

## **Town of Hopkinton, Rhode Island**

### **RESOLUTION ADOPTING TOWN COUNCIL BYLAWS: ORGANIZATION AND PROCEDURE**

It is hereby resolved by the Town Council of the Town of Hopkinton as follows:

#### **SECTION 100 - PREAMBLE/AUTHORITY:**

The Town Council of the Town of Hopkinton is vested with the honor, duty, and power to manage the affairs and interests of the Town. In meeting its obligation, the Town Council is authorized “to adopt rules governing the conduct of its meetings.” *See* Town Charter § 3170(D).

The following bylaws are intended to assist the Town Council in accomplishing its stated mission in the best possible manner. In adopting these bylaws, the Town Council acknowledges that personal imperatives must often defer to established procedure for the long-term benefit of the Town Council and the community as a whole.

These bylaws are accordingly intended to establish procedural uniformity so that order, decency, and regularity may be preserved in a dignified, productive, and efficient public body. *See* R.I.G.L. Sections 45-5-1 and 45-6-1.

#### **SECTION 101 - EFFECTIVE UPON PASSAGE:**

The following bylaws shall be effective upon their passage by the Town Council.

#### **SECTION 102 - REGULAR MEETINGS:**

A) Open Meetings: All Regular Meetings of the Town Council shall be open to the public, unless closed pursuant to State law.

B) Schedule: The Town Council shall hold regular monthly meetings on the first and third Monday of each month, provided, however, that when the day fixed for any Regular Meeting of the Town Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held on the next succeeding day not a holiday or as otherwise posted pursuant to majority vote of the Town Council. The regular Town Council meeting will end at 10:00 p.m.

C) Extension of Meeting: The time of a meeting may be extended by a majority vote of the members of the Town Council beyond 10:00 p.m. should additional matters remain on the Town Council docket or agenda.

D) Adjournment: Any meeting of the Town Council may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next Regular Meeting.

E) Place: All Regular Meetings of the Town Council shall be held in the Hopkinton Town Hall or at such other place named on the agenda posted by the Town Clerk.

F) Scheduling Changes: The Town Council may, by resolution when necessary, change the time and place of the Regular Meeting. The resolution shall set forth the circumstances necessitating such change. Such resolution shall be posted by the Town Clerk prominently in Town Hall at least forty-eight (48) hours prior to the meeting to be held pursuant to the change. Forty-eight (48) hours prior to the meeting to be held pursuant to such change, the Town Clerk shall give each Town Council Member written notice, personally or by mail and/or email, of any change from the Regular Meeting days established in this section.

G) Recordation: Except for properly-called Executive Sessions as permitted by State law, all Regular Meetings of the Town Council and its committees shall be open to the media, freely subject to recording by radio, television, and photography by the media and others at any time, provided that

such arrangements do not interfere with the orderly conduct of the meetings under such rulings as the Town Council may prescribe.

**SECTION 103 - SPECIAL MEETINGS/EMERGENCY MEETINGS:**

A) Calling: A special meeting of the Town Council may be called by the Town Clerk at the request of the Council President or a majority of the members of the Town Council. The purpose of a special meeting shall be stated in the notice of the meeting and no business shall be transacted at any special meeting other than that which has been stated. Unless the meeting shall be designated an “emergency” meeting pursuant to Section 114.B hereof, all other meetings shall be in accordance with the requirements of the State Open Meetings Act (RIGL Chapter 42-46, Open Meetings).

B) Forty-eight (48) Hour Call: No Special Meeting shall be held until at least forty-eight (48) hours after the call is issued.

C) Emergency Meetings: Emergency Meetings may be called in the public interest and shall proceed pursuant to the procedures and requirements of Section 114.B hereof and the provisions of State law.

**SECTION 104 - WORK SESSIONS:**

A) Agenda: The Town Council may meet informally in work sessions which shall be open to the general public, at the call of the Council President or a majority of the members of the Town Council, to review forthcoming programs of the Town, receive progress reports on current programs or projects, or receive other similar information, provided that all discussions thereon shall be informal and no votes shall be taken on any matters of “business” as defined herein. Posting shall comply with the requirements of the State Open Meetings Act.

