

Town Council Governance

1. Overview

This policy sets forth the basic guidelines for meetings and other governance of the Town Council.

2. Meetings of the Town Council

a. Regular Meetings of the Town Council

The Town Council shall hold regular meetings in the Town Hall, or other designated locations deemed appropriate by the Town Council, at 7:00 p.m. on the second and fourth Mondays of each month, unless another date is designated in advance by the Town Council and/or the Town Council cancels a meeting because of a holiday or lack of business. At any time there is a change in the Open Meetings Act (OMA) by the Rhode Island General Assembly or an Executive Order of the Governor that allows for public meetings to be held virtually, the Council may choose to hold meetings virtually in accordance with the OMA at that time or the Governor's Executive Order.

b. Work Sessions of the Town Council

The Town Council may hold work sessions and informational meetings from time to time upon agreement of a majority of its members. No official vote on any business may be taken at a work session or informational meeting.

c. Special Meetings and Emergency Meetings of the Town Council

Special meetings or emergency meetings of the Town Council shall be called by the Town Clerk, or a duly authorized assistant, at the request of the Town Council President, or at the request of three (3) members of the Town Council. Notice of a special meeting shall be provided to members in the same manner as required by the Open Meetings Act, together with email notice to each council member at least 48 hours before any special meeting. Notice of an emergency meeting shall be personally delivered to each member as far in advance of the meeting as practicable, which may include telephone notice.

At all emergency meetings, the only item on the agenda shall be the 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.

d. Cancellation or Postponement of Meetings

The Town Council President may cancel or postpone a meeting due to inclement weather or other unforeseen circumstance, after consulting, if reasonably possible, with the Vice President. Notice of cancellation or postponement shall be distributed to all members of the Council as well as to the public as soon as practicable. Every effort shall be made by the Town Clerk to inform members

of the Town Council as soon as is practicable of changes to meeting times, venues, or cancelation due to weather or unforeseen circumstance.

e. Open Meetings Law

All meetings of the Town Council, 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 Law) 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. Presiding Officer

The President, or in the President's absence or designation, the Vice President shall preside at all meetings. In the event of the absence of both the President and Vice President, or in the event that both the President and Vice President are unable to discharge the duties of the President, the Town Council, with the "senior member in point of service" presiding, shall elect another member to perform the duties of the President during the absence or disability of both the President and Vice President. The term "President" used throughout this policy shall also mean the acting presiding officer as the context requires. For purposes of this section, "senior member in point of service" shall mean the member of the town council with the most years of consecutive and/or non-consecutive service on the town council.

b. Meeting Governance

The President shall take the chair at the time designated for the meeting of the Town Council and shall promptly call the members to order. Four (4) members of the Town Council shall constitute a quorum. The start of a meeting may be delayed for a reasonable period of time pending arrival of a fourth Councilor needed to constitute a quorum. The President shall preserve order and decorum and shall hear and rule on all points of privilege and points of order. The President may speak on points of order in preference to other members.

c. Voting

Votes shall normally be taken by a show of hands except for executive session. The Town Clerk shall record the specific members voting in the affirmative or negative or abstaining. If the vote on any question before the Town Council is not unanimous, the President may ask the Town Clerk to conduct a roll call vote, and the Town Clerk shall separately record the vote of each member.

If a meeting is being held virtually in accordance with Section 2.a. of this policy, all votes shall be conducted by roll call.

d. Speaking by Members of the Town Council

A member wishing to speak shall address the President. After being recognized to speak, a member shall not be interrupted except by a question of a point of order, or to yield to another member. Each member shall confine his/her remarks to the question under debate. No member shall speak more than once on the same question until all other members wishing to speak on the question have done so, unless recognized by the President. Meetings shall be conducted in an orderly manner. The President may place reasonable limits on debate, unless overruled by the affirmative vote of two-thirds (2/3) of members present. Rules of procedure shall not be utilized to suppress the rights of members to have a reasonable opportunity to be heard, and the President shall endeavor to protect those rights, but 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)** Members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment. The public may speak on any topic during this period on any matter for up to three (3) minutes. The President may provide residents of Tiverton with priority in order of speaking. . Any member of the public speaking during the public comment period, or at other times when invited by the President to speak, shall be limited to speaking once for no more than three (3) minutes, not inclusive of time used to respond to direct questions from Council members. Any member of the public wishing to speak shall speak at the podium, use the microphone, and state their name, and connection, if any, to Tiverton, along with their address.
- (2)** If the President allows participation by the public on an item where the public is not otherwise entitled to speak, then the President 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. Members of the public permitted to speak by the President shall address their comments to the question under debate. If in the judgment of the President, it is not possible to accommodate the desired participation of every member of the public wishing to be heard, the President shall endeavor to ensure that contrary viewpoints are aired at least once before reasonably ending public participation. Members of the public are also encouraged to provide written, legible comments in lieu of speaking and to provide their oral testimony in writing for the public record.

