

**RULES AND PROCEDURES  
OF THE  
BOARD OF TRUSTEES**

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Incorporated Village of Garden City  
Garden City, New York 11530

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Incorporated Village of Garden City  
351 Stewart Avenue  
Garden City, New York 11530

**ADOPTED:** February 20, 1992  
**AMENDED:** April 6, 2015\*  
**AMENDED:** May 4, 2017\*\*  
**AMENDED:** October 4, 2018\*\*\*  
**AMENDED:** February 6, 2020\*\*\*\*

It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

- Thomas Jefferson<sup>1</sup>

It is necessary that every deliberative body be governed by rules of procedure in order that the will of a majority of its members be determined and revealed in an orderly manner.

- Paul Mason<sup>2</sup>

Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty.

- Henry M. Robert<sup>3</sup>

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<sup>1</sup>Author of "Jefferson's Manual of Parliamentary Practice"

<sup>2</sup>Author of "Mason's Manual of Legislative Procedure"

<sup>3</sup>Author of "Robert's Rules of Order Newly Revised"

## INTRODUCTION

Every governmental body has the fundamental right to adopt its own rules of procedure, subject to such limitations as may be imposed upon it by the controlling laws of a higher authority.

As a convenience to the members of the Board of Trustees of the Village of Garden City and to other interested Village residents, the procedural rules adopted by the Board along with applicable New York State statutory provisions have been brought together in this booklet for ease of reference. Statutory citations are provided for individuals who may wish to refer to the cited sections for their full content and meaning.

This booklet was originally developed by a special ad hoc committee on behalf of the Board of Trustees in 1992 that worked in close consultation with Dr. Lee Demeter, a professional parliamentarian. The Committee consisted of Mayor Brian T. Deveney, Trustee Richard A. Benack, Village Administrator Robert L. Schoelle, Jr., Deputy Village Clerk Joan L. Gallaer and Village Attorney Gerard Fishberg. Subsequent amendments and changes have been adopted throughout the years by various subsequent Boards.

## **I. AUTHORITY AND POWERS OF THE BOARD OF TRUSTEES**

### **SECTION 1. Authority and Powers of the Board.**

The Board of Trustees has the authority and the responsibility to establish policies for the management of the affairs of the Incorporated Village of Garden City, New York. The Board shall take all measures and do all acts for the good government of the Village, its management and business, the protection of its property, the safety, health, comfort and general welfare of its inhabitants, the preservation of peace and good order and for such other purposes as are consistent with the powers delegated to the Board by the Village Law of the State of New York.

### **SECTION 2. Role of Individual Trustees.**

Individual Members of the Board shall have authority only when acting as part of the Board of Trustees when it is legally in session. No Member of the Board as an individual has the right to exercise the authority of or to speak on behalf of the Board, unless he or she is specifically delegated authority to act on its behalf.

## **II. PROCEDURES AT MEETINGS**

### **SECTION 1. Quorum.**

The Mayor and four Trustees, or five Trustees without the Mayor, shall constitute a quorum for the transaction of business, but a lesser number may adjourn and compel the attendance of absent Members.

### **SECTION 2. Role of the Mayor at Board Meetings.**

The Mayor of the Village shall preside at the meetings of the Board of Trustees, shall decide all questions of order subject to appeal, and may vote on all matters and questions coming before the Board.

### **SECTION 3. Voting.**

The affirmative vote of a majority of the full membership of the Board, including abstentions and vacancies, shall be required to exercise the authority of the Board in the transaction of its business.

Each Member shall have one vote, except that in the event of a tie vote, the Mayor shall have a second vote consistent with Section 28.1 of the Village Code. For purposes of determining whether a tie exists, absences and abstentions shall be considered negative votes.

The method of voting shall be discretionary with the presiding officer, provided it reveals how each Member votes. At the request of a Trustee, the vote shall be taken by ayes and noes and the names of the Trustees present and their votes shall be entered in the minutes.

#### **SECTION 4. Basic Procedural Rules for Board Meetings.**

Consistent with the commonly accepted parliamentary rules for the conduct of business in small boards, the basic rules of procedure for meetings of the Board shall be as follows: ("Robert's Rules of Order Newly Revised," Section 48).

- A. Members are not required to rise but must be recognized by the presiding officer before making motions and speaking.
- B. Motions do not require a second.
- C. There is no limit to the number of times a Member may speak on a question.
- D. Informal discussion of a subject is permitted while no motion is pending.
- E. The presiding officer need not rise while putting questions to a vote.
- F. The presiding officer may speak in discussion without rising or leaving the chair.
- G. The presiding officer may make motions, and vote on all questions.

- H. Motions to close or limit debate may be entertained but shall require a two-thirds vote.

Also, in a small Board there is no limitation as to when or as to the number of times the motion to reconsider may be moved. Reconsideration may be moved not only by a Member who voted on the prevailing (winning) side, but also by one who was absent or abstained. In small Boards, a two-thirds vote is required to reconsider, unless all Members who voted on the prevailing side are present or have received notification of the intention to move to reconsider, in which case only a majority vote is required. ("Robert's Rules of Order Newly Revised," Section 36).

