TOWN OF GREECE

POLICY FOR DECORUM AT MEETINGS OF PUBLIC BOARDS

TOWN CLERK'S OFFICE
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Policy for Decorum at Meetings of Public Boards

1. Purpose and Scope.

The New York State Open Meetings Law was enacted to open the decision-making process of government officials to the public while protecting the ability of government to carry out its responsibilities. It is essential to the legislative and governmental process that public business be performed in an open and public manner so that the citizens of the Town of Greece can attend and listen to the deliberations and decisions that go into the making of public policy. The people's right to know the process of government decision-making is essential.

The performance of public business in an open and public manner that provides the citizens of the Town of Greece with the opportunity to listen to the deliberations and decisions that go into the making of public policy is different from public participation at Public Meetings. Public participation is not required by law except in the case of a public hearing, where comments from the public regarding a particular issue are welcomed and encouraged. Public participation at Public Meetings is not required by law; rather, it is a consideration given so that members of the public may have an opportunity to present their views on matters before the Public Boards of the Town of Greece. Whether the public is allowed to participate at a Public Meeting of a Public Board depends on the subject matter being discussed and the purpose of the meeting. Each Public Board will decide whether it will allow an Open Forum at its Public Meetings.

This policy contains information concerning the procedures by which meetings of the Public Boards of the Town of Greece will be conducted.

2. Word Usage and Definitions.

A. Word usage. For the purposes of this policy, the following provisions and rules shall apply to the use of words:

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Unless specifically indicated otherwise, words used in the singular sense shall include the plural sense, and words used in the plural sense shall include the singular sense.

(3) The masculine gender shall include the feminine gender.

(4) The word "person" shall include individuals, associations, firms, partnerships, corporations and any other similar entities.

(5) The word "shall" is mandatory and means that compliance is required.

(6) The word "may" is permissive and means that compliance is not required.

(7) References to local or state laws, ordinances, codes, rules or regulations or sections thereof shall be construed to include the addendum "as from time to time amended."

(8) References to a specific public official or agency shall be construed to include successors and assigns.

B. All words in this policy which are not hereinafter defined shall carry the meanings which are derived from customary use of the English language. If a dispute should arise, the Town Board shall be responsible for determining which specific meaning is appropriate for a word which has more than one meaning and which is not defined in this policy.

C. Definitions. As used in this policy, the following terms shall have the meanings indicated:

Open Forum – The portion of a Public Meeting in which citizens have the opportunity to formally communicate with a Public Board as a whole, for matters that cannot be handled during the regular working hours of Town government. It is not a question-and-answer session nor is it the time or place to comment on previous applications that have come before a Public Board.

Presiding Officers:

(1) The Presiding Officer at all meetings of the Greece Town Board shall be, in this order, the Town Supervisor, or in the Absence of the Town Supervisor, the Deputy Supervisor appointed pursuant to Town Law §42, or if the position of Deputy Supervisor is vacant or does not exist, the designee of the Greece Town Board made pursuant to Town Law §63, shall be the presiding officer of the Greece Town Board and shall be responsible for maintaining the order and decorum of meetings.

(2) For Boards other than the Greece Town Board, the Chairman of such board, or in his absence, the vice-chairman, if such position has been created, or if no such position exists, the designee of the members of such board shall be the presiding officer of such board and shall be responsible for maintaining the order and decorum of meetings.

Public Board of the Town of Greece (also herein referred to as "Public Board") – Any entity of the Town of Greece, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the Town of Greece, or department thereof, or for a public corporation, as defined in section sixty-six of the New York State General Construction Law, or committee, or subcommittee or other similar entity. Public Boards of the Town of Greece shall include but are not limited to the Greece Town Board, the Town of Greece Planning Board, the Town of Greece Board of Zoning Appeals, the Town of Greece Library Board and the Town of Greece Board of Assessment Review.

Public Hearing – An open meeting conducted by a Public Board to gather information from the public, and to survey public opinion as part of a local law-making, rule-making or decision-making process. Unlike public meetings at which the citizenry might only observe the members of the Public Board as they conduct business, at a Public Hearing the citizens are encouraged to speak and comment on the specific subjects addressed at such hearing. Usually such public discussion focuses on public support for or opposition to a particular action considered by a Public Board. Participation by the public is governed by rules of procedure established by the Public Board prior to holding such Public Hearing.

Public Meeting – The official convening of a Public Board of the Town of Greece for the purpose of conducting public business.

3. **Conduct.**

A. Decorum. Meetings of a Public Board of the Town of Greece shall be conducted in an orderly manner to ensure that the public present at the meeting has full opportunity to hear the deliberative process of such board. Furthermore, if a Public Board allows an Open Forum, that portion of the Public Meeting of the Public Board shall be conducted in an orderly manner to ensure that the public has the full opportunity to be heard and that the deliberative process of such board is retained at all times. The Supervisor, or in his absence his designee, shall be the presiding officer of the Greece Town Board and shall be responsible for maintaining the order and decorum of meetings. For other Public Boards, the Chairman of such board, or in his absence his designee, shall be the presiding officer of such board and shall be responsible for maintaining the order and decorum of meetings.

