

POLICY AND PROCEDURE
FOR
ENFIELD TOWN COUNCIL
MEETINGS

June 1, 2020

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Town Council Policy and Procedures

1. **Regular Meetings:**

The Council shall meet in the regular session on the first and third Mondays of each month, excepting the month of November, at 7:00 p.m. at the Town Hall Council Chambers, or at any other place as the Council may designate at its preceding meeting. In the month of November the Council shall meet on the Monday immediately following Election Day and the third Monday of the month. When Monday is a holiday, the regular meeting shall be held on the following day at the same hour unless otherwise provided for by motion. The day, time, and place of the meeting may be changed by a majority vote.

2. **Order of Business - Regular Meetings:**

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council, by majority vote, shall suspend the rules and change the order. Executive Session shall be scheduled or added to the agenda as needed.

1. Prayer*
2. Pledge of Allegiance
3. Roll Call**
4. Fire Evacuation Announcement
5. Minutes of Preceding Meetings
6. Special Guests
7. Public Communications & Petitions***
8. Councilor Communications & Petitions
9. Town Manager Report & Communications
10. Town Attorney Report & Communications
11. Report of Special Committees of the Council
12. Old Business
13. New Business
- 13a. Consent Agenda – Action (See Section 3. Agenda, Paragraph 2)
14. Items for Discussion
- 14a. Consent Agenda – Review (See Section 3. Agenda, Paragraph 2)
15. Miscellaneous
16. Public Communications****
17. Councilor Communications
18. Adjournment

*(a) The Order of Roll Call, and voting on all voice votes, for all Regular Meetings shall begin with a different Council member at every meeting. The order shall be alphabetical, and if a Council member is absent, the order for that meeting will begin with the next person in alphabetical order. The Council member whose name begins the roll call for a Regular Meeting will also be the Council member who is responsible for the prayer, and voting order shall not apply to special Meetings of the Town Council.

** (b) After the general election the order for Roll call and voting will begin with the beginning of the alphabet.

*** (c) Please Decorum and Order 12(d).

**** (d) Applies only if prior to 11:00 p.m.

3. **Agenda:**

All reports, communications, ordinances, or other matters to be submitted to the Council shall, at least six days prior to each Council meeting, be delivered to the Town Manager, whereupon the Town Manager shall arrange a list of such matters according to the order of business, and furnish each member of the Council with a copy of the same at least three days prior to the Council Meeting. Simultaneously, a copy of the agenda will be posted on the first floor bulletin board of the Town Hall and on the Town's Official Website.

A Consent Agenda will be added to all Regular Meetings, which will be a separate listing of items for passage that are routine in nature and have already been discussed by the Council majority and minority leaders and require no further discussion or debate. These items will be on a separate list at Items for Discussion, Item 14a. – Consent Agenda – Review. The Consent Agenda at Items for Discussion will move to New Business, Item 13a. Consent Agenda – Action at the next Regular Meeting for adoption. Any member of the Town Council may cause any item listed under the Consent Agenda at either the Items for Discussion or New Business sections to be removed and considered as other new business by request.

Council will permit Town staff, with the consent of the Town Manager, to deliver reports and provide information regarding items on the meeting agenda during the Town Manager Report and Communications section of the agenda.

4. **Special Meetings:**

Special Meetings may be called by the Mayor, the Town Manager, or requested by any two (2) members of the Council if, in the opinion of those members of the Council, the subject matter demands immediate attention and cannot be deferred to the next regular meeting. The notice shall be served personally upon each member of the Council, Town Clerk, and Town Attorney, or left at their respective places of residence at least twenty-four hours before a Special Meeting and emailed to their Official Town of Enfield Email address. At a Special Meeting, only matters included in the notice may be voted upon and enacted by the Council. The business of all Special Meetings shall be transacted in the following order unless the Council, by a majority vote shall suspend the rules and change the order:

1. Roll Call
2. Agenda Items
3. Executive Session
4. Adjournment

Public Communication and Petitions may be added to the Special meeting Agenda when it is deemed necessary by Town Council, prior to the posting of the meeting.

