

CORTE MADERA TOWN COUNCIL¹

RULES AND PROCEDURES

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INTRODUCTION

This handbook has been prepared to orient you with the functions and activities of the Corte Madera Town Council. The handbook is designed to aid you in fulfilling the responsibilities you have accepted.

BOARDS AND COMMISSIONS

Chapter 2.06 of the Corte Madera Municipal Code provides for the establishment of Town Boards and Commissions. At the present time the following have been established.

Standing Boards and Commissions

Planning Commission

Parks and Recreation Commission

Flood Control Board

Disaster Council

Bicycle Pedestrian Advisory Committee

Sales Tax Citizens' Oversight Committee

1 AUTHORITY

- 1.1 State Law: As provided by California Government Code Section 36813, the Town Council (“Council”) of the Town of Corte Madera may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon its adoption by the Council and until such time as it is amended or new rules adopted in the manner provided by these rules.

2 GENERAL COUNCIL RULES

- 2.1 Councilmembers: Councilmembers are residents of the Town who are elected by the voters or appointed by the Council to fill a vacancy as provided by law. They generally serve as the Town's policy makers for terms of four years.
- 2.2 Presiding Officer: The Presiding Officer of the Council shall be the Mayor, and in the Mayor's absence, the Vice Mayor. (Also see Section 6.1)

Each year, at the first regular Council meeting held following the certification of election results by the Marin County Elections Department, the Council will select one of its members to serve as the Mayor for the coming year and another of its members to serve as Vice Mayor.

No member of the Council shall serve as Mayor for more than one consecutive year. No member of the Council shall serve as Vice Mayor for more than one consecutive year. (Resolution No. 1560)²

- 2.3 Council Office: No Councilmember shall have an office in the Town Hall, except for temporary use of a desk or telephone on an occasional basis for Town-related business. Use of the Council Chambers, conference room, or comparable Town facility shall be available by calendar appointment for conference use by Councilmembers when needed for Town-related business through prior arrangement with the Town Clerk.
- 2.4 Council Communications: All correspondence on Town letterhead by Councilmembers pertaining to matters of policy shall be authorized by the Council and signed by the Presiding Officer, unless directed otherwise by the Council. In case of doubt as to whether the letter pertains to policy, the correspondence shall be first approved by the Council before it is executed by the Presiding Officer. Any correspondence on Town letterhead to be signed by any councilmember other than the Presiding Officer must be authorized by Council as a condition of its preparation and mailing.
- 2.5 Ballot Measures, Resolutions, Proclamations and Letters of Support: The Council shall consider only those ballot measures, resolutions, proclamations, and letters of

² References are used for historical purposes.

support that have a direct and substantive effect on Town affairs and activities.
(Motion of 10/06/87)

3. CITIZENS' RIGHTS

3.1 Attendance of Media at Council Meetings: All official meetings of the Council and its standing sub-committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

3.2 Addressing the Council: The Council encourages members of the public to address the Council concerning matters of Town business at appropriate times scheduled for that purpose. Any person desiring to address the Council on any subject not listed on the agenda may do so during open time.

Under the Brown Act, every agenda for a regular or special meeting must allow members of the public to speak on each agenda item.

3.3 Manner of Addressing the Council - Time Limit: Each speaker wishing to address the Council may speak for no more than 3 minutes per agenda item and no more than 3 minutes during open public comment time pertaining to items not on the agenda. The Presiding Officer may allow speakers more time for discussion and may allot more time to spokespersons representing several individuals. All remarks shall be addressed to the Council as a body and not to any member thereof nor to other members of the public, except with the permission of the Presiding Officer. Councilmembers desiring to address a member of the public shall only do so upon recognition by and through the Presiding Officer. Questions to members of the public should be limited to matters of clarification.

After one-half hour of public comment on items not on the agenda, the Presiding Officer may move the remainder of open public comment on items not on the agenda to the end of the agenda.

3.4 Disruptive Behavior: As provided in the Brown Act, any person who disrupts the meeting may be removed from the Council chambers.

