



## **Bylaws of the Select Board of the Town of Rockport, Maine**

### **Section 1. Purpose and Scope**

The purpose of these Bylaws is to establish reasonable rules of procedure for Select Board meetings and to promote the fair, orderly and efficient conduct of the Select Board's proceedings and affairs. These Bylaws shall govern the Select Board's practices and procedures except as otherwise provided by law and/or Charter of the Town of Rockport ("Town Charter") and shall be liberally construed so as to accomplish their purpose.

### **Section 2. Officers; Duties**

Officers of the Select Board shall consist of a Chair and Vice Chair to be chosen annually at an organizational meeting of the Board to be held within twenty-four (24) hours of the town election in June. The Chair shall preside at all Select Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings. The Chair also shall, together with the Town Manager, set the agenda for each meeting. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority as the Chair. The Town Manager shall maintain a permanent record of all Select Board meetings and all correspondence of the Select Board, which shall be a public record except as otherwise provided by law.

### **Section 3. Meetings**

Regular meetings of the Select Board shall be held on the second (2<sup>nd</sup>) Monday (or the day following if Monday is a holiday) of each month (except June when the meeting shall be the fourth (4<sup>th</sup>) Monday) or as otherwise necessary or required by law. Special meetings may be called at the discretion of the Chair or upon the request of a majority (three) of the Select Board, provided, however, that notice thereof shall be given to each member and to representatives of the press at least forty-eight (48) hours in advance, when practicable, and that no business may be conducted other than as specified in said notice. Workshops may be called at the discretion of the Chair or upon the request of a majority (three) of the Select Board and shall include informal discussion of the matter at hand but will not include formal action.

Notice of all Select Board meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law.

No business may be conducted by the Select Board except at a duly called and noticed meeting at which a quorum consisting of a majority of the Select Board is present. The order of business at regular meetings shall be determined by the Select Board.

## **Section 4. Hearings**

Public hearings of the Select Board shall be called as required by law or on such other occasions, as a majority (three) of the Board may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time and place of the hearing and a general description of the subject matter.

The Chair shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Select Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial, or unduly repetitious evidence, provided, however, that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chair and without interruption, provided, however, that the Chair may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross examination of any other party through the Chair, provided however, that the Chair may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

## **Section 5. Participation and Voting**

Any action of the Select Board shall require the affirmative vote of a majority (three) of its membership unless otherwise provided by law.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law, including the Town Charter. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

## **Section 6. Decisions**

All decisions of the Select Board shall be made within the time limits, if any, established by law. All final decisions shall reflect the date, time and place of the meeting, the members of the body present or absent, and all motions, seconds and votes taken by individual members if there is a roll call, and such final decisions shall become a part of the Select Board's permanent record as its minutes. All such decisions, together with any electronic recording or transcript of testimony and deliberations and any documents and exhibits offered to the Select Board, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

Notice of any decision, if required, shall be given as prescribed by law.

## **Section 7. Performance Reviews of Town Manager**

The Select Board shall hold a goal setting session no later than August 31<sup>st</sup> to establish the goals for the coming year for the Town Manager. Additionally, the Select Board shall conduct a formal, written review of the Town Manager's performance which shall be completed annually no later than July 31<sup>st</sup> of each year.

## **Section 8. Conflict with Laws**

Any conflict or inconsistency between these Bylaws and any applicable law or the Town Charter shall be resolved in favor of the law and/or the Town Charter.

## **Section 9. Parliamentary Authority**

The rules contained in the current edition of "Robert's Rules of Order Newly Revised" shall govern the Select Board in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, applicable law including the Town Charter, and any special rules of order the Select Board may adopt.

## **Section 10. Waivers; Amendments**

These Bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Select Board unless otherwise provided by law. These Bylaws may be amended at any time in writing by majority (three) vote of the Select Board after notice and public hearing on the proposed amendment.

**Adopted by the Select Board on January 22, 2001**

**Revised by the Select Board on August 13, 2007**

**Revised by the Select Board on June 27, 2011**

**Revised by the Select Board on June 25, 2012**

**Revised by the Select Board on December 10, 2012**

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**Approved by the Select Board on September 9, 2019**

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**Approved by the Select Board on June 28, 2021**

**Approved by the Select Board on August 9, 2021**

**Approved by the Select Board on June 27, 2022**

**Revised by the Select Board on July 10, 2023**

**Approved by the Select Board July 8, 2024**