

RULES OF PROCEDURE OF THE DAGSBORO TOWN COUNCIL

These rules shall govern the procedure of the Dagsboro Town Council, as originally approved the 27th day of June, 2011 and as amended this 27th day of April 2015.

Definitions

“Agenda” includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefore.

“Mayor” means the president of the Town Council.

“Meeting” means the formal or informal gathering of a quorum of the members of the Town Council for the purpose of discussion or taking action on public business.

“Town” means Dagsboro, Delaware, unless otherwise specified.

“Town Council” or “Council” means the Town Council of Dagsboro, Delaware.

“Presiding Officer” means the Mayor of the Town Council, or such other person who presides over the meetings of the Town Council, pursuant to these Rules.

“Public business” means any matter over which the Town Council has supervision, control, jurisdiction or advisory power.

“Public record” is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the Council, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Records not deemed public under 29 Del C. §10002 (g) are not deemed public under the Rules of the Town Council.

Rule 1 - Order of Business

1.1 The order of business at each regular meeting of the Council shall be as follows:

- Call to Order
- Public Comment
- Public Hearings
- Approval of Minutes
- Planning and Zoning Reports and Council Action, If Appropriate
- New Business
- Old Business
- Police Report
- Treasurer’s Report
- Administrative Report

**Presentation of Building Permits Issued
Water Department Report
Committee Reports
Correspondence
Public Comment
Executive Session If Necessary
Adjournment**

- 1.2** The order of business can be altered at any duly constituted meeting by an affirmative vote of a majority of all the members of the Council present. The privilege of the floor may be granted to the public at any time by the presiding officer.
- 1.3** During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments.
- 1.4** Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of a majority of all of the members of the Council. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.

Rule 2 – Meetings of the Council

- 2.1** Regular meetings shall be held in the Bethel Center or such other location as designated by majority vote of all the members of the Council present.
- 2.2** Regular business meetings shall convene on the fourth Monday of each month unless the schedule is revised by majority vote of all the members of the Council present.
- 2.3** Special meetings may be held in any public location in Sussex County, provided that 24 hours advance public notice is given. The notice shall include an explanation as to why the notice required by Rule 3 could not be given.
- 2.4** Special meetings may be held at the call of the Mayor or by a majority of all of the members of the Council, and shall convene at a time and place determined to be appropriate by a majority of all of the members of the Council present.
- 2.5** Emergency meetings may be called without notice to address any emergency regarding the immediate preservation of the public peace, health or safety.
- 2.6** Except for executive sessions, all meetings shall be open to the public.

- 2.7** On the affirmative vote of a majority of all of the members of the Council present at any duly constituted meeting, an executive session may be held and closed to the public for any of the purposes set forth in the Title 29, Chapter 100 of the Delaware Code.
- 2.8** A vote to hold an executive session may be noticed on the council's meeting agenda, unless the provisions of Section 3.4 apply, and the specific purpose for the executive session shall be noticed. The results of the vote shall be made public and shall be recorded in the minutes, unless the privacy provisions of Title 29, Chapter 100 apply.
- 2.9** Discussions in executive session shall be limited to the specific purposes for which an executive session was called.
- 2.10** Minutes of all meetings shall be kept and made available for public inspection and copying. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the Council, of each vote taken and each action agreed upon. Such minutes, or portions thereof, relating to executive sessions, may be withheld from public disclosure only in those cases where public disclosure would defeat the lawful purpose of the executive session, but no longer. Minutes of all executive session meetings shall be released to any member of the public upon a proper request unless such public release of executive session minutes would defeat the lawful purpose for which the executive session was convened.

Rule 3 – Posting of Meeting Notices

- 3.1** Public notices of all meetings shall be posted on the public bulletin board located in the Town Hall, except as noted in 3.4 below.
- 3.2** Notices of regular meetings and of the intent to hold an executive session closed to the public shall be posted at least 7 days in advance thereof.
- 3.3** Notices of special or rescheduled meetings shall be posted at least 24 hours in advance thereof.
- 3.4** Public notice is not required for any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.
- 3.5** Meeting notices shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings. However, the agenda shall be subject to change to include items which arise at the time of the Council's meeting, or to delete items, including executive sessions. A reasonable number of copies of the meeting agenda shall be available to the public.

- 3.6** When an agenda item is not available at the time of the initial posting of the public meeting notice, it shall be added to the notice at least 6 hours in advance of said meeting. The reasons for the delay in posting shall be briefly set forth on the agenda.