## **SECTION 5. Minutes of Board Meetings.**

Minutes shall contain only a record of action taken by the Board rather than a summary of the discussion leading to the action. Minutes shall contain the following: ("Robert's Rules of Order Newly Revised," Section 47).

- A. Name of Board.
- B. Type of meeting (regular, special, annual).
- C. Date, place and time of meeting.
- D. Notation of presence or absence of Board Members and time of arrival or departure if different from time of call to order and adjournment.

- E. Names and titles of the Village Administrator and other Village officials who were present as well as the approximate number of visitors.
- F. Whether the minutes of the previous meeting were approved as distributed or as corrected.
- G. A record of all main motions placed before the Board, except those that were withdrawn, giving the wording in which each was finally adopted or rejected or otherwise disposed of (tabled, postponed, referred).
- H. Names of movers of motions.
- I. Record of how each Board Member voted.
- J. Record of communications presented to the Board and action, if any, taken thereon.
- K. Record of reports made by Board or Staff members.
- L. Time of adjournment.
- M. Signature of the Village Clerk.

Statements, written or oral, by individual Trustees who wish to explain their votes on a given question shall not be included in the minutes.

## **SECTION 6. Guidelines for Public Participation in Board Meetings.**

- A. Speakers are requested to use the centrally located microphone, when available.
- B. Prior to addressing the Board, speakers should state their name, address and organizational affiliation, if any.
- C. Questions and comments should be addressed to the entire Board and not to individual Board Members, the Village Administrator or to other members of the audience.
- D. A limit of four minutes will be allotted to each speaker on any given topic.
- E. On controversial issues, speakers for or against a given question may be recognized alternately by the Chair.
- F. Board Members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- G. A speaker who does not need a full four minutes may not yield the unused portion of their time to another person.

- H. It is expected that speakers will observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Resort to personalities will be ruled out of order, as will the use of intemperate, abusive and defamatory language.
- I. Written statements will be received by the Board in addition to, or in lieu of, oral presentations.

### **III. MEETINGS OF THE BOARD**

#### **SECTION 1. Regular Meetings.**

- A. Order of Business. The order of business for regular meetings of the Board of Trustees, as scheduled at the Annual Meeting, will be as follows unless otherwise determined by unanimous consent (without objection) or by majority vote of the Board.
  - 1. Welcome by Mayor to attendees
  - 2. Call to Order
  - 3. Public Hearing (when applicable)
  - 4. Comments by Department Heads, Village Administrator and Counsel on Agenda Items (including Treasurer on Treasurer's Report)
  - 5. Trustee/Mayor Questions/Comments

6. Citizens' Comments on Agenda Items
7. Approval of Minutes
8. Other Agenda Items:
  - a. Old Business
  - b. New Business
    - i. Consent Calendar
    - ii. Items Removed from Consent Calendar
    - iii. External Communications
    - iv. Formal Agenda Items
9. Citizens Comments on any Non Agenda topic (limited to four minutes each)
10. Adjournment

B. Agendas. Individual Board Members and the Village Administrator may contribute agenda items, it being expressly understood that any Trustee may place an item on the agenda without approval of any other Trustee or Mayor, provided, however, such item shall not be placed on the agenda if, based upon written advice of Village Legal Counsel and the Board of Trustees' Legal Committee (if one has been established), such item should not be discussed in public as it would be detrimental to a legitimate legal position of the Village and public discussion would be adverse to the legal interests of the Village.

Any matters which are received after the Thursday preceding the meeting and are deemed by the Mayor or the Mayor's designee(s) to be necessary to be acted upon at that meeting will be included in a Supplemental Agenda to be distributed to Members of the Board no later than the Tuesday preceding the meeting.

## **SECTION 2. Executive Sessions.**

Upon a majority vote of the total membership of the Board of Trustees, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Board may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:

- A. Matters which will imperil the public safety if disclosed;
- B. Any matter which may disclose the identity of a law enforcement agent or informer;
- C. Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- D. Discussions regarding proposed, pending or current litigation;
- E. Collective bargaining negotiations;
- F. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;

- G. The preparation, grading or administration or examinations; and
- H. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the Village, but only when publicity would substantially affect the value thereof.

#### **IV. SUSPENSION OF THE PROCEDURES**

Procedures whose provisions are not mandated by statutory law may be suspended by unanimous consent without objection or by a majority vote of the Board. The suspension shall apply to a particular instance and matter, and shall not be generally applicable beyond the pending instance and matter.

#### **V. AMENDMENTS TO THE PROCEDURES**

The procedures may be amended from time-to-time by a majority vote of the Board, provided that notice of the intent to amend has been given at the previous meeting or in the notice of the meeting at which the amendment is to be proposed.

## **VI. PREEMINENCE OF STATUTORY AUTHORITY**

In the event of conflict between any provisions of these procedures and New York State Law or the Code of the Village of Garden City, the pertinent provisions of the New York State Law or the Code of the Village of Garden City shall be controlling.

- \* Amended April 6, 2015: Citizens Comments on any topic increased from 3 minutes to 4 minutes.
- \*\* Amended May 4, 2017: Regular Meeting Order of Business Procedures were revised.
- \*\*\* Amended October 4, 2018: Meetings of the Board Item No. 9 revised to any Non-Agenda topic.
- \*\*\*\* Amended February 6, 2020: Article III Clause B Agenda (first paragraph).