

## SELECT BOARD BYLAWS

### Section 1. Purpose and Scope

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

### Section 2. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

### Section 3. Qualifications, Terms, Vacancy, and Board Roles and Responsibilities

#### *Basic Qualifications:*

To serve as Municipal Officer (Select Board member), you must be at least 18 years old, a resident of the State in addition to a US citizen, and a registered voter in the Town of Wayne (30-A M.R.S. § 2526(3)).

#### *Terms:*

The Select Board shall consist of five members who shall be elected by the legislative body. Members shall serve for terms of three years. *No other official or employee of the Town may be a voting member.*

#### *Vacancy:*

If a vacancy exists, the Select Board may call a special town meeting to elect a qualified person to fill the vacancy. The appointment is for the full, unexpired term. (30-A M.R.S. § 2602).

#### *Board Roles and Responsibilities:*

The Select Board is the executive branch for the Town Meeting-Select Board-Town Manager Form of Government. The Select Board has several general key areas oversight:

- ☐ Management of the municipal finances;
- ☐ Protect the health, safety and welfare of the residents, in accordance with federal, State, and local laws and regulations;
- ☐ Management of public property and personnel;
- ☐ Management of contracts and relations with other State and local agencies and public;
- ☐ Authority to adopt certain ordinances (e.g., traffic control, general assistance, and others as authorized under Maine law);
- ☐ Issuing certain permits and licenses (e.g., liquor permits, and others as authorized under Maine law or local ordinance);

### Section 4. Officers and their Duties

Officers of the Board shall consist of a Chair and a Vice-Chair to be chosen annually at the first Board meeting in July by and from among Board members. The Chair shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority.

Notwithstanding the presence of the Chair, the Select Board may, by unanimous consent, authorize the Vice-Chair to preside at that Board meeting. In that instance, the Vice-Chair is to have and exercise any and all authority conferred upon the Chair. In a situation where the Chair and the Vice-Chair of the Board are absent, the Board shall appoint by affirmative majority vote of its present members present, a temporary Chair of the Board to serve until such a time as the Chair or Vice-Chair returns to the Chair. The temporary Chair is to have and exercise any and all authority conferred upon the permanent Chair. The Town Clerk shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law.

## **Section 5. Meetings**

Regular meetings of the Board should be held the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday at 6:30 PM 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 of the Board, provided, however, that notice thereof shall be given to each member at least twenty-four hours in advance, whenever possible, and that no business may be conducted other than as specified in said notice.

Notice of all Board meetings shall be given as required by law. The Town Manager or designee will post all meeting notices at the following locations:

1. **Post Office**, 516 Main Street;
2. **Town Office**, 14 Kents Hill Road
3. **Town of Wayne website**: [www.waynemaine.org](http://www.waynemaine.org):

All such meetings shall be open to the public except otherwise provided by law. All such meetings shall follow the Town-wide Remote and Hybrid Meeting Policy.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the full Board. The regular order of business at meetings shall be as follows:

- 1. Select Board members Present/ Quorum.**

- 2. Call meeting to Order.**

*We encourage everyone in attendance to read the Select Board Bylaws. Selectboard Meetings are working meetings between Board members and town staff. All participants must be recognized by the Chairs before speaking.*

- 3. Pledge of Allegiance.**

- 4. Consider additional business not included on the published agenda**

- 5. Conflict of Interest.**

- 6. Meeting Minutes.**

- 7. Warrants.**

8. Old Business.
9. New Business.
10. Supplements / Abatements
11. Town Manager Report.
12. Board Member Reports.
13. Public Comments.
14. Adjourn.

Board members are allowed to go into an executive session to deliberate on the matters authorized by 1 M.R.S. §405 and no others. The executive session can only be entered after a motion has been made in public session to go into executive session. The motion to go into executive session must indicate the precise subject matter, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process. The motion also must "include a citation of one or more sources of statutory or other authority that permits an executive session for that business".

Reason for Executive Session  
Personnel Matters  
Acquisition or sale of real property  
Or economic development  
Labor Negotiations  
Consultations with legal counsel  
Discussion of Confidential Records  
Poverty Abatements

1 M.R.S.A. § 405(6)(A)

The motion must carry by at least 3/5 of the members present and voting. No topic other than that referred to in the motion shall be discussed during executive session. All matters discussed during the executive session shall be held in strictest confidence by the Board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board. No votes/ decisions shall be made in Executive Session. All votes/ decisions shall be made out of executive session for the record.

Draft minutes of Select Board meetings will typically be produced and distributed to Board members by the Friday following each meeting. Discussion and action to approve or amend meeting minutes will occur at the next regularly scheduled Select Board meeting.