At least once per month the Town Council shall hold presentations at 6:30 PM during the Special Meeting. Any PowerPoint or similar presentation shall be provided electronically to the Councilors prior to the meeting. A paper copy will also be made available to Councilors. Any such presentations will be televised and posted on the Official Town Webpage.

5. **Executive Sessions:**

An Executive Session is a meeting of the Council at which the public is excluded for one or more of the following purposes: (1) discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a Town officer or employee, provided that such individual may require that discussion be held at an open meeting; (2) strategy and negotiations with respect to pending claims and litigation; (3) matters concerning security, strategy or the deployment of security personnel, or devices effecting public security; (4) discussion of the selection of a site or the lease, sale, or purchase of real estate by the Town Council when publicity regarding such matters would cause a likelihood of increased price until such time as all the property has been acquired and all proceedings or transactions concerning same have been terminated or abandoned; and (5) discussion of any matter which would result in the disclosure of public records or the information contained therein described in sub-section (e) of Section 1-18a of the Connecticut General Statutes.

The Council may hold an Executive Session upon the following schedule:

| <u>PRESENT</u> | <u>VOTES REQUIRED</u> |
|----------------|-----------------------|
| 11 | 8 |
| 10 | 7 |
| 9 | 6 |
| 8 | 6 |
| 7 | 6 |
| 6 | 6 |

At an Executive Session, attendance shall be limited to members of the Council and persons invited by the Council to present testimony or opinion limited to the period for which their presence is necessary to present such testimony or opinion and, provided further, that the minutes of such Executive Session shall disclose all persons who are in attendance and the matters considered.

COUNCIL PROCEDURE

6. **Privilege of the Floor:**

- (a) Except when a member of the Council has or desires the floor, the Town Manager shall have the privilege of the floor for the purpose of giving information to the Council on business and affairs of the Town and the Town Attorney shall likewise have the privilege of the floor on the introduction or interpretation of any existing or proposed ordinance or resolution or on any questions of legal procedure.
- (b) Except at a Public Hearing, or as otherwise provided in these rules, no person other than a member of the Council shall address the Council except by the majority vote of the Council.
- (c) Public Communications and Petitions shall be limited to one (1) hour unless extended by a majority vote of the Council. This limit applies to both Public Communications sessions of the agenda.

7. **Motions:**

- (a) When a motion is under debate, no further motion shall be received except (1) to adjourn; (2) to recess; (3) to table; (4) for the previous question; (5) to limit or extend debate; (6) to postpone to time certain; (7) to refer to committee; (8) to amend; (9) to postpone indefinitely; which motions shall have precedence in the order indicated.
- (b) A two-thirds vote shall mean two-thirds of the total membership of the Council (8 votes).
- (c) The Presiding Officer shall have the right to make a motion, may declare any motion duly seconded, except motions made by the Presiding Officer, and may speak from the chair upon any debatable pending question.

8. **Robert's Rules of Order:**

Robert's Rules of Order shall be the authority in all matters of parliamentary procedure not otherwise specified in these rules.

9. **Committees:**

- (a) Standing Committee: The only Standing Committee of the Council shall be the Committee of the Whole. The Mayor shall be the Presiding Officer of the Committee of the Whole, and the rules of proceedings in the Council shall be observed in the Committee of the Whole as far as the same may be applicable.
- (b) Committee of the Whole Meetings: When the Council shall meet as the Committee of the Whole, it shall not be required to meet immediately during the session of the Council, but may defer its meeting and fix such time and place as the Committee may determine, and may adjourn its meeting from time to time, and may make its report at any subsequent session of the Council.
- (c) Special Sub-Committees for a particular purpose may be appointed by the Presiding Officer subject to confirmation of the Council.
- (d) Standing Sub-Committees to facilitate the work of the Council shall consist of the following:

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- Policy & Procedures for Town Council Meetings
- General Government & Finance
- Leisure
- Public Safety
- Public Works
- Social Services

OFFICERS AND EMPLOYEES

10. **Presiding Officer:**

- (a) The Presiding Officer shall be designated as Mayor and shall represent the Town as titular head of the government at meetings of such officials representing other municipalities, ceremonies, public gatherings, and upon such occasions as his/her presence in such capacity may be required. (Town Charter, Chapter III, Section 2,) The Mayor or the Deputy Mayor shall take the chair at the hour appointed for the Council to meet, and the roll shall then be called by the Mayor or Deputy Mayor or Clerk, who shall enter in the minutes of the meeting the names of the members present.
- (b) Deputy Mayor: The Council shall choose one of its members as Deputy Mayor, who shall serve as Mayor during the absence or disability of the Mayor and in case of vacancy in the office of the Mayor, pending the selection of a successor.
- (c) Presiding Officer: In case of the absence of the Mayor and Deputy Mayor, the Clerk shall call the Council to order and call the roll of the members. The Council shall then proceed to elect, by a majority vote of the Council, a Presiding Officer of the meeting to act until the Mayor or Deputy Mayor appears. (Town Charter, Chapter III, Section 2)

11. **Council Privileges:**

The Presiding Officer may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilman by reason of his/her acting as the Presiding Officer. (Town Charter, Chapter III, Section 2)

12. **Decorum and Order:**

The Presiding Officer shall preserve decorum and decide all questions of order, subject to appeal to Council.

- (a) During Council meetings, Council members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the Presiding Officer or the rules of the Council. Every Councilor desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall be confined to the question under debate and shall avoid all personalities and improper language. Every Councilor desiring to question the administrative staff shall address the question to the Manager, through the Presiding Officer, who shall be entitled either to answer the inquiries himself/herself or to designate some member of the staff for that purpose. A Councilor once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer, unless a point of order is raised by another member or unless the

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speaker yields to questions from another member.

- (b) All members of the Council shall accord the utmost courtesy to each member, to the Town employees, and to the public members appearing before the Council, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.
- (c) Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applicable to members of the Town Council. While the Presiding Officer shall have the authority to preserve decorum in meetings, as far as staff members and Town employees are concerned, the Town Manager also shall be responsible for the orderly conduct and decorum of all Town Employees under his/her direction and control.
- (d) Public members attending Council meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Any public member desiring to address the Council shall be recognized by the Presiding Officer, shall state his/her name and address in audible tone for the record, and shall limit his/her remarks to five (5) minutes. After each person, who desires, has had one chance to speak, those desiring to speak a second time will be permitted to do so, and shall limit his/her remarks to three (3) minutes. During Public Communications Item 7 on the Agenda, Public members addressing the Council shall limit their remarks to two rounds (8 minute). During Public Communication Item 16 on the Agenda Public Communication, Public members addressing the Council will only be limited to the one hour and time constraint as described in Agenda section of Policy and Procedures (Section 2). All remarks and questions shall be addressed to the Council as a whole and not to any individual member thereof. All remarks and questions addressed to the administration of the Town shall be addressed to the Town Manager and not to any individual Town employees. No person shall enter into any discussion either directly or through a member of the Council without permission of the Presiding Officer.
- (e) Special Guests of the Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Special Guests shall limit their presentation to no more than fifteen (15) minutes.

Any PowerPoint or similar presentation shall be provided electronically to the Councilors prior to the meeting. A paper copy will also be made available to Councilors. Any presentation requiring more than 15 minutes will be presented at a Special Meeting at 6:30, will be televised, and will be posted on the Official Town Webpage.

13. **Town Manager:**

The Town Manager shall attend all meetings of the Council, including all executive sessions, unless excused by the Presiding Officer. The Town Manager shall perform his/her duties and appointments in accordance with the Charter (Town Charter, Chapter IV, Section 3 & 4). The Town Manager may present recommendations to the Council and may take part in discussions on all matters concerning the welfare of the Town. The Town Manager shall have a seat, but no vote, in the meetings of the governing body.