3.5 Written Communication: Interested parties, or their authorized representatives, may address the Council by written communication regarding any matter that is within the jurisdiction of the Council at any time by mail or email, or by mailing or emailing the Mayor, the Town Manager, or the Town Clerk. Copies of such communications will be distributed to all Councilmembers.

Written communications concerning Council agenda items that are received after the distribution of the agenda packet will be given to the Councilmembers and made available to members of the public at the Council meeting.

4. GENERAL RULES FOR MEETINGS

4.1 Meeting Location: The Council shall meet in the Council Chambers for Regular, Adjourned (see Section 5.4), and Special Meetings, The meeting location may be changed for convenience, to accommodate larger attendance, or for other reasons, provided that the location is permitted under law and is noted on the agenda and/or posted at the Council Chambers. The Brown Act requires that, except under certain circumstances, meetings of the Council be held within Corte Madera. (Gov. Code section 54954)

4.2 Meetings to be Public: All meetings of the Council shall be open to the public except in those limited circumstances under which the Brown Act permits the Council to meet in closed session. (Gov. Code section 54950-54962.)

4.3 Council Deliberation. After a public hearing has been closed, or if the matter for consideration is not the subject of a public hearing, after all interested persons desiring to speak on the matter have been heard and the public comment period has been closed, the Council may debate the matter. During such debate a member of the Council desiring to speak or to address another member of the Council shall address the Presiding Officer, and upon recognition may speak or address other members of the Council, but comments shall be confined to the question or clarification of the matter under debate.

4.4 Quorum and Majority Vote

A. A majority of the members of the Council shall constitute a quorum for the transaction of business except a Councilmember who recuses based on a conflict of interest shall not be counted towards the establishment of a quorum unless that Councilmember's participation is legally required for the action or decision to be made.

B. Resolutions approving orders for the payment of money and the adoption of ordinances shall require the affirmative votes of at least three councilmembers for passage unless the law requires otherwise. The adoption of urgency ordinances shall require the affirmative vote of four Councilmembers for adoption.

C. For all other matters, unless the law provides otherwise, an affirmative vote of a majority of those Councilmembers voting shall be necessary for the adoption of any motion or resolution, except that a motion or resolution shall not be deemed adopted unless at least two councilmembers have voted in favor of it. The vote of any Councilmember abstaining or otherwise failing to vote on a motion or

resolution shall not be considered a vote for or against the motion or resolution. Instead, an abstention or failure to vote shall be considered as consent to the will of the majority as expressed by the majority vote on the motion or resolution.

- 4.5 Record of Proceedings: A written account (“minutes”) of all open meetings of the Council shall be kept by the Town Clerk and shall be entered in a book constituting the official record of the Council following approval by the Council. The book of minutes shall be open to public inspection.

The Town Clerk shall provide for the tape recordings of all Council meetings. These records shall be in the nature of a stenographic aid to the Town Clerk and may be erased after the approval of the minutes but no earlier than 120 days after the meeting. (Resolution 2716)

Council meetings shall be video-recorded and shall be posted on the Town’s website to provide accessibility to the public. These recordings shall not be considered as minutes.

- 4.6 Right of Floor: Before any person may speak at a Council meeting, he/she must first be recognized by the Presiding Officer.
- 4.7 Town Manager: The Town Manager shall attend all meetings of the Council unless excused. The Town Manager may make recommendations to the Council and may take part in all discussions of the Council, but shall have no vote.
- 4.8 Town Attorney: The Town Attorney shall attend all meetings of the Council unless excused and shall, upon request from the Council or Town Manager, give an opinion, either written or oral, on questions of law. The Town Attorney shall act as the Council's parliamentarian. In the Town Attorney’s absence, the Town Clerk shall serve in the capacity as parliamentarian.
- 4.9 Town Clerk: The Town Clerk shall attend all meetings of the Council unless excused by the Town Manager and shall be responsible for keeping the official record (minutes) and perform such other duties as may be required by the Council.
- 4.10 Officers and Employees: Department heads of the Town shall attend such Council meetings upon request of the Town Manager, who shall make that request when there is pertinent business from a particular department on the Council agenda.
- 4.11 Rules of Order: The most revised edition of "Rosenberg’s Rules of Order" shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules in which case these rules shall govern the issue. If any procedural questions arise which are not specifically covered by this set of rules, then such procedural matter will be governed by parliamentary procedure (Rosenberg’s Rules of Order).