B) Time Limitations: Work Sessions shall not continue past three (3) hours of their starting time unless the majority of those Town Council Members present choose to continue.

**SECTION 105 – EXECUTIVE SESSIONS:**

Executive Sessions or Closed Meetings shall be held in accordance with the provisions of the State Open Meetings Act.

**SECTION 106 – MINUTES:**

A) Recording/Contents: Minutes of all Regular and Special Meetings shall be recorded and maintained pursuant to RIGL Section 42-46-7. Such minutes shall be maintained in the Office of the Town Clerk. The minutes need not be exhaustive, but at a minimum shall reflect:

- 1) The date, time, and place of the meeting;
- 2) The Town Council Members recorded as either present or absent;
- 3) A general description of all matters proposed, materially discussed or decided; and
- 4) Record of any votes taken. In addition, a record of votes shall be available to the public within two (2) weeks of the date of the vote pursuant to RIGL Section 42-46-7(b).

B) Approval/Amendments: When feasible, approval of the minutes of all Regular Town Council Meeting and Executive Sessions shall be considered at the next Regular Town Council Meeting, in any case, approval of the minutes shall be considered within forty-five (45) days of the meeting. A public reading of the minutes shall not be necessary prior to approval. Such minutes may be revised by the Town Clerk to correct spelling, numbering, and other such technical defects. Prior to approval, any Town Council Member may, through the Town Council President, request the privilege of amending or correcting the minutes to accurately reflect the substance of the prior meeting. If objection is made by any Town Council Member to such amendment or correction, a majority vote of the Town Council shall be necessary for adoption of the correction or amendment.

C) Tape Recording: The Town Clerk, or his or her designee, may tape record any such proceedings as a supplement to the official minutes.

**SECTION 107 – MINUTES BOOK/TOWN COUNCIL MEETING FILE:**

A) Records: A Minutes Book and a Town Council meeting file of all proceedings of the Town Council shall be kept by the Town Clerk and shall be the official record of the Town Council.

B) Open Records: The Minutes Book and Town Council meeting file shall be open to public inspection, except for proceedings of closed meetings as permitted by State law.

**SECTION 108 – THE PRESIDING OFFICER – ELECTION AND DUTIES:**

A) The Chair: The President of the Town Council shall be the Chair, who shall be elected as provided in Section 3110 of the Town Charter. The Chair shall assume the duties of the presiding officer immediately following his or her election and shall retain his or her position as Chair until the next election or until he or she is replaced for cause by supermajority vote of the Town Council.

B) Decorum: The Chair shall preserve strict order and decorum at all Regular and Special Meetings of the Town Council and confine members in debates to the question under discussion.

C) Duties: The Chair shall state every question coming before the Town Council, announce the decision of the Town Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Town Council, in which event a majority vote of the Town Council shall govern and conclusively determine such question of order.

D) Voting Procedure: The Chair shall vote on all questions.

E) Signatory: The Chair shall sign all ordinances and resolutions adopted by the Town Council during his or her presence. In the event of the absence of the Chair, the Town Clerk shall sign ordinances or resolutions as then adopted.

F) Vice Chair: The Town Council shall also select a Vice President as provided in Section 3110 of the Town Charter who shall preside in the absence of the Chair.

G) Chair Pro Tempore: In the absence of the Vice President, the Chair may call any other member to act as chair pro tempore and to temporarily chair the meeting in order to take part in debate, to make a motion, or to cover a temporary absence. Such substitution shall not continue beyond adjournment.

H) Duties of Chair Pro Tempore: During the absence of the President and Vice President, the Chair Pro Tempore shall discharge the duties and exercise the powers and authority of the Chair. The Town Council Member so chosen shall discharge the duties and exercise the powers and authority of the Chair. The Chair Pro Tempore shall vote on all questions before the Town Council during the time he or she is presiding.