- (3) Open forum sessions will normally be scheduled at regular meetings intended for brief advisories or suggestions on items not elsewhere on the agenda. Open forum sessions are intended for policy or operational issues or other items of governmental or broad community interest. If time constraints prevent speakers from speaking at an open public comment forum, then such speakers shall have priority at the next open public comment forum.
- (4) The President shall enforce order and decorum among members of the public in attendance at meetings. Persons are subject to removal from the meeting if being disorderly or disruptive, or failing to comply with rules after warning. Any person when entitled or permitted to address the Town Council shall, while speaking, be subject to the same rules and shall be entitled to the same privileges of order applicable to members of the Town Council, provided, however, that a member of the Town Council may ask the speaker a question or obtain information.
- (5) Any time limits identified above do not apply to an individual who has requested that an item be placed on the agenda and who is presenting that topic to the Council but it shall apply to any other member of the public who is invited to speak on the topic.

f. Time of Adjournment

The Town Council shall endeavor to limit regular, open sessions to three hours if no closed (executive) session is scheduled, or two hours if a closed session is expected.

g. Minutes

Minutes will be taken by the Clerk of the Town Council or otherwise as provided below. The Town Council will endeavor to keep minutes as comprehensive as reasonably possible, (also considering whether the meeting is being officially audiotaped or videotaped), but will, at a minimum, provide sufficient detail as to comply with the Open Meetings Act. 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 Town Council, but any objection to the minutes by minority voting members must be noted in the finalized minutes if the objecting member so requests.

4. Meeting Agenda

a. Preparation

The Agenda for regular meetings shall normally close at 3:00 p.m. a week beforehand. Any person

may request a New Business item to be placed on the Agenda by filing the designated form and a request/estimate for allotted agenda time, together with appropriate supporting documentation, with the Town Clerk for Monday meetings, by the previous Monday afternoon at 3:00 p.m. To further efficient consideration and debate, those requesting agenda time are encouraged to provide advance, brief, preliminary introductions of topics in advance of full debate for all topics which are not urgent.

Subject to direction from the Town Council, the Town Council President or designee, the Town Administrator and the Town Solicitor shall work in conjunction with the Office of the Town Clerk in the preparation of the Agenda, considering competing priorities and the amount of available time against time requested. The Town Council President or designee shall have the authority to accept additional Agenda items from the Town Administrator, Town Solicitor, or any Town Councilor after 3:00 p.m. a week before regular meetings, if such items are necessary for the safe, healthy, efficient and economical administration of the Town.

The Agenda shall normally be finalized by 4:00 p.m. on the Wednesday before a Monday meeting. The Agenda shall promptly be posted in compliance with State law and the Town Charter. The Agenda “packet” shall consist of the agenda, together with all appropriate supporting documentation, provided that supporting documentation for Executive Session matters shall not be part of the publicly available packet. Council members’ Agenda packets shall be placed in the members’ mailboxes in Town Hall. Councilors shall also receive electronic copies of agenda and basic supporting documents. Agenda packets shall be 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 the Agenda packet or any part thereof. The Agenda packet shall also be converted to electronic format and posted on the Town website as soon as practicable after the hard copy is made public.

b. Items Added During a Meeting

New Agenda items can be added during the Council meeting only by majority vote of the Council members present. Pursuant to RIGL §42-46-6(b), "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 listed with a “(CA)” are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in

which event the item will be removed from Consent Agenda consideration and considered after the Consent Agenda.

d. Executive Session

The order of the agenda of regular meetings of the Town Council shall normally be such that any closed (executive) session(s) shall be the final item(s) on the agenda.

In the event that any professional charging an hourly fee for such presence, is expected at any Town Council meeting, the Town Council shall break at 9:00 pm to conduct only the executive session business pertinent to the aforementioned professional.

If a special meeting is scheduled exclusively for an executive session prior to a regular meeting, at the appointed time for the regular meeting, the special meeting must be promptly ended or be continued to after the regular meeting has concluded.

5. Recusal

Pursuant to Rhode Island General Laws §36-14-6, when a member of the Town Council 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 in the Office of the Town Clerk, and a copy shall be forwarded by the Office of the Town Clerk to the Rhode Island Ethics Commission. Although not required by the Rhode Island Ethics Commission, it shall be a rule of the Town Council that if any member of the Town Council should recuse him 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 council 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, however, it is encouraged that when doing so, members clearly state their intentions and disclose that they are now speaking as a member of the public.

6. Meeting Support

a. Clerk of the Council

Pursuant to Rhode Island General Laws §45-5-5, the Town Clerk shall be the Clerk of the Town Council. Minutes shall be kept of all meetings of the Town Council by the Town Clerk. If the Town Clerk or Deputy Clerk shall not appear at the time and place appointed for the meeting of the Town Council, the Town Council may appoint a clerk pro tempore, who, after being duly engaged, shall do and perform all the duties enjoined by law on the Town Clerk as Clerk of the Town Council. Pursuant to Rhode Island General Laws §45-7-2, the Deputy Clerk shall have all the powers and perform all the duties which are incumbent on the Town Clerk.

b. Other Support

Regular meetings will normally be attended by the Town Administrator and the Town Solicitor but either or both may be excused from attendance at special meetings and workshops by the President unless otherwise directed by the Town Council. The Town Administrator may direct a department head to attend meetings to the extent relevant. Upon receiving an agenda request involving Town officials other than the Town Council, the Town Clerk will attempt to notify the relevant officials through proper channels.

