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December 6, 2013

Mary A. Glassman
First Selectman
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: Proposed Rules of Procedure
Simsbury Board of Selectmen

Dear Mary:

You have asked me to review the proposed changes to the Board of Selectmen's Rules of Procedure for the 2013-2015 term. I have comments on two sections of the proposed Rules.

1. **Paragraph 2, Special Meetings**: The proposed change to Paragraph 2 allows a special meeting of the Board of Selectmen to be noticed by "not less than three other Selectmen." The steps necessary to notice a meeting under the proposed rule, however, require an action of the Board of Selectmen. Any action by the Board of Selectmen requires a majority vote of the Board, which is four votes. Typically, a rules provision for the purpose of petitioning a special meeting to be called by the First Selectman, as presiding officer, is triggered by the receipt of a request by a defined number of members of the body. Language to accomplish this could be stated as follows: **"In addition, the First Selectman shall call a special meeting upon receipt of the request signed by ___ members of the Board of Selectmen. The meeting request shall include a proposed agenda"**.

2. **Paragraph 11, Temporary Absence**: The proposed new Paragraph 11 of the Rules defines "temporary absence" for purposes of Charter Section 503 as the First Selectman's absence from the Town of Simsbury for "a period in excess of seventy-two (72) hours or (b) at any time the EOC is activated." Under Charter Section 503, a "temporary absence" of the First Selectman requires the assumption of the duties of the office by the Deputy First Selectman.

The proposed Paragraph 11 is beyond the scope of the Board's authority to adopt procedural rules for the conduct of Board of Selectmen meetings. The proposed rule is a substantive interpretation of the circumstances defined in Charter Section 503 under which the Deputy First Selectman is authorized to assume the role of First Selectman.

The powers and authority of the Board of Selectmen are defined in Chapter IV of the Charter. The Rules are authorized by Charter Section 402, entitled, Presiding Officer, Organization and Procedures. That section states in pertinent part, "The Board of Selectmen shall, by resolution, determine its own rules of procedure". The Rules are intended to govern the

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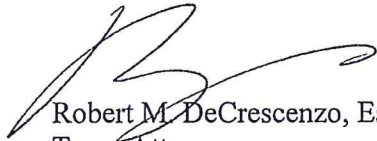
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conduct of Board of Selectmen's meetings and are limited to matters pertaining to the conduct of those meetings. It is not appropriate to adopt a rule of procedure for the conduct of Board of Selectmen meetings that substantively governs the operation of the First Selectman's office under a different chapter of the Charter.

Charter Section 502 states that the Board of Selectmen "shall not diminish by ordinance, vote or otherwise the powers and duties of the First Selectman". As the full-time chief executive and chief administrative officer of the Town, her authority under the Charter to perform her duties as First Selectman cannot be limited or defined by the Board's organizational Rules of Procedure. I do not recommend adoption of the proposed Paragraph 11 of the Rules as currently drafted.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Robert M. DeCrescenzo, Esq.
Town Attorney

RMDe/psm

BE IT RESOLVED, that the Board of Selectmen adopts the following rules of procedure:

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time

1. The Board of Selectmen adopts Robert's Rules of Order as a general guide for the conduct of all regular and special meetings. The Board of Selectmen will conduct its business in accordance with all other applicable rules and regulations including state statutes and the Town Charter.
2. ~~When possible, the~~ The agenda along with all relevant resource material will be distributed to the Board members four (4) days prior to ~~the~~ each regular meeting. Items not specifically included on the agenda may be included by a 2/3 vote of those present and voting. Except in emergency and unusual circumstances, action will not be taken on any agenda item so placed until the next meeting. Under no circumstances will any item be added to the agenda later than 9:00 p.m. or two (2) hours after the beginning of the meeting, whichever is earlier. Special meetings may be noticed either by the First Selectman or by not less than three other Selectmen. In accordance with Connecticut General Statutes, no items will be added to a special meeting agenda.
3. A member of the Board may have an item placed on the agenda by contacting the First Selectman or Director of Administrative Services at least seven (7) days prior to the meeting.
4. The First Selectman may present a "State of the Town Message" at the beginning of one regular meeting per month.
5. One period of not less than twenty (20) minutes may be set aside at the beginning of each regular meeting of the Board of Selectmen to allow members of the public present to address the Board. Each speaker will be limited to five (5) minutes. After all those who wish to speak have done so, previous speakers may be allowed to speak again at the end of the meeting for an additional five (5) minutes, at the pleasure of the Board. When the First Selectman identifies a number of speakers who wish to speak in public audience which would exhaust the time allowed, a shorter period for each speaker shall be set. Any citizen so speaking shall identify him/herself by name and address and if he/she is representing a group or organization, he/she may so state. The First Selectman, upon approval by unanimous consent, may allow additional public participation on an agenda item under discussion. From time to time, the Board of Selectmen may schedule special meetings or regular meetings devoted to a particular topic or topics.
6. When a board, commission, organization, or individual is invited to the meeting to discuss a particular agenda item, that item shall be placed on the agenda at the time requested, if possible.
7. All other items of a ~~routing~~ routine nature, such as ratification of bid awards, tax rebates, resignations and appointments, communications, committee reports, etc., shall be placed in the final portion of the agenda.