Rule 4 – Agenda

- 4.1** The agenda for regular and special Council meetings shall be available to the members of the Council at least seven business days prior to the scheduled meeting and in compliance with the provisions of 29 Del C. §10004(e)(2) and (5)
- 4.2** The Town Administrator shall be responsible for the preparation and contents of the agenda. Any member of the Council may place items on the agenda by contacting the Administrator, either verbally or in writing, prior to the posting of the agenda. Items requested to be placed on the agenda that are not, in the opinion of the Mayor, within the Council’s jurisdiction will not be placed on the posted agenda. Those items that do not qualify as Council business will be responded to by the Mayor and copied to the members of the Council.

Rule 5 – Attendance of Members of the Council at Meetings; Quorums

- 5.1** Members of the Council shall refrain from being absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the Council shall make an effort to notify one of the following: the Mayor, the Town Administrator, or another Council member.
- 5.2** The presence of no less than three (3) members of the Council shall constitute a quorum.
- 5.3** When a quorum is not present at any properly called meeting, the members of the Council present may adjourn.
- 5.4** If no members of the Council are present, the Administrator may adjourn the meeting.
- 5.5** Three (3) affirmative votes shall be required to pass any motion, unless otherwise provided herein or provided by law.
- 5.6** A matter to be voted on may be tabled with three (3) affirmative votes. .

Rule 6 – Roll Calls

- 6.1** On each motion duly made and seconded, the presiding officer shall call the roll or determine the vote in some other manner, and announce the results.

- 6.2** A written record shall be made by the Clerk of the vote by each member of the Council on each vote taken. Said record shall also reflect the number of “aye” votes, the number of “nay” votes, and the number of “abstaining” votes.

Rule 7 – Record Keeping

- 7.1** A file shall be kept in the Office of the Town Administrator of all Council business meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.

Rule 8 – Minutes of Council Meetings

- 8.1** Minutes shall be taken of each meeting of the Council, and shall reflect the following:

- a.** Kind of meeting.
- b.** Date and place of meeting.
- c.** Name of the presiding officer.
- d.** Members of Council present.
- e.** Whether the minutes of the previous meeting were approved.
- f.** The proceedings of the Council, briefly and accurately stated, including titles of ordinances and titles of resolutions considered. The minutes may record what was done rather than what was said. However, a member of the Council may request that a statement or written material be attached to the minutes and made a part thereof.
- g.** All motions voted upon and the results of said motions.
- h.** Names of members of Council making motions and those making secondary motions.
- i.** A record by individual members of Council, of each vote taken and action agreed upon.
- j.** Time of convention and adjournment.

- 8.2** Minutes shall be taken, prepared and presented in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the Council. Copies of the approved minutes shall be made available to the general public.

- 8.3** Recordings will be made of all public Council business meetings at which Town business is transacted. The recordings shall be under the custody of the Council and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

Rule 9 – Records

- 9.1** The approved minutes of each public meeting, together with a copy of each ordinance or resolution introduced at the meeting which is not set forth in full in the minutes thereof shall be kept in the office of the Council and shall be made available for inspection by the public.

Rule 10 - Ordinances

- 10.1** Any member of the Council may request a staff member or the Town Attorney to draft an ordinance for introduction. The member shall notify all members of the Council at the time the request is made. Upon drafting of the proposed ordinance, it shall be placed on the agenda for discussion and possible introduction.
- 10.2** A proposed ordinance may be introduced in writing by any member of the Council at any duly constituted meeting.
- 10.3** The proposed ordinance shall contain no more than one subject, which shall be stated in its title.
- 10.4** When a proposed ordinance is introduced, the Clerk of the Council shall:
- a.** Assign an introduction title to the proposed ordinance;
 - b.** Distribute a copy of the proposed ordinance to each elected official;
 - c.** Comply with all public advertisement requirements as mandated by applicable law;
- 10.5** The Mayor or other presiding officer, or his or her designee, shall designate a date, time, and place for the public hearing for a proposed ordinance.
- 10.6** Following the public hearing, the Council may:
- a.** Adopt the ordinance as introduced;
 - b.** Adopt the ordinance with amendments;
 - c.** Place the ordinance on the table, prior to voting; or
 - d.** Reject the ordinance.

- 10.7** If an ordinance for a change of zone is not placed on the agenda and acted upon within forty-five (45) days of the Council's public hearing on the application, the matter may be placed on the agenda by the Mayor.
- 10.8** If the ordinance is amended in any substantial manner not included in the title of the ordinance, the amended portion thereof shall be introduced by the procedures set forth in Rules 10.2 – 10.6.
- 10.9** Upon the adoption of an ordinance, the Clerk of the Council shall publish the title of the ordinance, with notice of its adoption.
- 10.10** Unless the effective date is included in the body of the ordinance, the ordinance shall become effective upon adoption.