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14. **Town Attorney:**

The Town Attorney or his or her designee shall attend all meetings of the Council, including all executive sessions, unless excused by the Presiding Officer. The Town Attorney may make recommendations to the Council and shall take part in discussions on all matters concerning their legality. (Town Charter, Chapter V, Section 1).

15. **Town Clerk:**

The Town Clerk shall be Clerk of the Council and shall keep minutes of the meetings and perform such other and further duties in the meetings as may be ordered by the Mayor, Council, or Town Manager.

Not later than three (3) days prior to the next regular meeting, the Clerk shall furnish each Councilor, the Town Manager and Town Attorney, with a copy of the minutes of the preceding meeting. (Town Charter, Chapter III, Section 3, and Town Charter, Chapter V, Section 6.)

16. **Appointments by Council or Mayor:**

All appointments made by the Council shall be by the affirmative vote of not less than six (6) members of the Council, as specified in the Town Charter. Whenever the Mayor or any member of the Council shall, at any meeting, submit an appointment exclusive of appointments provided for in the Charter, to be made with the advice and consent of the Council, consideration of such appointment shall be deferred until the next meeting.

All submitted application shall be shared with all Councilors. A completed application shall be required of any person seeking consideration for any appointment and are being moved forward shall be included in the agenda packet to all councilors.

Unless otherwise specifically defined in the Town Charter, the enabling resolution, or the state statute which creates a vacancy, all applicants for appointment shall meet the qualifications of an elector of the Town of Enfield, as defined by Article 6 of Constitution of the State of Connecticut, as amended.

ORDINANCES AND RESOLUTIONS

17. **Preparation and Introduction:**

The Town Attorney shall, on request of the Town Manager, Council or any member thereof, prepare any ordinance or resolution. All ordinances and resolutions shall be introduced to the Council in printed or written form.

In the absence of the consent of any member of the Council to introduce an ordinance or resolution upon the request of the Town Manager, the Town Clerk shall cause the ordinance to be introduced with the designation "By Request." Any member of the Council may instruct the Town Clerk to endorse said designation "By Request" on any ordinance or resolution which is being introduced to the Council in his name.

18. **Review:**

(a) Before any ordinance shall be acted upon, it shall be reviewed by and such corrections as may be necessary made therein by the Town Attorney to insure accuracy, clarity,

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conciseness, and consistency of text and phraseology, as well as its constitutionality and consistency with existing ordinances or statutes, and the copy of the ordinance upon which final action is based shall bear the Town Attorney's endorsement that such review has been made. (Town Charter, Chapter V, Section 1)

- (b) Any ordinance, except those containing an emergency clause, relating to the duties, powers and functions of any administrative department or office, or effecting, in any substantial manner, the administration of the Town Government shall, on first reading, be referred by the Presiding Officer to the Town Manager, for his/her report and recommendations, unless such ordinance shall have been previously approved by the Town Manager. Further action of such ordinance shall be deferred until the next meeting of the Council.
- (c) A mandatory review period of ten (10) calendar days exists for all labor contracts presented to the Town Council for ratification. The review period begins once the proposed labor contract has been filed with the Town Clerk. At the recommendation of the Town Manager and an affirmative vote of not less than eight (8) members, the Town Council may waive the requirement of a mandatory review period.

19. **Written Form:**

All ordinances and resolutions except those relating to appointment or designation of officers of the Council or its internal procedure shall be introduced in written form.

20. **Time:**

No ordinances, other than an emergency ordinance, requiring action by the Council shall be considered unless such has been filed with the Town Manager on or before 5:00 p.m. of the seventh day before the meeting at which the matter is to be introduced; provided, however, that this rule shall not prevent any member of the Council from introducing at any meeting a matter of new business which does not call for action by the Council at that meeting.