#### **Section 6. Public to Address Board**

The Select Board encourages citizens of the Town of Wayne to attend Board meetings, conducted **the first and third Tuesday of each month at 6:30 P.M. at the Ladd Recreation Center**, which are open to both the press and the public except during executive sessions. The Board encourages residents to bring issues of concern or interest of an individual or of the community to the attention of the Select Board. Citizen involvement in Town governance enhances the sense of community that makes Wayne a great place to live, work and visit. Select Board meetings follow an agenda, which

lists the issues the Board will address. The Board wants to hear from citizens and recognizes one way for residents to participate is to speak out in the "Public Comments" sections of each Select Board Meeting. The Select Board also recognizes that efficient, productive and orderly meetings are essential to ensure full and fair consideration of agenda subjects at each meeting. To balance these two interests, the Select Board adopts this Policy to govern the "Public Comments" agenda item of the meetings.

Citizens will be allowed to comment on each agenda item, with comments pertaining only to the item being discussed before final action is taken. Comments will be limited to three (3) minutes per person.

There will be one "Public Comments" segment at each regularly scheduled Select Board Meeting at the end of the meeting. Each "Public Comments" segment is limited to fifteen minutes, allowing three (3) minutes per person. Repeat speakers shall be allowed to speak again after anyone wishing to speak has done so and we are still in the fifteen-minute allotted time frame. The full fifteen-minute time interval will not be reserved for potential discussion. A citizen who is present at the meeting may request the Select Board to extend the Public Comments time, with the Select Board voting on the amount of time and either accepting or rejecting the additional time allocation requested.

All Public comments or questions shall be directed to the Chair, who will recognize each speaker in turn. Remarks may not exceed three minutes per speaker. ***Each speaker must identify him/herself and the group he/she represents***, if applicable. Speakers may not "read into the record" remarks prepared for or directed to another person or entity. This segment of the agenda is intended for brief, usually informal, discussions.

A speaker requesting to present a more formal or comprehensive discussion may request in advance to be on the agenda for that evening. To request to be on the agenda, one should contact the Town Manager no later than noon on the Wednesday before the next scheduled Select Board meeting. The "Public Comments" segment is not an appropriate time to request an interpretation and/or decision of the Select Board. All reasonable requests will be considered, but will be at the Select Board Chair's discretion whether to allow an agenda item, depending on the nature of the request and the time available at a specific meeting. Any request to be on the agenda denied by the Chair of the Board, may be brought forth before the entire Select Board during Public Comments time for the entire Select Board to review. If a motion is made and passes to add the item to a future agenda, the Chair will add it to the agenda within the next two scheduled Select Board meetings.

The Select Board will not act on written materials distributed at a Select Board meeting, other than petitions submitted in accordance with state law. Individuals or groups must submit written materials for the Board's attention to the Town Manager and the Chair of the Select Board, no later than noon on the Friday before the next scheduled Select Board meeting. The Chair shall provide the Town Manager with any written materials received from the public for distribution to all Board members.

Individuals or groups who desire a response from the Select Board are advised to contact the Town Manager and all Select Board Members to request placing an item on the Board's agenda for discussion or submit a letter rather than relying on a "Public Comments" session. The Select Board shall note any concerns, questions, comments

and communications from the public and possibly address at a following meeting. The Chair also could direct the individual or group to an appropriate resource for further information. The Select Board will not enter into debate with the public on a topic but may provide factual information regarding the substance of a comment or ask clarifying questions. Following the meeting, the Chair, on behalf of the Select Board will submit contact information (if provided) for the member of the public who asked a question or provided a comment to the appropriate resource for further information, if needed.

Allegations or complaints related to employees, appointees or other town officials shall be raised outside of the public meeting to either the Town Manager or the Chair of the Select Board. In the event complaints or allegations are raised in public session, the Select Board reserves the right to terminate the speaker from continuing and either go into executive session to discuss, if necessary, or to schedule executive session in the future to discuss the matter. Alternatively, complaints can be filed in accordance with Section 16 of this policy.

The Select Board vests in its Chair the discretion to terminate any remarks if the speaker does not adhere to this policy. At any time, remaining Select Board may call a point of order and ask the Chair to address any individual(s) that are not abiding by this policy. This pertains to the public, Select Board Members, and all Town employees.

## **Section 7. Workshop Sessions**

Workshop sessions may be scheduled by the Chair for the purpose of disseminating information for Board enlightenment and evaluation or for the discussion or refinement of future agenda items.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, the Board at its discretion, may provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chair, relating to the subject of the workshop session.

## **Section 8. Agenda Items**

All agenda items shall be, under normal circumstances, submitted by the Board members to the Town Manager by the close of business Wednesday before the scheduled meeting. Those submitting agenda items are encouraged to include a short statement of the action requested. The Town Manager will draft the agenda and obtain the Chair's approval before distribution. In the event that a matter shall arise which was not submitted to the Town Manager within the proper time frame, then that item shall be presented to the Chair as soon as possible. The Chair may present the matter to be considered by the Board, with a majority vote of Board members present required for it to be acted upon at the meeting.

