

Establishment of Rules of Order

The Town Supervisor shall chair all meetings. If the Town Supervisor is not present then the Deputy Supervisor or Chairperson pro tem shall chair the meeting as outlined in Rule 6.1 below.

RULE 1. REGULAR MEETINGS

1.1 Regular meetings shall commence at 7:00 p.m. on the second and fourth Mondays of each month except where specifically changed by the Town Board.

RULE 2. SPECIAL MEETINGS

2.1 Special meetings shall be at the call of the Town Clerk upon the direction of the Town Supervisor provided that upon convening, a majority of the members of the Board pass a resolution ratifying such call, or upon written request signed by Board members representing a majority of the Town Board.

2.2 Only business specified in the notice may be transacted at a special meeting.

RULE 3. PLACE AND TIME OF MEETINGS

3.1 All meetings of the Town Board shall be held at the Town of Peru Town Hall. Meetings that will be held at a location other than the Town of Peru Town Hall shall require a four-fifths vote of the total membership of the Town Board.

3.2 The Town Clerk shall notify Board members, Town officers and department heads of all meetings.

RULE 4. PRESENCE OF TOWN ATTORNEY

4.1 The Town Attorney shall be present during all Board meetings for the purpose of advising the Board on legal questions unless excused by the Chair.

RULE 5. QUORUM

5.1 A majority of Board Members three (3) shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

5.2 When a quorum is not present, the Town Clerk, upon request of the members present, shall notify members in the manner specified for calling special meetings that an adjourned meeting will be held at a specified time.

RULE 6. TEMPORARY CHAIRPERSON

6.1 Upon the appearance of a quorum, the Chairperson shall call the Board to order. In case of the nonappearance of the Chairperson within fifteen minutes of the appointed hour, the Town Clerk shall call the Board to order and the Deputy Supervisor shall preside for such day only. In the event the Deputy Supervisor is not available then a Chairperson pro tem shall be elected by a majority of those Board members present to preside for such day only, or during the absence of the Chairperson or Deputy Supervisor. The Deputy Supervisor or Chairperson pro tem shall have and exercise all of the powers and duties of the Chairperson at the meeting over which the Deputy Supervisor or Chairperson pro tem is called to preside.

RULE 7. ORDER OF BUSINESS

7.1 The order of business at each session shall be as follows, with the exception of times set apart for the consideration of special orders of the day:

- (1) Call to order by Chairperson.
- (2) Salutation to the flag.
- (3) Roll call by the Town Clerk.
- (4) Correcting and approving the minutes of any previous meetings.
- (5) Presentation of notices, petitions claims, communications, proclamations, and departmental reports.
- (6) Recognition of those in the audience who wish to address the Board.
- (7) Reports from Standing Committees and Liaisons.
- (8) Reports from the Town Attorney and Chairperson.
- (9) Resolutions, motions and notices ready for action.
- (10) Unfinished business:
 1. tabled matters.
 2. matters postponed to certain date.
- (11) Resolutions presented for immediate consideration. (It will be necessary to waive Rule 13.2 by a four-fifths vote of the Board.)
- (12) Notices and any other matters for discussion.
- (13) Adjournment.

RULE 8. ROLL CALL

8.1 On roll call, and in alphabetical order, the Town Clerk shall record by name all members present or absent. It shall be the duty of any Board member arriving late or departing before adjournment to advise the Town Clerk of his/her arrival and his/her departure and it shall be the duty of the Town Clerk to note the name of the Board member and the time by hour and minutes of his/her late arrival or early departure. Any member of the Board unable to attend a regularly-scheduled meeting must notify the Town Clerk prior to the meeting, giving his/her reason for non-attendance at the meeting.

RULE 9. MINUTES OF PREVIOUS MEETING

9.1 Minutes of the previous meeting shall not be read, unless requested by any Board member, by motion duly made, seconded and adopted by majority vote.

RULE 10. PRIVILEGE OF THE FLOOR

10.1 A person, other than a member of the Town Board, may be granted the privilege of the floor by the Chairperson upon the request of a Board member, unless a request is made by a Board member for a vote on extending the privilege. If such request is made, a majority vote shall be made to extend the privilege. The Chairperson, in his/her discretion, may set reasonable limitations upon the duration of time for which the privilege will be extended. In addition to persons granted the privilege of the floor, the Chairperson may extend such privilege under other appropriate times and circumstance. For purposes of this rule only, the Town Clerk and the Town Attorney shall have the same speaking privilege as a Board member.

10.2 If a person, other than a member of the Town Board, in speaking transgresses the rules of the Board, the Chairperson or any member may call him/her to order and the Chairperson may suspend the privilege.

10.3 A person addressing the Town Board [Order of Business 8.1(6)] will be limited to five (5) minutes unless allowed more time by a majority vote of the Town Board. This does not apply to members of the Town Board.

RULE 11. PRESENTATION AND WITHDRAWAL OF MOTIONS AND RESOLUTIONS

11.1 All resolutions shall be reduced to writing and filed with the Town Clerk.

11.2 Every resolution may contain the name or names of the sponsors, a short title setting forth the purpose of the proposed action, and a reference to the law or laws, if any, from which the authority to pass the resolution shall be derived.

11.3 All resolutions and local laws shall be filed with the Town Clerk no later than noon the Wednesday preceding the regularly scheduled meeting. Any resolutions considered at a regularly scheduled meeting of the Town Board that are introduced after noon on the Wednesday preceding the regularly scheduled meeting may only be considered upon a four-fifths vote of the Town Board to waive Rule 13.2.