21. **Copies:**

It shall be the duty of the Town Manager, immediately upon the introduction of any ordinance, to prepare copies of such proposed ordinance, one copy of which shall be retained in the Office of the Town Clerk for public inspection, and one copy posted on the Town Bulletin Board and the Town's Official Website. The Town Manager shall also promptly furnish each member of the Council, the Town Clerk and the Town Attorney with a copy of such ordinances.

22. **Filing:**

The copy of the proposed ordinance or repeal of a vote be retained in the Town Clerk's office shall have endorsed thereon the name or names of the member or committee introducing such document, or have attached thereto the elector's petition as required under the Town Charter, Chapter II, Section 7, and at the end thereof, under the caption "Statement of Purpose," shall contain a brief statement of its purpose, which statement shall not be a part of the ordinance. Where such document is introduced by electors' petition, such copy shall be further endorsed by the Town Clerk certifying that the requirements of the Town Charter, Chapter III, Section 7, have been satisfied. The Statement of Purpose and such endorsements shall be included on all copies of the document to be prepared by the Town Manager prior to the final action taken on such document. (Town Charter, Chapter III,

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Sections 6 and 7.)

23. **Public Hearing:**

At least one (1) public hearing, prior notice of which shall be given, not more than fifteen (15) days nor less than five (5) days, by publication, in a newspaper having a circulation in said town, Official Town Website and by posting a notice and the full text of the ordinance in public places, including, but not limited to, Town Hall and the Central Library, shall be held by the Council before any ordinance shall be passed. (Town Charter, Chapter III, Section 6.)

24. **Passage:**

- (a) Any ordinance which shall have had its public hearing shall be taken up by the Council at its next session, shall be read, and thereupon, shall be open for debate and amendment. On the close of debate, the Presiding Officer shall entertain a motion to place such ordinance on final passage. Any member, at any time when there is no motion before the Council, may move to put the proposed ordinance on final passage. The motion for final passage shall not be debatable and shall take precedence over all other motions except one for adjournment. Upon being seconded, the Presiding Officer shall immediately put the motion to the Council. If such motion is adopted, no further debate or amendment shall be allowed, and the Presiding Officer shall immediately call the roll for its final passage. If such motion is not adopted, the ordinance shall still be open for debate and amendment until such time as a motion for final passage is adopted.
- (b) Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk in a book to be kept for that purpose which shall be properly indexed. Within ten (10) days after final passage, all ordinances shall be published once in their entirety in a newspaper having circulation within the Town. Every ordinance, unless it shall specify a later date, shall become effective on the fifteenth (15) day following its final passage. (Town Charter, Chapter III, Section 6,)
- (c) Any resolution may be passed at the meeting at which it is introduced.
- (d) Prior to entering any motion with respect to legislation pending before the Town Council, the Presiding Officer shall provide one of the following:
 - Reading of the legislation by title only, providing that a verbal summary of the legislation be provided to Council by an appropriate member of staff prior to the Council's debate and consideration of such legislation; or
 - A complete and full reading of the legislation by the Presiding Officer occur prior to the Council's debate and consideration of such legislation.

Nothing herein shall preclude the complete and full reading of any legislation pending before Council by motion, second, and majority vote of the Council for such legislation to be read in its entirety.

25. **Emergency Ordinance:**

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency, and shall be adopted by

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not less than six (6) affirmative votes in the Council. An ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after such publication and no public hearing or notice of public hearing shall be required for any public emergency measure. (Town Charter, Chapter III, Section 6.)

26. Emergency Procedure: Only when a Natural or Unnatural Disaster prevents the assemblage of 6 Town Councilors to conduct business. The Town Manager and the Town Councilors that can assemble will act for the Council and conduct business only for emergency matters that cannot wait for the next meeting. (Town Attorney Opinion – Attachment A).