#### **SECTION 109 – CALL TO ORDER – PRESIDING OFFICER:**

A) The Call: The Chair of the Town Council, or in his or her absence, the Chair Pro Tempore, shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Town Council to order.

B) Absence of Chair: In the absence of the Chair, the Town Clerk, or his or her assistant, shall call the Town Council to order, whereupon a temporary Chair shall be elected by the members of the Town Council then present.

C) Relinquishing to the Chair: Upon arrival of the Chair, the temporary Chair shall immediately relinquish the position of presiding officer upon the conclusion of the business immediately before the Town Council.

#### **SECTION 110 – ROLL CALL:**

Before proceeding with the business of the Town Council, the Town Clerk or Deputy Town Clerk shall call the roll of the members and the names of those present shall be entered in the minutes.

**SECTION 111 – QUORUM:**

A majority of the members of the Town Council shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall be named and shall adjourn to a later time.

**SECTION 112 – RULES OF ORDER:**

“Roberts Rules of Order” shall guide the proceedings of the Town Council in all cases, unless they are in conflict with these rules.

**SECTION 113 – ORDER OF BUSINESS:**

Promptly, at the appointed hour on the day of each Regular Meeting, the members of the Town Council shall take their regular stations at the Town Council table, and the “business” of the Council, as defined in Section 114.G, shall be taken up for consideration and disposition in the following order:

- No. 1: Moment of Silent Meditation and Pledge of Allegiance
- No. 2: Call to Order and Roll Call
- No. 3: Public Comment
- No. 4: Acknowledgments and Announcements
- No. 5: Approval of Agenda Order
- No. 6: Approval of Consent Agenda
- No. 7: Vacancies and Appointments
- No. 8: Public Hearings
- No. 9: New Business
- No. 10: Unfinished Business
- No. 11: Reports of Officers, Boards, and Committees
- No. 12: Other Administrative Issues
- No. 13: Communications
- No. 14: Public comment
- No. 15: Executive Session

No. 16: Adjournment

**SECTION 114 – AGENDA:**

A) Items Delivered to the Town Clerk for Inclusion (Four (4) business days prior) and/or Posting (forty-eight (48) hours prior): All reports, official communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Town Council for consideration shall be delivered to the Town Clerk at least four (4) business days prior to each Town Council meeting, whereupon the Town Clerk shall immediately arrange a notice of the meeting and an agenda of such matters according to the Order of Business. The Notice and Agenda shall be posted at Town Hall and at one other prominent place within the Town at least forty-eight (48) hours in advance of the meeting and the Town Clerk shall furnish each member of the Town Council and the Town Solicitor with a copy of the same at least twenty-four (24) hours prior to the Town Council meeting and as far in advance of the meeting as time for preparation will permit.

B) Emergency Meetings: Emergency Meetings may be called by the Council President or upon a majority vote of the Town Council when the public welfare requires. In such cases, Notice and the Agenda shall be posted as soon as practicable according to R.I.G.L Section 42-46-6.

C) Requests for Agenda Items: Any Town Council Member may submit a requested agenda item to the Council President and Town Clerk up to four (4) business days prior to any regularly scheduled Town Council meeting. Proposed agenda items should be related directly to Town Council “Business” as that term is defined herein. All such agenda items must be approved by the Town Council President before they are added to the agenda. The Council President may reject any agenda item that is not related to Council “Business,” is not pertinent to the affairs of the Town, and/or that is beyond the jurisdiction and purview of the Town Council.



D) Consent Agenda: There shall be a Consent Agenda established prior to each meeting by the Town Clerk, which shall allow for the passage of routine matters with one vote of the Town Council. Items appropriate for placement on the Consent Agenda may include, but need not be limited to, approval of minutes, communications items of new business not requiring public hearings, and monthly reports of boards, commissions, and officers. Consent Agenda items shall be clearly listed on the written agenda prepared by the Town Clerk. There will be no separate discussion of any Consent Agenda item unless a Town Council Member requests removal of a specific item from the Consent Agenda. In such case, only such requested item(s) shall be removed from the Consent Agenda and it shall then be considered in the normal sequence on the agenda.