11.4 Any item acted upon by the Town Board and defeated can be acted upon again at the next meeting of the Town Board.

RULE 12. AGENDA

12.1 The Chairperson shall prepare a list of resolution titles to be acted upon for each meeting of the Town Board which shall also contain the title of each resolution to be presented together with the number to be assigned thereto.

12.2 The list of resolution titles to be acted upon shall be e-mailed to all Board members and the Town Attorney.

RULE 13. UNFINISHED BUSINESS

13.1 All reports, resolutions and other matters laid on the table may be called therefrom under "Unfinished Business" in the regular order of business.

13.2 All questions laid over by rule or by request of any member shall be considered in order at the next session, under the head of "Unfinished Business".

RULE 14. ORDER AND DECORUM

14.1 The Chairperson shall preserve order and decorum and shall decide all questions of order subject to an appeal to the Town Board. If an appeal is made on a decision of the Chairperson, the Chairperson shall have the right in his/her place to make known the reason for his/her decision. The Town Board shall decide the case without debate and the question shall be stated, "Shall the ruling of the Chairperson be sustained?" A majority vote of the Town Board will sustain the ruling of the Chairperson, who does not vote in this case.

14.2 When two or more members seek recognition at the same time, the Chairperson shall name the one entitled to the floor.

RULE 15. MOTIONS AND THEIR PRECEDENCE

15.1 When a question shall be under consideration, no motions shall be made except as herein specified, which motions shall have precedence in the order stated:

UNDEBATABLE

1. For adjournment of the Town Board
2. Take recess
3. Raise a question of privilege
4. To lay on the table
5. For the previous questions
6. Limit or extend limits of debate

DEBATABLE

1. Postpone to a certain time
2. Commit to refer
3. Amend
4. Postpone indefinitely
5. Main motion
6. To commit to special or standing committee
7. To commit to a Committee of the Whole
8. Roll call of the Board to go into a committee of the Whole

15.2 The motion to adjourn or to take a recess shall always to be in order, but cannot be made while the Chairperson is putting a question or while a Board member has the floor or after the previous question has been ordered or while the Town Clerk is calling the roll, or while in Committee of the Whole.

RULE 16. RULES OF VOTING

16.1 The ayes and nays shall be taken on all questions requiring a vote of the Town Board when required by statute. A roll call vote may be taken under all other circumstances, provided that one Board member requests that such a roll call vote be taken. Every resolution directly or indirectly involving expenditures of receipt of money shall be by roll call vote. Any member who shall be present when a question is stated by the Chairperson shall vote thereon. Except where otherwise specifically provided by these rules, Roberts Rules of Order, or by statute, a majority vote of the members shall govern. A Board member may abstain from voting, because of a direct interest in the question. The order of voting shall be alphabetical.

16.2 The Chairperson shall have the right to vote on all questions. When the Board is equally divided, including the Chairperson's vote, the question shall be deemed to be lost.

16.3 A majority vote shall be required for the adoption of any question, unless a greater majority is required by law or rules stated herein.

16.4 The Chairperson may divide a resolution in debate which contains several distinct propositions, at the request of any member, to the end that a vote may be taken on each proposition.

RULE 17. STANDING COMMITTEES

17.1 The Chairperson shall appoint the members and Chairpersons of all standing, special and ad hoc committees subject to the approval, by majority vote, of the remainder of the Town Board. The Chairperson will only vote in the event of a tie. All standing committees shall be appointed for the current year, but shall hold over from the previous year until new committees have been appointed by the Chairperson and approved by the remainder of the Board, but no person shall continue to serve after he/she has ceased to be a member of the Town Board. In order to conduct official business, a quorum, consisting of the majority of the committee, shall be required. The Chairperson shall fill vacancies in the memberships of standing and special committees and they occur.

17.2 Any action taken by a committee shall require a majority vote, and the majority vote must constitute more than one-half (1/2) of the members of the committee.

RULE 18. SPECIAL COMMITTEES

18.1 Special committees may be authorized at any meeting of the Town Board. They shall be appointed by the Chairperson. Any resolution creating any special committee shall specify the powers and duties of the committee and the number of its members.

RULE 19. REFERRAL TO COMMITTEES

19.1 All petitions, communications, budget adjustments, reports, resolutions, motions, etc., requiring action of a committee, shall be referred by the Chairperson, without motion, to the appropriate committee, unless otherwise ordered by the Town Board.

RULE 20. DUTIES OF THE CHAIRPERSON

20.1 In addition to those prescribed heretofore, the Chairperson shall have the following powers and duties:

1. Preside over each duly constituted meeting of the Town Board
2. To call a meeting of any standing or special committee of the Legislature at any time. Except in the absence of a quorum, he/she shall proceed in business in the manner prescribed by these rules.
3. To represent the Town at all public hearings and conferences that he/she deems it necessary to attend.
4. The Chairperson of the Town Board shall be an ex-officio member of all standing

and special committees, and shall be notified of such meetings. The Chairperson, as such ex-officio member of all committees, shall not be counted in determining if a quorum is present and his/her vote shall not be counted on a motion to bring a resolution out of committee.

5. To execute all necessary documents within budgetary appropriations.

RULE 21. AMENDMENT OF RULES

- 21.1 These rules may be amended, and other rules added and adopted, by a majority vote of the Town Board.