

TOWN OF KENNEBUNK
SELECT BOARD
BY-LAWS

ARTICLE I – SELECT BOARD

Section I – MEMBERSHIP OF THE SELECT BOARD

- A. The Kennebunk Select Board’s composition, election, and qualification shall be as prescribed in the Town of Kennebunk Charter.

Section II – ORGANIZATION OF THE BOARD

- A. The organizational meeting of the Select Board shall take place at the first regular or special meeting in the new fiscal year.
- B. In addition to the election of Chair and Vice-Chair, the Board may elect a Secretary for the ensuing year.
- C. In the event the Board chooses not to elect a Secretary, the Vice-Chair shall be responsible for the preparation and presentation of minutes.
- D. Each newly elected Select Board member, prior to undertaking to serve in the Office of Select Board, shall take an Oath of Office or Affirmation thereof in such form and manner as prescribed by the Town Clerk.

Section III – GENERAL POWERS AND DUTIES

- A. In addition to the general powers and duties prescribed by the Town Charter and by State Law, the Select Board shall prepare or provide for the preparation of a record of all policies adopted by the Board.
- B. The Select Board may adopt specific powers, duties, and rules of conduct provided they are consistent with the Town Charter, the Constitution of the United States of America, and the Constitution and Laws of the State of Maine.

ARTICLE II – MEETINGS

Section I – REGULAR MEETINGS

- A. Regular meetings of the Board shall be held on the second and fourth Tuesday of each month except when determined otherwise by majority vote of the Board.
- B. Meetings of the Board shall begin at 6:30 p.m. except as otherwise agreed by the Board, or as established by the Town of Kennebunk Remote Meeting and Participation Policy.
- C. Meetings shall be held at the Kennebunk Town Hall except as otherwise agreed by the Board.
- D. Notwithstanding the foregoing, once called to order, a meeting may be moved to another location.

Section II – SPECIAL MEETINGS

- A. Special meetings may be held at the call of the Chair, or at the call of any four Board members whenever deemed necessary.
- B. Notice of all special meetings shall be given to the members of the Board by the Town Manager or Chair at least twenty-four hours prior to the meeting, except in an emergency.
- C. The press shall be notified of the time and place of all special meetings.

Section III – EXECUTIVE SESSIONS

- A. The Board shall sit in executive session when such sessions are voted by a majority of the members present and voting and only in accordance with the Freedom of Access/Right to Know Law.
- B. The motion to go into executive session must state the nature of the business to be discussed. No other business may be discussed or considered.
- C. Executive sessions shall be closed to the public and the press.
- D. The Town Manager shall be allowed to attend all executive sessions except those which pertain to their employment, where their exclusion is permitted by the State Law.
- E. Individuals authorized by State Law, or by vote of the Board, may attend executive sessions provided their attendance is relevant to the business to be discussed.

ARTICLE III – PROCEDURES AND CONDUCT OF MEETINGS

Section I – RULES OF ORDER

- A. The Chair shall run meetings consistent with the By-laws, the Town Charter or policies adopted by the Board. The Board may choose to utilize Robert's Rules of Order in cases where there is no specific provision established in the By-laws, the Town Charter or other policies adopted by the Board.

Section II – ORDER OF BUSINESS AT REGULAR MEETINGS

- A. Call to Order
- B. Consent Agenda (to include approval of minutes)
- C. Items to be Signed
- D. Public Hearings
- E. Public Comments (for items not on the agenda)
- F. Acknowledgements
- G. Agenda Items as prepared by the Town Manager, except that the Board may, at the request of the Chair or any member, take any item out of order.
 - 1. Time Sensitive/Staff Presentations
 - 2. Old Business
 - 3. New Business
 - 4. Executive Sessions (beginning and/or end of meeting)

- H. All items for consideration must be submitted to the Town Manager one week before the Select Board meeting unless it is an emergency which will be decided by the Chair and/or Town Manager.
- I. Agenda items requiring a public hearing will generally have a first reading and second reading/public hearing before Board action. Exceptions are at the discretion of the Board.

Section III – QUORUM AND VOTES OF THE BOARD

- A. Four members of the Board shall constitute a quorum. If a member has a conflict of interest, said member shall not be counted by the Board in establishing the quorum for such matter under consideration.
- B. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of quorum; however, those members present shall be entitled to vote to continue the meeting to a subsequent date.
- C. All matters requiring a vote of the Board shall be decided by recorded vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the quorum.
- D. A tie vote or favorable vote by a lesser number than the required majority shall constitute defeat of the motion before the Board.

Section IV – CONDUCT OF MEETINGS

- A. Members of the public are welcome at all meetings.
- B. The Chair shall insure that decorum is maintained at all times during Board meetings.
- C. The Chair may, subject to override of the Board, limit or curtail public participation in order to proceed with the business at hand.
- D. On any agenda item, the Select Board will get the opportunity to comment before opening the floor to the public. The Board reserves the right to hear all public comment at the end of the meeting.
- E. All members of the public must identify themselves before speaking.
- F. All members of the public must use the microphone to be recognized to speak. The Chair will recognize the next speaker when it is time to speak.
- G. The public, per the Town Charter, shall have the right to be heard on all items on the Board's meeting agenda, either during public comments or the agenda items subject to a 5 minute limitation per person or as amended by a Board vote.
- H. The order of speaking for agenda items shall be the Chair or presiding officer (to introduce the article), staff, Select Board members, members of the public, additional comments from staff (as necessary), then Select Board deliberation and action as appropriate, or as amended by a Board vote.
- I. Remote participation shall be allowed in accordance with the requirements and procedures established by the Town of Kennebunk Remote Meeting and Participation Policy.

Section V – MINUTES AND RECORDING

- A. All actions of the Board shall be recorded in the minutes book of the Board. The minutes book shall be on file in the Town Offices and shall serve as a permanent record of all Board action. It shall be open to public inspection during normal business hours of the Town Office, or at such other times as the Town Manager or the Board shall prescribe.
- B. The time limit regarding the retention of such records (or recordings) shall concur with State law.
- C. The minutes of meetings may not be removed from the Town Offices except by the Recording Clerk or by order of court.
- D. Copies shall be provided at the expense of the individual requesting such copies.
- E. All regularly scheduled meetings will be broadcast, barring any technical difficulties. The broadcasting of special meetings and workshops shall be decided by the Board or the Chair, as needed. Available digital files of broadcasts will be stored and accessible on the Town's website.

ADOPTED: 2003-11-25

AMENDED: 2005-06-28

AMENDED: 2008-08-12

AMENDED: 2009-05-26

AMENDED: 2009-07-14

AMENDED: 2009-10-27

AMENDED: 2010-08-10

AMENDED: 2013-02-12

ADJUSTED: 2020-02-20 (Board of Selectmen to Select Board, Chairman/men to Chair)

AMENDED: 2024-01-23

AMENDED: 2024-08-27