E) Written Communications from the Public: Communications from the public shall, if written, be treated as delineated in Section D above. No action shall be taken on any such communication, except receipt and filing, unless specific deliberation and action thereon is required and such deliberation and action is specifically proposed, requested, and sponsored by a member of the Town Council. Upon such request and sponsorship, formal action on any such communication may be taken. If a Public Hearing is requested and deemed appropriate, such hearing may proceed at a subsequent meeting only after consent and approval by a majority of the Town Council and after due and proper notice of such public hearing has been provided as may be required by law.

F) Oral Communications from the Public: All requests from the public to address the Town Council on matters of “business,” other than as a sworn witness at a public hearing, shall be allowed only during the “Public Comment” portion of the agenda unless otherwise solicited by a Town Council Member. All persons addressing the Town Council shall specifically adhere to the dictates of Sections 115.B, 116, 117, 119 and 120 hereof. Public Comment shall not otherwise be

allowed during any other Town Council deliberation. Public Comment shall be placed at the beginning and end of the Town Council Meeting with the following stipulations:

- 1) The Town Council shall not participate in discussion concerning non-agenda, Public Comment items.
- 2) The Town Council shall take no action, other than as stated in (3) below, on non-agenda items unless they are of an emergency nature.
- 3) The Town Council may vote to add an emergency item to the agenda or to place an item on the next meeting agenda for discussion or action.

G) “Business” of the Town Council Defined: “Business” of the Town Council shall be defined as any matter directly pertinent to the affairs and interests of the Town which has been placed before the Town Council in the manner prescribed by these bylaws and which requires specific Town Council action. “Business” shall only be presented to the body by motion of a member or by proper presentation of a communication to the assembly in accordance with these rules.

#### **SECTION 115 – RULES OF DEBATE:**

A) Participation of the Chair: The Chair or Chair Pro Tempore or such other member of the Town Council as may be presiding 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 Town Council Member by reason or acting as the presiding officer.

B) Addressing the Chair/Scope of Debate: Every member desiring to speak shall address the Chair, and, upon recognition by the presiding officer, shall confine himself or herself to the question under debate, avoiding all personalities and disrespectful language.

C) Holding the Floor: A member, once recognized, shall not be interrupted when speaking unless called to order or as herein otherwise provided. If a member, while speaking, is called to order, he or she shall cease speaking until the question of order be determined and, if ruled to be in order, he or she shall be permitted to proceed.

D) Movant's Privilege/Closing Debate: The Town Council Member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

E) Motions to Reconsider: A Motion to Reconsider any action taken by the Town Council may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at anytime and have precedence over all other motions or while a member has the floor. It shall be debatable.

F) Renewal of Motions at Subsequent Meeting: Nothing herein shall be construed to prevent any member of the Town Council from making or remaking the same or any other motion at a subsequent meeting of the Town Council.

G) Motions to Close Debate and to Call the Question: A motion made and seconded to close debate and/or to call the question to a vote shall be non-debated and will be deemed in order, provided each Town Council Member has spoken on the subject or has had the opportunity to speak.

**SECTION 116 – ADDRESSING THE TOWN COUNCIL AFTER MOTION MADE:**

After a motion is made by the Town Council, no person shall address the Town Council unless recognized and permitted in the discretion of the presiding officer.

**SECTION 117 – MANNER OF ADDRESSING THE TOWN COUNCIL –  
TIME LIMIT:**

A) Presentation/Time Limits: Each person addressing the Town Council at any time allowed by these bylaws shall present him or herself in front of the Town Council, shall give his or her name and address in an audible tone of voice for the record, and, unless further time is granted by the Town Council, shall limit his/her address to five minutes unless extended by the Town Council.

B) Addressing the Town Council: All remarks shall be addressed to the Town Council as a body and not to any member thereof.