5. TYPES OF MEETINGS

- 5.1 Regular Meetings: Unless closed session or other matters are noticed to begin at an earlier time, the Regular Council Meetings are to commence at 6:30 P.M. on the first and third Tuesday of each month, unless otherwise specified in advance in accordance with the Brown Act.

All Regular Council Meetings shall end by 9:30 P.M unless the Council extends the meeting by motion of Council. Council may extend the meeting to 10:00 P.M. by the affirmative vote of a majority of Councilmembers present, and beyond 10:00 P.M. by the affirmative vote of all Council members present.

Should a scheduled Council meeting fall on a legal holiday, the meeting shall be canceled or rescheduled. If a Council regular meeting falls on Election Day, the Council shall hold its meeting on the Monday prior to that day unless the Council chooses to schedule it for another day

Consistent with the requirements of the Brown Act, the Mayor, in consultation with the Town Manager, may, by motion, reschedule any canceled regular meeting to another day.

- 5.2 Special Meetings: A special meeting is a meeting that is not regularly scheduled and is held to transact specified business only. Special meetings may be called by the Presiding Officer or by Council by motion. The call and agenda for a special meeting shall specify the day, the hour, and the location of the special meeting and shall describe the subject or subjects to be considered. No special meeting shall be held unless it complies with the twenty-four (24) hour minimum notice requirements set forth in the Brown Act. All members of the Council, the Twin Cities Times and the Marin Independent Journal shall receive written notice at least 24 hours before the time of the meeting unless otherwise made unnecessary by the Brown Act.
- 5.3 Emergency Meetings: The Council may hold an emergency meeting if a majority of the Council determines a work stoppage, crippling disaster, or other activity severely impairs public health and/or safety. Emergency meetings may be called without complying with either the 24-hour notice or posting requirements as provided in the Brown Act (Government Code Section 54956.5).
- 5.4 Adjourned Meetings: When members of the Council wish to continue a regular or special meeting to a later date, a successful motion to adjourn the meeting and to continue it to a definite later time, makes this second meeting an Adjourned meeting. Any meeting of the Council may be adjourned to a later date and time.
- 5.5 Workshops/Study Sessions: From time to time the Council will hold workshops or field trips at a time and place to be designated by the Presiding Officer. Study sessions or field trips shall be considered meetings and shall be duly noticed and open to the public and the press, as provided by law. Such study sessions or field

trips shall be devoted to matters regarding which the interchange of information prior to a regular meeting may be helpful to the Council's decision making process.

- 5.6 Closed Session: Council may hold Closed Sessions or closed meetings to discuss certain limited topics in accordance with the Brown Act. Closed sessions may be scheduled at either the beginning or end of Council meetings.

6. CONDUCT OF MEETINGS

- 6.1 Call to Order: The Presiding Officer shall call the meeting to order. In the absence of the Mayor and Vice Mayor, the Town Clerk shall call the Council meeting to order, whereupon a temporary Presiding Officer shall be appointed by motion of the members of the Council present. Upon the arrival of the Mayor or Vice Mayor, the Temporary Presiding Officer shall relinquish the Chair immediately upon the conclusion of the matter of business then before the Council. (Also see Section 2.2)
- 6.2 Preservation of Order: The Presiding Officer shall preserve order and decorum, and confine members in debate to the question under discussion. Speakers shall be recognized by the Presiding Officer and shall address their comments to the Council through the Presiding Officer.
- 6.3 Points of Order: Only members of the Council may raise points of order and questions of privilege, including points of information or clarification. The Presiding Officer shall determine all points of order, subject to the right of any Councilmember to appeal to the Council.
- 6.4 Questions to be Stated: The Presiding Officer shall state all questions submitted for a vote and announce the result.
- 6.5 Public Hearing: At the time for public hearings and before any motion is made with reference thereto, the Presiding Officer shall inquire if there are any persons present who desire to speak upon the subject. Any such person may then be permitted to speak, after being encouraged to state his or her name and address. In the event that a large number of individuals wish to speak or for any other reasonable reason, the Presiding Officer may, at the beginning of the hearing, set time limits for speakers.