27. Communication:

(a.) Outside of Public Meeting: The Town Council as a whole will conduct business as noticed meeting and will have open discussion. Councilors should refrain from conducting business that has not been properly noticed; (i.e. – Email/text – any additional forms of electronic communication that has open discussion of all members of the Council and has discussion that should be in an open, noticed meeting).

(b.) During a Public Meeting: If Councilors receive electronic communication during a public meeting, such communication may be brought to the attention of the Council during Public Communication, person will be identified as to citizen name and address, and will follow all the rules pertaining to Public Communications. A Councilor may also choose to treat the question or comment as his or her own during Councilor Communication or Council discussions.

28. Meeting Attendance:

(a.) In-Person: It is anticipated that all Councilors shall attend Council Meetings in person.

(b.) Remote Participation: When a councilor cannot appear in person, but will be able to participate remotely, he or she shall participate in the entire meeting.

(1) Provided a quorum is physically present, a Councilor may participate in a meeting by video or audio conference if prevented from physically attending because of, but not limited to, one of the following:

1. Employment or district business;
2. A time-sensitive or other urgent situation;
3. Personal/family vacation.

(2) If a Councilor wishes to participate in a meeting by video or audio conference, he or she must notify the Town Manager at least 24 hours before the meeting unless advance notice. The Town Manager will inform the Mayor of such planned participation and will make the appropriate arrangements.

(3) Approval to remotely participate with less than 24 hours advanced notice will be granted solely by the Town Manager and the ability to make appropriate arrangements.

(4) Any Councilor may remotely participate in a maximum of two (2) Council meetings per calendar year; A Councilor who participates in a meeting remotely, as provided herein, may participate in all aspects of the Town Council meeting including voting on any items. Any meeting with a member participating remotely must be chaired by a physically present officer of the Town Council

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29. Amendments:

Any amendment to these rules shall be *submitted* in writing at any meeting of the Town Council and may be adopted by the affirmative vote of not less than six (6) members at a subsequent meeting of the Council. No amendment may be made to these rules which will conflict with the provisions of the Town Charter.

Town Council Policy and Procedures

LIST OF COUNCIL MEETINGS:
ADOPTION AND AMENDMENT OF POLICY AND PROCEDURE

| <u>Date of Meeting</u> | <u>Adopted/Amended</u> | <u>Motion(s)/Resolution</u> |
|-------------------------------|-------------------------------|------------------------------------|
| September 27, 1965 | Adopted | Motion N |
| October 9, 1967 | Amended | Motion 216 |
| March 10, 1969 | Amended | Motions 571 & 572 |
| January 12, 1970 | Amended | Motions 763, 764, 765 & 766 |
| January 12, 1970 | Adopted | Motion 768 |
| December 13, 1971 | Adopted | Motion 1355 |
| December 10, 1973 | Adopted | Motion 1899 |
| December 8, 1975 | Adopted | Motion 2575 |
| May 17, 1976 | Amended | Motion 2745 |
| November 14, 1977 | Adopted | Resolution 3175 |
| November 13, 1979 | Adopted | Resolution 3922 |
| November 9, 1981 | Adopted | Resolution 4691 |
| February 1, 1982 | Amended | Resolution 4832 |
| November 15, 1982 | Amended | Resolution 5104 |
| November 14, 1983 | Adopted | Resolution 5509 |
| March 19, 1984 | Amended | Resolution 5652 |
| April 16, 1984 | Amended | Resolution 5692 |
| June 17, 1985 | Amended | Resolution 6254 |
| November 12, 1985 | Adopted | Resolution 6450 |
| March 17, 1986 | Amended | Resolution 6685 |
| November 9, 1987 | Adopted | Resolution 7619 |
| November 13, 1989 | Adopted | Resolution 8824 |
| February 5, 1990 | Amended | Resolution 9094A |
| November 18, 1991 | Adopted | Resolution 0238 |
| November 8, 1993 | Adopted | Resolution 1257 |
| November 13, 1995 | Adopted | Resolution 2244 |
| November 10, 1997 | Adopted | Resolution 3234 |
| August 7, 2000 | Amended | Resolution 4776 |
| November 15, 2001 | Amended | Resolution 5535 |
| November 15, 2001 | Adopted | Resolution 5536 |
| December 1, 2003 | Amended | Resolution 6849 |
| September 20, 2004 | Amended | Resolution 7396 |
| April 3, 2006 | Amended | Resolution 8730 |
| January 7, 2008 | Amended | Resolution 9613 |
| March 3, 2008 | Amended | Resolution 9712 |
| December 21, 2009 | Amended | Resolution 705 |
| January 17, 2012 | Amended | Resolution 1657 |
| April 21, 2014 | Amended | Resolution 2669 |
| January 2, 2018 | Amended | Resolution 4466 |
| June 1, 2020 | Amended | Resolution |