C) Manner of Discussion: No person, other than the Town Council and the person having the floor, shall be permitted to question or enter into any discussion, either directly or through a member of the Town Council, without the permission of the presiding officer.

D) Questioning through the Chair: No question by an attendee shall be asked of a Town Council member or of any other attendee except through the presiding officer.

**SECTION 118 – SILENCE CONSTITUTES AFFIRMATIVE VOTE:**

Unless a member of the Town Council states that he or she is not voting, his or her silence in failing to respond to a roll call shall be recorded as an affirmative vote.

**SECTION 119 – DECORUM:**

A) Prohibited Activities: While the Town Council is in session, the members and other attendees must preserve order and decorum and no person or member shall by statement, action, conversation, or otherwise, delay or interrupt the proceedings or the peace of the Town Council or disturb any member while speaking or refuse to obey the orders of the Town Council or its presiding officer, except as otherwise herein provided.

B) Cessation of Address: Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Town Council shall be forthwith, by the presiding officer, barred from further audience before the Town Council at that meeting, unless permission to continue be granted by a majority vote of the Town Council.

**SECTION 120 – PROCEDURE AT PUBLIC HEARINGS:**

All public hearings shall be conducted through the Chair with the intent to allow orderly due process to all persons' interest. Although hearings may be structured flexibly, the following considerations may apply as necessary:

A) Sign-in Sheets may be provided for participants, listing printed name, address, signature and indication of whether they are abutters.

B) Order of Agenda:

- 1) Call to order;
- 2) Determination of quorum and proper notice of hearing;
- 3) Presentation summarizing hearing topic made by Town official;
- 4) Testimony by agencies and Town officials related to item, if any;
- 5) Presentation by applicant/licensee/petitioner; if any;
- 6) Testimony of abutters who are proponents, if applicable;
- 7) Testimony of abutters who are opponents, if applicable;
- 8) Testimony of other proponents;
- 9) Testimony of other opponents having limited cross-examination of sworn witnesses, if allowed by the Chair;
- 10) Cross-examination as may be allowed by the Chair and concluding comments by the applicant/licensee/petitioner;
- 11) Concluding comments by Town officials;
- 12) Request of Chair for a motion to close the public hearing; and

- 13) Motion to schedule vote at the next Council meeting unless continued or taken under advisement.

**SECTION 121 – MEMBERS’ DISSENT MAY BE RECORDED IN THE MINUTES:**

Any Town Council Member shall have the right to have the reasons for his or her dissent from or protest against any action of the Town Council entered in the minutes.

**SECTION 122 – ORDINANCES, RESOLUTIONS, MOTIONS, AND CONTRACTS:**

A) Preparation of Ordinances:

- 1) Original Preparation: All ordinances shall be prepared by a member or Town Council designee and presented to the Town Council only in printed or typewritten form. No ordinance shall be prepared by the Town Solicitor for presentation to the Town Council, unless ordered by a majority vote of the Town Council.
- 2) Form: No ordinance shall relate to more than one subject, which shall be clearly expressed in its title and no ordinance or section thereof shall be amended or repealed, unless the new ordinance contains the title of the ordinance or section amended or repealed.
- 3) Ordinances shall be advertised by publication if and to the extent required by the provisions of State law.

B) Passage of Ordinances:

- 1) Reading and Public Hearing: Every ordinance, other than an

emergency ordinance, shall be introduced and read a first time by title and fairly explained by its introducer at the meeting at which it is introduced and then referred to a subsequent Public Hearing. A Public Hearing shall be mandatory on any ordinance.