Rule 11 – Resolutions and Proclamations

- 11.1** All resolutions and proclamations shall be in writing and submitted to the members of the Council prior to consideration by the Council.
- 11.2** Any member of the Council may request that a resolution or proclamation be placed on the Council agenda in accordance with Rule 4.
- 11.3** No resolution or proclamation shall contain more than one subject which shall be clearly expressed in its title.
- 11.4** Each resolution and proclamation shall bear a title which shall clearly express its subject matter. At the time of its consideration and prior to a motion for its adoption, a resolution or proclamation may be read by title only.
- 11.5** A resolution or proclamation may be amended unless resubmission is desired by a majority of all of the members of Council.

Rule 12 – Conduct During Meetings

- 12.1** When a member of Council desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of Council who is the first to address the presiding officer.
- 12.2** No member of the Council shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.
- 12.3** If any member of Council, in speaking or otherwise, transgresses the Rules of the Council, the presiding officer shall, or any member of Council may call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.

Rule 13 – Change or Suspension of Rules

- 13.1** Any rule of the Council may be changed or suspended by the approval of a majority of all of the members of the Council.

Rule 14 – Rules of Order

- 14.1** All rules of parliamentary procedure not covered or provided for by the **RULES OF PROCEDURE OF THE TOWN OF DAGSBORO COUNCIL** or by the laws of the State of Delaware, shall be decided in accordance with the latest edition of Robert's Rules of Order (11th Edition).

Rule 15 – Vice-Mayor and Other Presiding Officer

- 15.1** In the absence of the Mayor, the presiding officer, with all powers and duties of the Mayor enumerated herein, shall be the Vice-Mayor as elected by a majority vote of all of the members of Council. In the absence of the Vice-Mayor, the presiding officer, with all powers and duties of the Mayor enumerated herein, shall be such other member of the Council as is elected by a majority vote of all of the members of Council.

Rule 16 - Appointments

- 16.1** The Mayor, with the concurrence of a majority of all of the members of the Council, may appoint any member to represent the Council on any committee, board or commission or at any event.
- 16.2** A member of the Council or employee so appointed shall inform the Council at the next regularly scheduled Council meeting of issues discussed at any meeting, function or event that affects the Town government. (Added 4/27/15)
- 16.3** Any member of Council so appointed shall be responsible for registration fee, meals, or mileage necessary for attending the meeting, function or event. Any employee so appointed to attend said function, meeting or event will have registration and meals paid for by the Town. Mileage will not be reimbursable to employee, however, a Town vehicle may be available for travel. (Added 4/27/15)

Rule 17 – Standards of Conduct

- 17.1** Persons attending Council meetings shall observe appropriate dress standards and standards of conduct.

- 17.2** Signs personally offensive to the members of the Council or to participants, and signs that may distract from the proceedings, shall not be permitted. No placards shall be permitted at any meeting of the Council.
- 17.3** The Administrator shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the Council.
- 17.4** Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the Council.
- 17.5** Persons attending Council meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the Council.
- 17.6** Although the Delaware Freedom of Information Act does not require Council to allow public comment during a Council meeting, the determination by the Council to provide public comment shall be subject to the following procedures, which shall be enforced by the presiding officer of Council:
- A.** Each speaker shall only speak from the designated location after being recognized and shall first identify themselves and give their residence address. Each speaker shall be limited to 3 minutes or as determined by the Mayor or presiding officer.
 - B.** Each speaker shall confine their comments to matters that are clearly within the jurisdiction of the Council and which are matters of legitimate Town business.
 - C.** Public comment is not intended to provide a means for a member of the public to appeal a decision made by the Town Council. All public comments shall be made prior to the Council's decision of the subject matter.
 - D.** Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies.
 - E.** The presiding officer may, but is not required to, respond to a speaker or to a question or an issue raised by a speaker. In situations where the presiding officer responds, the response shall not indicate the position of the Council as a body and to the extent possible, be limited to informing the speaker of the proper person within the government to whom their concerns should be addressed.

Rule 18 – Delaware Freedom of Information Act

- 18.1** All procedures of the Council shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

Rule 19 – Adoption and Effective Date

- 19.1** These rules shall become effective upon adoption by a majority vote of all of the members of the Council. These rules may be revised by majority vote of all of the members of the Council.

Rule 20 – Town of Dagsboro Property (added 4/27/15)

- 20.1** Any property issued to a Town Council member must be returned to the Town Administrator at the end of their respective term. If such property has been lost, damaged/destroyed, stolen, or failed to be returned, the Council member shall reimburse the Town for all replacement costs.
- 20.2** Property includes but not limited to: Town Hall Key(s), Code Book, and Comprehensive Land Use Plan

Adopted this 27th day of June 2011
4 in favor 0 opposed
Amended this 27th day of April 2015
4 in favor 1 opposed