The Town Manager will post and distribute agendas to all Board members by the close of business on the Thursday before each meeting.

## **Section 9. Hearings**

Public hearings of the Board shall be called as required by law or on such other Select Board



occasions as a majority 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 Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided, however that formal rule 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 10. Board Action.**

*Select Board members have no individual authority in the administration; however, the Town's action is based on the Selectboard's collective authority.*

Majority of the full board must *vote* in the affirmative to pass a motion. "Not the majority of those present and voting take action." For our Select Board, which has 5 members, majority would be 3 members, so in order for motion to pass, 3 members would need to *vote* in the affirmative.

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. 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.

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was present during all Select Board hearings thereon.

All members who are present and not disqualified as provided herein shall *vote* in *every* matter to be *voted* upon unless excused by the Chair for good cause shown. Those present, in those circumstances, who refuse to vote are regarded as having voted affirmatively - for the motion on the floor- if there is a tie vote. If there is a majority vote, then they are regarded as having voted with the majority.

#### **Section 11. Meeting Length**

Board meetings and workshops should generally not exceed two hours. Any extensions shall require the consensus of the members present or approval by majority vote, if requested.

#### **Section 12. Conflict with Laws**

Any conflict or inconsistency between these bylaws and any applicable law shall be

resolved in favor of the law.

### **Section 13. Waivers; Amendments**

These bylaws, or any provisions thereof, may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These bylaws may be amended at any time in writing by majority vote of the Board.

### **Section 14. Oath of Office.**

At or before the first Board meeting in July, the Oath of Office will be administered by the Town Clerk or his/her designee to newly elected Select Board members.

Below is the Oath of Office to be administered:

*I, **XXXX**, do solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States, and of the State of Maine; that I will in all respects observe the provisions of the Ordinances and Policies of the Town of Wayne, and will faithfully discharge the duties of the office of Select Board, Board of Assessors and Overseer of Poor. SO, HELP ME GOD.*

### **Section 15. Training For Elected Officials on Maine's Freedom of Access Law.**

Select Board members must complete training on the requirements of Maine's Freedom of Access laws relating to public records and proceedings (1 M.R.S. § 412). Select Board members must complete the training within 120 days after the official takes the oath of office. After completing the training, Select Board members are required to make a written record attesting that the training has been completed. The record will be filed at the Town Office, which will be available to the public upon request.

### **Section 16. Legal Counsel.**

1. The Town Manager will promptly inform the Select Board Chair as to the Town's receipt of service of a Complaint or other pleading filed against the Town in Federal, State, or other judicial or administrative forum and will promptly notify the Town's liability insurer as to the receipt of a complaint or other pleadings which may potentially be covered under the Town's insurance policy. Within fourteen (14) days after the Town's receipt of service, the Board will meet to determine whether legal counsel needs to be retained, and decide what legal counsel will be retained to represent the Town's interest in defense of such legal action.

2. A Notice of Tort Claim served upon the Town will promptly be delivered to the Town's Liability Insurer and a copy will be provided to each Select Board member before the next Board meeting.

3. No legal action will be filed or otherwise prosecuted by the Town without prior authorization by the Select Board.

4. The authorization to retain legal service for a specific matter will be approved by the Select Board.

Select Board

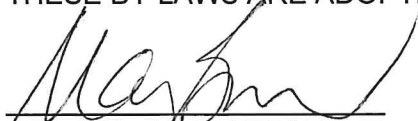
5. Only current members of the Select Board, Town Manager, Town Clerk, Tax Collector, Fire Chief, Chair of the Planning Board, Chair of the Board of Appeals and Code Enforcement may request written and/ or telephonic legal opinions from the Maine Municipal Association (MMA) Legal Department.

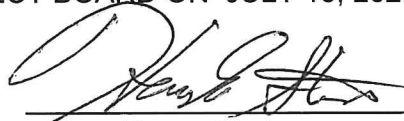
### Section 17. Personnel Complaints

The Select Board agrees to follow this specific procedure for receiving, investigating and responding/ resolving citizen complaints about town government action or inaction including the conduct of any Town Official, appointee, employee or department.


All complaints should be filed or directed to the Town Manager. If the Town Manager is the individual being complained about, then the complaint shall be filed with the Chair of the Select Board. The complaint can either be in writing or verbal. Depending on the nature of the allegations, and after consultation with the Town's attorney, the Town Manager will take appropriate next steps to ensure all complaints are addressed in a fair, thorough and timely manner.


THESE BY LAWS ARE ADOPTED BY THE SELECT BOARD ON JULY 15, 2025 BY:

  
Marianne Butak

  
Henry Steck

  
Lloyd Irland

  
Hazel Stevenson

  
Tom Moran