- 2) Vote Required for Passage: The affirmative vote of a majority of the Town Council Members present shall be necessary for the transaction of any business, provided a quorum is present, other than the approval of the budget or the passage of any ordinance. (See Charter, Section 3141) The passage of an ordinance or approval of the budget requires three positive votes. The vote upon any ordinance shall be by roll call and entered on the record of proceedings. A vote by roll call shall be taken on any other matter at the request of the Council President or any two members.
- 3) Voting Procedures:
  - a) The “ayes and “nays” shall be taken upon passage of all ordinances and resolutions and entered upon the official record of the Town Council.
  - b) An affirmative vote of at least a majority of the members of the entire Town Council shall be necessary to pass an ordinance, but a resolution, motion, or any other proposition may be adopted by a majority voting on the issue except as otherwise specified by ordinance or State statute. When any vote is called, each Town Council member shall respond “yes (aye),” no (nay),” “abstain,” or “pass.” Any Town Council member who responds

“pass” shall be given an opportunity at the end of the roll call to change his or her vote to “yes (aye), “no (nay),” or “abstain.” Any “pass” response not so changed shall be recorded as an abstention.

- c) In the event of a tie in votes on any motion, the motion shall be considered defeated.

C) Publication and Distribution of Ordinances: After passage, there shall be posted within two (2) weeks, a notice describing the ordinance in brief and general terms and stating that it is available for public inspection in the Office of the Town Clerk.

D) Effective Date of Ordinance/Form:

- 1) Effective Date: Every ordinance, unless it shall specify another date, shall become effective upon passage.
- 2) Ordinance Numbering: Upon passage, a number shall be assigned to each ordinance or resolution by the Town Clerk.
- 3) Signature, Filing, and Distribution: When passed by the Town Council, an ordinance shall be signed by the presiding officer and be attested to by the Town Clerk; and it shall be immediately filed and thereafter preserved in the Office of the Town Clerk with distribution to any officials and State officers as may be prescribed by law or resolution.

E) Emergency Ordinances: In an emergency affecting the public peace, health, safety, comfort, and welfare of the inhabitants of the Town and for protection of persons and property, the Town Council by an affirmative vote of three members may adopt on the day of its introduction, without previous filing with the Town Clerk, an ordinance containing a declaration of emergency which shall take effect upon its passage. The nature of the emergency shall be



specifically stated in the ordinance and such declaration shall be conclusive as to the existence of such emergency. Such emergency ordinance(s) shall be temporary and for the period of the emergency only and may authorize departments, offices, and agencies of the Town government to act outside and beyond the usual requirement of ordinances, resolutions, rules, and regulations.

F) Ordinance Enacting Clause: The enacting clause of all ordinances shall be: “The Town Council of the Town of Hopkinton hereby ordains.”

G) Town Solicitor:

- 1) Drafting: Any member of the Town Council may request the Town Clerk, or with majority approval as stated in Section 122.A.1, direct the Town Solicitor to prepare a proposed ordinance with such ordinance to be placed on the agenda of the next scheduled Town Council meeting, provided the ordinance can be reasonably drafted, reviewed, and distributed to members of the Town Council in accordance with time schedules set forth in these rules.
- 2) Legal Opinions: The Town Council, by a majority vote, may request written legal opinions relating to Town business from the Town Solicitor.
- 3) Processing of Requests to Solicitor: Upon receiving requests for a proposed ordinance or a written legal opinion, the Town Clerk shall forthwith request same from the Town Solicitor; and upon return receipt thereof, the Clerk shall forthwith distribute the subject ordinance or written legal opinion to all members of the Town Council so that all members of the Town Council may be fully informed of the status.
- 4) Informal Advice: Any member of the Town Council may, for

purposes of inquiry, request informal advice on Town legal matters directly from the Town Solicitor; however, such advice shall not be elevated to the status of an opinion unless the provisions of Sections 122. B and 122.C have been pursued and followed.

**SECTION 123 – REPORTS AND RESOLUTIONS TO BE FILED WITH CLERK:**

All reports and resolutions shall be filed with the Town Clerk and entered in the minutes.

**SECTION 124 – ADJOURNMENT:**

A Motion to Adjourn shall always be in order and decided without debate.

**SECTION 125 – CREATION OF COMMITTEES, SUB-COMMITTEES, BOARDS, TRUSTS, AND COMMISSIONS:**

A) Creation: The Town Council may create other committees, sub-committees, boards, and commissions to assist in the conduct of the operation of the Town government. The Town Council may act in a fiduciary capacity or as trustees, as the case may be, with such duties as the Town Council may specify not inconsistent with State law or mandate.