TOWN ATTORNEY'S OFFICE

TO: Lee C. Erdmann, Acting Town Manager
FROM: Christopher W. Bromson, Town Attorney
DATE: April 4, 2016
SUBJECT: Town Council—Emergency Powers

FACTS

The FACTS that have been provided to me are that a Councilor's review of the Town Council's Policy and Procedures has prompted the following question.

ISSUE

What is the emergency procedure when six Council members cannot be assembled¹?

SHORT ANSWER

There isn't one.

LAW AND DISCUSSION

Connecticut is a Home Rule state and the Charter is the organic law of the Town. See generally, Conn. Gen. Stat. §7-193; *Caulfield v. Noble*, 178 Conn. 81, 86 (1979). Enfield's Town Charter, revised in 2014, provides for the following emergency measure: Chapter VI, section 5, under the Finance section, addresses emergency appropriations for the Town. Specifically, emergency appropriations:

not exceeding one (1) percent of the current budget in any one fiscal year may be made upon the recommendation of the manager and *by a vote of not less than six (6) members of the council for the purpose of meeting a public emergency threatening the lives, health or property of the citizens, provide a public hearing...*

Chapter III, section 4 related to the Council provides in pertinent part: "Six (6) members shall constitute a quorum, but no ordinance, *resolution, or vote*, except the vote to adjourn or to fix the time and place of the next meeting, shall be adopted *by less than six (6) affirmative votes*. (Emphasis added.)

¹/Although this Office does not ordinarily answer hypothetical questions, this issue is one in which the Council may choose to take or consider whether preventative action is warranted.

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Chapter III, section 5 further addresses the Council's Powers and Duties and makes no specific provision for emergency powers.

The Council's Policy and Procedure for Council Meetings provides in pertinent part:

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency, and shall be adopted *by not less than six (6) affirmative votes in [sic] the Council.*

Note that the framers of the Charter, and the Bylaws, made it clear that six affirmative Council votes are necessary for any substantive decisions/actions. In my 26 years of association with the Town of Enfield, I recall no occasion when six members could not be assembled. Given modern technology, it would seem that currently, even in emergency cases, enough members of the Council would be able to meet via "Skype" or similar electronic communication. Failing that, there may be no ability to assemble six Councilors.

Item 8 under COUNCIL PROCEDURE directs that Robert's Rules of Order be the authority in all matters of parliamentary procedure not otherwise specified in these Rules. If the Council had to act with less than six members on account of an emergency, Robert's provides direction that when action is taken that may not comply with the proper legal process, ratification after the fact would have to take place. Robert's Rules of Order, Chapter 5, section 10, p. 121. (1990 edition.) In other words, as many Council members as could be assembled, by whatever means, would vote and then at some point when a full or majority Council could assemble, the action could then be ratified; or not.

If the Council finds unacceptable the conclusion that there is no specific provision for an emergency procedure when six Council members cannot be assembled, it is suggested that it consider another Charter revision.

c: Mayor Scott Kaupin
Deputy Mayor William Lee
Members, Town Council

K: Town Council/Councilors/Szewczak, TC Emergency Powers, 4-4-16