Public hearings shall be closed by the Presiding Officer after all interested persons, or their authorized representative, present at the hearing have been heard on the subject.

Upon closing the public comment portion of the matter under consideration, it is preferred that the presiding officer state, for the record: Seeing or hearing no one else wishing to address the Council further on this issue, I hereby close the public comment portion of (public hearing on) this matter.

For appeals, the Council will adhere to the following order of proceedings and time limits:

1. Statements disclosing Ex Parte Communications
2. Staff report and Council questions for staff
3. Open public portion of the hearing
- 4a. Presentation by appellant (10 minutes)
- 4b. Presentation by applicant (10 minutes)
5. Council questions for appellant, applicant and/or staff
6. Public comment
- 7a. Rebuttal by applicant (5 minutes)
- 7b. Rebuttal by appellant (5 minutes)
8. Final Council questions of applicant and appellant
9. Final Council questions of staff
10. Close public portion of hearing
11. Council discussions, deliberation and findings and motion(s)

7. ORDER OF BUSINESS AND AGENDA

7.1 Order of Business: Before or after the conclusion of any closed session, which has been placed on the agenda, Councilpersons, Town Manager, Town Clerk, Town Attorney and such department heads or others as have been required to be present, shall take their regular stations in the Council Chambers, or such other locations as provided under section 3.1, and the business of the Council shall be taken up in substantially the following order except as may be otherwise ordered by the Presiding Officer:

1. Call to Order and Salute to the Flag
2. Open Time for Public Comment on Items Not on Agenda
3. Commendations & Presentations
4. Consent Calendar (Note, any item removed from the Consent Calendar shall be placed on the agenda in a different order at the direction of the Presiding Officer)
5. Public Hearings
6. Business Matters (including reports on pending matters)
7. Town Council and Town Manager Reports
8. Draft Agenda for Future Meeting
9. Adjournment

- 7.2 Changes to the Order of Business. The Presiding Officer may change the Order of Business to facilitate the conduct of the meeting.
- 7.3 Agenda: At each regular Council meeting, a draft of the agenda for the next regular meeting will be included as an item for discussion. At that time, Councilmembers may raise other matters to be discussed at future meetings, and Council, by motion, may direct staff to put such items on a future meeting agenda.

The final agenda packet for a regular Council meeting will be sent to the Councilmembers no later than the Friday preceding that meeting.

As required by the Brown Act, the agenda for each regular meeting shall be posted in a location that is freely accessible to the public at least 72 hours before each regular meeting of the Council, and the agenda must include a brief description of each item of business to be transacted or discussed at the meeting, together with the time and location of the meeting. .

Also, the agenda is to be posted on the Town's website:

<http://www.townofcortemadera.org/AgendaCenter>, and in the following display cases: (1) outside of the Tamalpais Drive entrance to Town Hall, (2) at the Corte Madera Post Office, located at 7 Pixley Avenue, and (3) at Fire Station 13 located at 5600 Paradise Drive. Finally, a copy of the complete agenda packet is to be provided to the Corte Madera Library, located at 707 Meadowsweet Drive.

- 7.4 Request from the Public to Place Items on Agenda: When a member of the public submits a request for an item to be added to a future Council agenda, the Town Manager, in conjunction with appropriate staff, will work with the requestor to review the request and determine if a resolution can be reached prior to bringing the item before the Council for consideration. Once the preliminary evaluation is complete, the Town Manager will consult with the Mayor to determine if placement on an agenda is warranted, and if so the appropriate meeting date to bring the item forward for consideration.
- 7.5 Preparation of Minutes: The minutes of the Council meetings shall be kept by the Town Clerk in a minute book provided for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads; and said written minutes shall become the official records of the Town of Corte Madera upon Council approval. The Town Clerk shall be required to make a record only of such business as was actually passed upon by a vote of the Council or directed by the Presiding Officer, and shall not be required to record any remarks of Councilpersons, or of any other person except at the special request of a Councilperson, except that a record shall be made of the names of persons addressing the Council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter.