B) Membership: Membership and selection of members shall be as provided by the Town Council if not specified by law.

C) Termination: Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Town Council.

D) Advisory Status: No committee so appointed shall have powers other than advisory to the Town Council, except as otherwise specified by ordinance or law.

**SECTION 126 – SUSPENSION AND AMENDMENT OF THESE RULES:**

A) Suspension of Bylaws: Any provision of these bylaws not governed by ordinance or law may be temporarily suspended by a vote of a majority of the Town Council. The vote on any such suspension shall be taken by “yeses (ayes)” or “noes (nays)” and entered upon the record.

B) Amendment of Bylaws: These bylaws may be amended, or new bylaws adopted, by a majority vote of all members of the Town Council, provided that the proposed amendments or new bylaws shall have been introduced into the record at a prior Town Council meeting.

### **APPENDIX (i) – LEGISLATIVE HISTORY:**

- Drafted by Town Solicitors, James P. Marusak and Stephen J. Sypole and adopted by the Hopkinton Town Council on March 21, 2022.
- Introduced for revision at the regular Town Council Meeting on ---
- Draft amendments posted for public comment on:
- Public Hearing date:
- Approved: Regular Town Council Meeting of March 21, 2022.

### **APPENDIX (ii) – EDITOR’S COMMENTARY:**

A) Acknowledgements: These bylaws have been tailored to meet the perceived needs of the Town of Hopkinton. They incorporate portions of the Model Ordinance on City Council Organization and Procedure found in the “National Institute Municipal Law Officers Model Ordinance Service.” Portions of that model are based on code provisions adopted by municipalities in California, Georgia, and Delaware. The bylaws also incorporate certain concepts contained in “Roberts Rules of Order” and in codes now present in other Rhode Island communities.

#### B) Annotations:

1) Organization: The organization of a council or governing body must be effected in conformity to the provisions of the charter or of the general law. *Hobbs v. Upington*, 89 S.W. 128 (Ky. 1905); see also *Bucci v. Fargnoli*, 437 A.2d 1834 (R.I. 1981); Charles S. Ryne, “The Law of Local Government Operations,” 72-82 (1980). The formalities of local organization, if unspecified by general law, will be left to the locality for determination. See, generally, *State ex rel Metcalf v. Andrews*, 15 R.I. 394 (R.I. 1986).

2) Rules of Procedure: The actions of a Town Council are presumed to be valid. *Lavery v. Roberts*, 414 A.2d 461 (R.I. 1980). In Rhode Island, Town


Councils are vested with specific authority to promulgate bylaws. R.I.G.L. Sections 45-5-1 and 45-6-1.


A municipal governing body must act under some rules of procedure. People v. Davis, 120 N.E. 326 (Ill. 1918). Rules prescribed by statute or charter must be followed, but, in the absence thereof, the body may adopt its own rules and regulations, and, in the absence of these, the general rules of parliamentary law prevail. Morris v. Cashmore, 3 N.Y.S.2d. 624 (N.Y. App. Div.); *aff'd* 17 N.E.2d 144 (N.Y. 1938). The Town Council must comply with its own rules once they are established. Kaelble v. Chicopee, 41 N.E.2d (Mass. 1942); see also, Charles S. Rhyne, "The Law of Local Government Operations," 72-82 (1980); accord, Cabana v. Littler, 612 A.2d 678 (R.I. 1992).

In determining the propriety of Town Council decisions, the Court will review validly adopted procedural rules established by the municipality. See, e.g., Fagnoli v. Cianci, 397 A.2d 68 at 74 (R.I. 1979).

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**Voted and approved by the Hopkinton Town Council this 21<sup>st</sup> day of March, 2022.**

Signed:   
**Stephen Moffitt, Jr.**  
**Town Council President**

Attested:   
**Elizabeth J. Cook-Martin**  
**Town Clerk**