7. Other Governance of the Town Council

a. Actions by President

The Town Council President is the highest elected official of the Town and, in that capacity is the Chief Executive Officer of the Town. The Town Council President shall be the Town Council's representative officer, with all of the rights and responsibilities thereto, and is cloaked with the authority inherent in such position unless other authority applies. This includes the responsibility and authority to take emergency action, including the declaration of states of emergency. This authority is granted to the Town Council President through R.I.G.L. §30-15-12 and 30-15-13, as well as the Tiverton Home Rule Charter, Article IV, Sections 404 and 405. When emergency action is required by the President on behalf of the Town Council for a matter which time or circumstances do not permit bringing before the entire Town Council, the President may act in his or her best judgment so long as he or she attempts to first consult with the Vice President, unless a clearly imminent emergency requires otherwise. In all emergency events, the Town Council President will transmit a message as soon as reasonably possible to the entire Town Council of any such action taken. Regular occurrence of this practice is strongly discouraged. Actions by the President under this policy shall not be in conflict with the Town Charter.

b. Actions by Councilors

No Councilor may hold himself or herself out as an agent of the entire Town Council nor act or purport to act as an agent on behalf of the Town Council unless authorized to do so by the Town Council or under the provisions of the Town Charter. In any event, whether authorized or not, whenever any Councilors holds himself or herself out as, or takes, attempts to take, or purports to take, any action as an agent of the Town Council, he or she shall report the matter to the Town Council President or Town Council as soon as reasonably possible and shall further present such a matter at the next scheduled Town Council meeting so as to inform the members of the Town Council and public of the matter.

c. Messages

To ensure compliance with the Open Meetings Act, Council members are encouraged to send communications meant for at least a quorum of the Town Council through the Town Clerk. Such

communications may be in a one-way direction only, and Council members shall not respond on the substance of any matter which would create a quorum or rolling quorum. Notwithstanding the foregoing, Councilors may freely discuss matters of scheduling so long as the substance of any particular item which should be discussed at a noticed meeting is not discussed by a quorum.

d. Hiring of Town Administrator

The Town Council is solely responsible for the hiring of the town administrator, and it shall review and approve the job description for the position prior to it being posted and advertised. All applications and submissions for the position of town administrator shall be sent to the personnel board for review, and if determined to be qualified by that board, to be interviewed. After the interviews are completed, the personnel board shall recommend to the town council applicant(s) for their further consideration.

e. Legal Counsel/Formal Opinions

The town solicitor, consistent with the town charter, shall serve as legal counsel to the town council. All requests for formal legal opinions to the town solicitor shall be made through the president of the town council who shall, if necessary, shall seek a vote of the town council which shall state the nature of the request and/or opinion sought. Nothing in this policy, however, shall prevent a council member from contacting the solicitor or assistant solicitor with inquires related to town governance, litigation, ordinances, policies, regulations, or related matters of town business. Requests for the drafting of ordinances shall be proposed by a councilmember at or during a town council meeting, and if approved by the majority of the council, shall be drafted by the solicitor for consideration by the town council at a subsequent meeting.

8. Matters Not Addressed

Any question of procedure not addressed by applicable law or this policy or other rule duly adopted by the Town Council shall be governed by "Robert's Rules of Order", Newly Revised 11th Edition (or any subsequently revised edition). When present, the Town Solicitor shall act as parliamentarian; otherwise the President shall make parliamentary rulings. Deviations from over-rulings of this policy during a meeting require the affirmative vote of two-thirds (2/3) of present members, subject to the inherent authority and responsibility of the President to ensure good order and decorum of meetings.

9. Coordination

This policy is not meant to, and shall be interpreted not to, conflict with the Town Charter, the Open Meetings Law, The Rhode Island Access to Public Records Act, the Rhode Island Code of Ethics, or other applicable law. Any provision hereof deemed to be contrary to such authority

shall be deemed void, and this policy shall then be interpreted in the manner most liberally giving force to its intent, absent that provision.

10. Related Authority

Open Meetings Law
Access to Public Records Act
Rhode Island Code of Ethics
RIGL § 45-5-1, §45-5-3 to 5, § 45-5-7
Charter § 102, § 103; art. IV, § 503(4) & (12); § 801, § 803

Adopted by Tiverton Town Council on March 28, 2011

As Amended 9/15/15, 8/22/16, 4/1/2019, 11/12/2019, 1/11/2021, 3/11/2024, and 1/27/2025.