8. The Board of Selectmen may enter executive session as permitted by Connecticut General Statutes.
9. In accordance with Chapter 14, Section 1-225 of the Connecticut General Statutes entitled Freedom of Information Act, the votes of each member of the Board of Selectmen upon any issue before the Board of Selectmen shall be reduced to writing and made available to the public within forty-eight hours. These votes shall also be recorded in the minutes of the Board of Selectmen meeting. Further, a draft of the minutes of the Board of Selectmen meeting shall be available for public inspection within seven days of the session to which they refer. The First Selectman's Office will post the actions taken by the Board of Selectmen and both the draft and final version of the meeting minutes on the Town's web-site when available.
10. It is the Board of Selectmen's objective to complete meetings by 10:30 p.m. when possible.
11. For purposes of § 503 of the Charter, a "temporary absence" shall be deemed to occur in the event the First Selectman is absent from the Town of Simsbury: (a) for a period in excess of seventy-two (72) hours, or (b) at any time the EOC is activated. The First Selectman shall give the Deputy First Selectman advance notice of any such temporary absence.
12. Upon an affirmative vote of the Selectmen, a matter may be referred to a subcommittee of the Board, or to any other Town board, committee or commission.
- ~~11~~13. These Rules of Procedure will be in effect until the end of the Board's term, December 20092015.



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN RULES OF PROCEDURE

BE IT RESOLVED, that the Board of Selectmen adopts the following rules of procedure:

§A162-1. Adoption of standards. The Board of Selectmen adopts Robert's Rules of Order as a general guide for the conduct of all regular and special meetings. The Board of Selectmen will conduct its business in accordance with all other applicable rules and regulations including state statutes and the Town Charter.

§A162-2. Inclusion of items on agenda; distribution of agenda. When possible, the agenda along with relevant resource material will be distributed to the Board members four (4) days prior to the meeting. Items not specifically included on the agenda may be included by a two-thirds vote of those present and voting. Except in emergency and unusual circumstances, action will not be taken on any agenda item so placed until the next meeting. Under no circumstances will any item be added to the agenda later than 9:00 p.m. or two hours after the beginning of the meeting, whichever is earlier. In accordance with Connecticut General Statutes, no items will be added to a special meeting agenda.

§A162-3. Placement of items on agenda by Board member. A member of the Board may have an item placed on the agenda by contacting the First Selectman or Director of Administrative Services at least seven days prior to the meeting.

§A162-4. State of the Town Message. The First Selectman may present a "State of the Town Message" at the beginning of one regular meeting per month.

§A162-5. Public participation. One period of not less than **20 twenty** minutes may be set aside at the beginning of each regular meeting of the Board of Selectmen to allow members of the public present to address the Board. Each speaker will be limited to five minutes. After all those who wish to speak have done so, previous speakers may be allowed to speak again at the end of the meeting for an additional five minutes, at the pleasure of the Board. When the First Selectman identifies a number of speakers who wish to speak in public audience which would exhaust the time allowed, a shorter period for each speaker shall be set. Any citizen so speaking shall identify himself/herself by name and address and if he/she is representing a group or organization, he/she may so state. The First Selectman, upon approval by unanimous consent, may allow additional public participation on an agenda item under discussion. From time to time, the Board of Selectmen may schedule special meetings or regular meetings devoted to a particular topic or topics.

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**Board of Selectmen
Rules of Procedure**

§A162-6. Time placement of agenda items. When a board, commission, organization, or individual is invited to the meeting to discuss a particular agenda item, that item shall be placed on the agenda at the time requested, if possible.

§A162-7. Routine agenda items. All other items of a routine nature, such as ratification of bid awards, tax rebates, resignations and appointments, communications, committee reports, etc., shall be placed in the final portion of the agenda.

§A162-8. Executive session. The Board of Selectmen may enter executive session as permitted by Connecticut General Statutes.

§A162-9. Votes and minutes of Board of Selectmen. In accordance with Chapter 14, Section 1-225 of the Connecticut General Statutes entitled Freedom of Information Act, the votes of each member of the Board of Selectmen upon any issue before the Board of Selectmen shall be reduced to writing and made available to the public within **48 forty-eight** hours. These votes shall also be recorded in the minutes of the Board of Selectmen meeting. Further, a draft of the minutes of the Board of Selectmen meeting shall be available for public inspection within seven days of the session to which they refer. The First Selectman's Office will post the actions taken by the Board of Selectmen and both the draft and final version of the meeting minutes on the Town's web-site when available.

§A162-10. Completion of meetings. It is the Board of Selectmen's objective to complete meetings by 10:30 p.m. when possible.

§A162-11. Expiration. These Rules of Procedure will be in effect until the end of the Board's term, December, **2015**.

CHANGES FROM THE PRIOR RULES OF PROCEDURE ARE NOTED IN BOLD.