As soon as possible after each Council meeting the Town Clerk shall cause a copy of the minutes thereof to be forwarded to each Councilperson, the Town Manager, department heads, and other individuals requesting such materials.

Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Town Clerk previously furnished each member with a copy thereof.

- 7.6 Adjournment: It is the policy of the Town Council to conduct the public's business in public. Meetings shall end at 9:30 P.M. The Town Council has the option to extend the meeting in half hour increments, with a majority vote required to continue to 10:00 P.M. and unanimous votes required for each half hour increment extension beyond 10:00 P. M.

8. ORDINANCES, RESOLUTIONS AND MOTIONS

- 8.1 Form: Ordinances, resolutions and contract documents shall be presented to the Council only in printed or typewritten form.
- 8.2 Ordinances: Confined to One Subject: Exceptions: No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which shall be clearly stated in its title.
- 8.3 Town Attorney to Approve: The Town Manager and Town Attorney will determine on a case by case basis when it is appropriate for the Town Attorney to review and/or "Approved as to Form" by the Town Attorney, or the Town Attorney's authorized representative.
- 8.4 Distribution of Ordinances: The Town Clerk shall distribute copies of all proposed ordinances to all members of the Council no later than the Friday of the week preceding the Council meeting at which the ordinance is to be introduced. If the ordinance carries an urgency or emergency clause, copies of the ordinance must be distributed at least twelve (12) hours prior to the meeting of the Council at which time said ordinance is to be considered except in the case of an emergency meeting held as permitted under the Brown Act.
- 8.5 Ordinance Deferred and Emergencies: Each proposed ordinance shall be read by title or in full two times, and any ordinance introduced at a Council meeting shall not be approved until at least the next regular meeting (as long as five days intervenes between the meeting at which the ordinance is introduced and the meeting at which it is adopted), except that an emergency or urgency ordinance may be adopted and read for the first time, all at once.
- 8.6 Reading by Title Only: Upon being introduced or adopted, each proposed ordinance shall be read in its entirety unless further reading is waived by a majority

vote of all Councilmembers present.

- 8.7 Recording of Votes: Only Councilmembers are eligible to vote. The ayes, nays, absences and abstentions shall be recorded upon the official record of the Council upon passage of all ordinances and resolutions.

Every member of the Council present shall vote for or against a question that is put to a vote, unless that Councilmember abstains from voting. If the Councilmember recuses him/herself because of a potential conflict of interest, that member shall not be counted as part of the quorum, shall not vote, and, except as to matters on the consent calendar, shall step down from the dais for the remainder of the discussion.

If the Councilmember abstains for any other reason, that member shall be counted towards establishing the quorum and the abstention shall be considered an acquiescence to the majority vote on the question, with the exception of ordinances or resolutions for the payment of money.

- 8.8 Majority Vote Required: An affirmative vote of at least a majority of the members of the Council shall be necessary to pass an ordinance, but a resolution, motion, or any other proposition may be adopted by a majority voting on the issue, except as otherwise specified in the Town Ordinance or the State Statutes.

- 8.9 Tie Vote: In the event of a tie in votes on any motion, it shall be deemed that no action was taken on that motion.

- 8.10 Numbering Ordinances and Resolutions: Prior to or upon passage, a number shall be assigned to each ordinance or resolution by the Town Clerk.

- 8.11 Ordinance Passage Procedure: Each proposed ordinance shall be read by title or in full two times.

Concerning urgency or emergency ordinances, there need be only one reading and one adoption. These ordinances can be adopted and read for the first time, all at once.

When passed by the Council, an ordinance shall be signed by the Presiding Officer and be attested by the Town Clerk; and it shall be immediately filed and thereafter preserved in the office of the Town Clerk. Posting and publication of ordinances will be in accordance with state law.