B. Rules of Decorum. While any meeting of a Public Board of the Town of Greece is in session, the following rules of order and decorum shall be observed:

1. Public Board members. The members of a Public Board of the Town of Greece shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt such Public Board's proceedings or disturb or disrupt any other member while such member is speaking.

2. Town staff members. Employees of the Town of Greece shall observe the same rules of order and decorum as those which apply to the members of Public Boards of the Town of Greece.

3. Members of the audience. No person in the audience at a meeting of a Public Board of the Town of Greece shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise prevent the business of government or which impede the orderly conduct of any meeting of a Public Board. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer or a majority of the members of such Public Board, be barred from further audience before that Public Board during that meeting.

4. Persons Addressing a Public Board of the Town of Greece. Public oral communications at the Public Meetings of a Public Board of the Town of Greece should not be a substitute for addressing any matters that can be handled during the normal working hours of the municipal government. Each person who addresses a Public Board at a Public Meeting shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of a Public Board of the Town of Greece, its staff or the general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Public Meeting of a Public Board of the Town of Greece shall, at the discretion of the presiding officer or a majority of the members of such Public Board, be barred from further audience before that Public Board during that meeting.

C. Addressing a Public Board. Persons addressing a Public Board of the Town of Greece at an Open Forum or a Public Hearing shall observe the following procedures:

1. Each person who wishes to address a Public Board of the Town of Greece regarding an item which is on such board's meeting agenda may seek recognition by the presiding officer of such board during the Open Forum portion of such meeting, provided that such board has an Open Forum. If a Public Board does not allow an Open Forum, it shall be at the discretion of the presiding officer of such board whether persons will be allowed to address the board.

2. Each person who wishes to address a Public Board of the Town of Greece regarding an item that is not on such board's agenda may seek recognition by the presiding officer during the Open Forum portion of the meeting, provided that such board has an Open Forum. No person shall address a Public Board without first being recognized by the presiding officer. It shall be in the discretion of the presiding officer of a Public Board whether persons will be allowed to address such board regarding an item that is not on such board's agenda.

3. Each person who wishes to address a Public Board during a Public Hearing shall address only the issue being heard at such Public Hearing.

4. Each person who wishes to attend or participates in a Public Meeting must abide by the rules of decorum as set forth herein.

5. Each person who wishes to address a Public Board shall, in turn, come to the podium provided for the use of the public and shall state his name and address and the organization, if any, which he represents. Each person who wishes to address a Public Board during the Open Forum portion of the meeting shall also state the subject on which he wishes to address such board. Such person who addresses a Public Board during the Open Forum portion of a Public Meeting shall confine his remarks to the Public Board agenda item or approved Open Forum topic.

6. During the Open Forum portion of a meeting, any subject which is not deemed relevant to town matters by the presiding officer of the Public Board shall be ruled out of order and concluded.

7. The presiding officer of a Public Board shall have the right to terminate the Open Forum portion of a meeting at any time.

8. Each person who addresses a Public Board shall limit his remarks to three (3) minutes, unless further time is granted by the presiding officer of the Public Board.

9. Each person who addresses a Public Board shall address his remarks to the Public Board as a whole and not to any individual member thereof, unless in response to a question from such individual board member.

10. No question may be asked of a member of the Public Board or of the Town's staff without the permission of the presiding officer of such board.

D. Enforcement of Decorum. The rules of decorum set forth above shall be enforced in the following manner:

1. Warning. The presiding officer of a Public Board of the Town of Greece shall request that a person who is breaching the rules of decorum at a meeting be orderly and silent. If, after receiving a warning from the presiding officer of such board, a person persists in disturbing or disrupting such meeting or continues to violate the rules of decorum, the presiding officer shall order him to leave the Public Board meeting. If such person does not remove himself, the presiding officer may order any law enforcement officer who is on duty at such meeting as sergeant-at-arms of such board to remove that person from the board chambers or adjourn the meeting.

2. Removal. Any law enforcement officer who is serving as sergeant-at-arms of a Public Board shall carry out all orders and instructions given by the presiding officer of such board for the purpose of maintaining order and decorum at the Public Board meeting. Upon instruction of the presiding officer of such board, it shall be the duty of the sergeant-at-arms to remove from the board meeting any person who is disturbing or disrupting the proceedings of such board, or violating the rules of decorum set forth herein.

3. Resisting Removal. Any person who resists removal by the sergeant-at-arms of a Public Board or who violates the rules of decorum may be charged with a violation of the appropriate section of New York State Law.

4. Motion to Enforce. If the presiding officer of a Public Board fails to enforce the rules set forth above, any member of such board may move

to require the presiding officer to do so, and an affirmative vote of a majority of such board shall require the presiding officer to do so. If the presiding officer of a Public Board fails to carry out the will of a majority of such board, the majority may designate another member of such board to act as presiding officer for the limited purpose of enforcing any rule of this section which it wishes to enforce.

5. Adjournment. If a meeting of Public Board is disturbed or disrupted in such manner as to make infeasible or improbable the restoration of order, such meeting may be recessed, adjourned or continued by the presiding officer or by a majority of such board, and any remaining board business may be considered at the next meeting of such board.

Adopted by the Town Board 1/1/2010

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