commission may adopt additional procedures and rules, such as the usage of consideration request forms, to document requests for recommended amendments or revisions to the Town Charter.

5. Recusal

Pursuant to Rhode Island General Laws §36-14-6, when a member of the Commission must refrain from participating in discussion and/or voting on a particular matter because of an ethical conflict of interest, that member shall complete a "Recusal Form" which will be filed as part of the record of the meeting. Said form shall be kept on file with the Secretary, and a copy shall be forwarded by the Secretary to the Rhode Island Ethics Commission. Although not required by the Rhode Island Ethics Commission, it shall be a rule of the Commission that if a commissioner should recuse himself or herself, he or she shall get up from his or her chair and leave the table. He or she may remain in the room, and may exercise his or her First Amendment rights to address the Commission as, and

only as, a member of the general public under the same terms and conditions as the rest of the public, and consistent with Rhode Island law and Ethics Commission rulings.

6. Meeting Support

The Commission does not have a designated budget but may make requests of other bodies and officials for collateral resource support, subject to their discretion and approval. After the initial organizational meeting, minutes shall be kept of all meetings by the Secretary or his/her designee. Upon receiving a request involving town officials other than commissioners, the Secretary will attempt to notify the relevant officials through proper channels. The Chair and the Vice Chair may on behalf of the entire Commission invite any person to attend a meeting.

7. Other Governance of the Commission

a. Actions by CRC Officers. The Chair, Vice Chair, and Secretary shall have authority customary with their positions to perform executive administrative and representative duties on behalf of the Commission, and they shall endeavor to act in concert together. If non-customary action is required for a matter which time or circumstances do not permit bringing before the entire Commission, then the Chair, Vice Chair, and Secretary may act in their best judgment so long as they attempt to consult with each other, unless clearly imminent circumstances require otherwise. In all events, the Chair will transmit a message as soon as reasonably possible to the entire Commission of any such action taken.

b. Actions by Commissioners

Other than actions by the Chair, Vice Chair, and Secretary within the scope of their duties and customary roles, no commissioner may hold himself or herself out as a representative of the entire Commission nor act or purport to act on behalf of the entire CRC unless duly authorized to do so by the Commission.

c. Messages

To help ensure compliance with the Open Meetings Act, commissioners are encouraged to send communications meant for at least a quorum of the Commission through the Secretary. Such communications may be in a one-way direction only, and commissioners shall not respond on the substance of any matter which would create a quorum or rolling quorum. Notwithstanding the foregoing, commissioners may freely discuss matters of scheduling or seek clarification of questions on procedure, correspondence, and

governance issues so long as the substance of any particular item which should be discussed at a noticed meeting is not discussed by a quorum.

8. Matters Not Addressed

While the Commission intends meetings to run in an informal and efficient manner, any question of procedure not addressed by applicable law or this policy or other rule duly adopted by the Commission shall be governed by Robert's Rules of Order Newly Revised 11th Edition, published by DaCapo Press, Cambridge, Massachusetts, 2011.

9. Coordination

This policy is not meant to, and shall be interpreted not to, conflict with the Open Meetings Act or other applicable law.

10. Related Authority

- a. Open Meetings Act
- b. Access to Public Records Act Rhode Island Code of Ethics Rhode Island
- c. Constitution Charter § 1205

Adopted by Charter Review Commission:
(date)