- 8.12 Legal Opinions: A majority of the Council may request written legal opinions, relating to Town business, from the Town Manager. Upon receiving requests for a proposed ordinance or a written legal opinion, the Town Manager shall forthwith request same from the Town Attorney; and upon return receipt thereof, the Town Manager shall cause to have distributed the subject ordinance or written legal opinion to all members of the Council so that all members of the Council may be fully informed of the status of Town affairs. Any member of the Council may, for

the purposes of inquiry, request verbal opinion or advice on Town legal matters directly from the Attorney.

- 8.13 Motions to Reconsider: A motion to reconsider can only be made at the meeting during which the main motion was approved, or at the next regular or special meeting immediately following the meeting at which the main motion was approved. In order to make the motion to reconsider a previous motion, the Councilmember must have actually voted (not abstained) on the prevailing side (either for or against) when the question was first considered.

9. APPOINTMENT TO TOWN BOARDS AND COMMISSIONS

In April of each year the Town Clerk will poll the members of the Town Boards and Commission to ascertain if they wish to continue serving for another term. Once this information is obtained, the Town Clerk will work with the appropriate Council subcommittee to schedule interviews of incumbents and new applicants.

With recruitment, ads will be placed in the Marin Independent Journal and the Twin Cities Times. Interviews will be held on dates/times selected by the Council subcommittee and thereafter, the subcommittees' recommendations will be placed on a Consent Calendar at a Council meeting in June so that the appointee begins his/her term at the first meeting of the fiscal year.

The Town Clerk will work with newly appointed members of Boards and Commissions to assure they take their Oaths of Office and complete any necessary paperwork as a result of their appointment.
(Motion of May 6, 2014)

10. SUSPENSION AND AMENDMENT OF THESE RULES

- 10.1 Suspension of These Rules: Any provision of these rules not governed by the Municipal Code or State Law may be temporarily suspended by motion with the affirmative vote of a majority of the Council present at the meeting, except that the affirmative vote of all Councilmembers present is required to suspend the rule regarding extending a regular Council meeting beyond 10 P.M. The vote on a motion to suspend any rule shall be taken by ayes and nays and entered upon the record.

- 10.2 Amendment of These Rules: These rules may be amended, or new rules adopted, by resolution upon the affirmative vote of at least three members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

11. CODE OF ETHICS/STANDARDS OF CONDUCT

The Council maintains high standards of ethical conduct for its members. Council Members are responsible to:

- Act only in the best interests of the entire community without consideration of personal or private interests;
- Ensure an opportunity for public input into Council deliberations, adhering to open meeting laws and regulations;
- Avoid conflicts of interest and the perceptions of conflicts of interest, and comply fully with state ethics laws;
- Exercise authority only as a Council or as specifically assigned by the Council through its Rules and Procedures;
- Use appropriate channels of communication consistent with the council-manager structure of the Town's form of government as provided under state law;
- Respect other Council Members, staff and members of the public;
- Act with civility;
- Be informed about the Town and issues that affect the Town;
- Comply with Federal, State and Town laws, as well as the Council's Rules and Procedures, that affect the operation of local government and set forth the responsibilities of Council Members;
- Devote adequate time to Council work and assigned committee work;
- Maintain the confidentiality of information provided in closed sessions and other information required by state law to be held in confidence.

Violations of this rule will be addressed by the Mayor, who will first discuss the violation with the Council Member in an effort to reach a resolution. If a resolution is not achieved and further action is deemed necessary, the Mayor may appoint an ad hoc committee composed of two Council Members to examine the matter and recommend measures or further courses of action to the Council. Recommended measures will be determined by the Mayor and Vice Mayor (or the ad hoc committee where one has been appointed), after consultation with the Town Attorney and providing the Council Member an opportunity to respond, and may include a recommendation that the Council adopt a resolution censuring the Council Member only as a last resort, when other less severe measures have failed to resolve the violation. If the Mayor is perceived to have violated this rule, the Vice Mayor is authorized to pursue resolution.