

**VILLAGE OF SCARSDALE BOARD OF TRUSTEES**  
**RULES OF PROCEDURE <sup>1</sup>**  
**FOR**  
**PUBLIC MEETINGS**

1. **MEETING SCHEDULE:** The Board of Trustees<sup>2</sup> of the Village of Scarsdale (referred to herein as the “Village Board”) shall hold regular meetings, Work Session Meetings, and when needed Special Meetings. Regular Village Board meetings shall be held at Village Hall on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Tuesday evening of each month at 8:00 p.m. The Work Session meetings shall be held before each regular Village Board meeting and any other Tuesday, or as determined by the Mayor. Notwithstanding the above, the Mayor may convene additional meeting dates, modify the meeting date, start time or location of all scheduled meetings, including Work Session meetings. Members may attend in person or virtually as permitted by applicable NYS law. When a Work Session meeting precedes a Regular meeting, as time permits at the conclusion of the Work Session meeting, the Board may relocate to the Trustees room for the purpose of reviewing the agenda for the Regular meeting. No votes will be taken. The public is invited to and able to attend the agenda review portion of the Work Session meeting.
2. **SPECIAL MEETINGS:** Special Meetings of the Village Board shall consist of all Village Board meetings other than regular meetings in which a quorum is present and Village business is discussed or acted upon. A Special Meeting may be called for any reason and must be held on the call of the Mayor or at the written request of any three (3) Trustees, and upon no less than twenty-four (24) hours written notice to all Trustees, unless a Special Meeting is called in response to an ongoing emergency, then notice shall be given as is reasonably practicable. Written notice shall be provided via-email to all Trustees and the Mayor. The written notice shall contain a statement of the purpose for which the Special Meeting is being called and shall also state the date, time, and place for the holding of such meeting.
3. **QUORUM:** A quorum shall be required to take any formal action and to exercise any power, authority, or duty of the Village Board. A majority of the whole number of the Village Board, including vacancies, abstentions and any members disqualified shall constitute a quorum. Therefore, a quorum of the seven (7) member Village Board is four (4) members. In the event that a meeting is cancelled due to lack of quorum, the Village Clerk shall make a record stating those members of the Village Board who were not

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<sup>1</sup> These rules and procedures are in addition to any requirements imposed upon the Village Board of Trustees, its officers, its employees and agents under State or Local Law.

<sup>2</sup> Pursuant to New York State Village Law § 3-301(4), the mayor and trustees of the Village of Scarsdale constitute the whole board of trustees (i.e., “Village Board”).

present. Pursuant to Village Law § 4-412(2), the Village Board may compel attendance of any Trustee who, without proper excuse, fails to attend a meeting.

4. **EXECUTIVE SESSIONS**: In accordance with Article 7 of the Public Officers Law, all meetings of the Village Board shall be open to the public, except as provided that the Village Board may enter into an executive session, as defined by Article 7 of the Public Officers Law, to discuss those topics or items for which the Public Officers Law allows for a closed session. The decision to enter into an executive session for the purposes and in the manner as set forth in Article 7 of the Public Officers Law must be submitted by a motion calling for an executive session setting forth the general subject matter to be considered. The motion to enter into an executive session, its general subject matter thereof and the vote on the motion shall be recorded in the minutes of the open session. Attendance at an executive session shall be permitted to any member of the Village Board and any other persons it authorizes. All matters discussed in Executive Session shall be deemed confidential and held in the strictest confidence. All Executive Sessions must be commenced in a public meeting.
5. **VOTING**: A quorum, as defined in Paragraph 3 of these Rules, shall be required to perform and exercise any power, authority or duty of the Village Board. For avoidance of doubt, in accordance with NYS law, a minimum of 4 affirmative votes of the Village Board is required for any action to be adopted, regardless of the number of Village Board members present. The Mayor may vote upon all matters and questions before the Village Board and shall vote in the event of a tie, however the Mayor's vote shall only be considered as one vote.
  - a. **Abstentions**: Abstentions shall have the same effect as a negative vote for the purposes of determining the final vote on a matter submitted to a vote. Notwithstanding, abstentions shall be recorded as an abstained vote in the meeting minutes and/or resolution.
  - b. **Silence**: In any vote, silence by any Trustee or the Mayor shall be understood as a positive vote on a matter submitted to a vote.
  - c. **Questions**: The answer to a question submitted to the Village Board shall be made by counting the "ayes" and "nays" in response to a question seeking all members in favor and all opposed.
  - d. **Roll Call**: All votes on a local law, adoption of the budget, sale or lease of real property, hiring or promotion of employees or when requested by a member prior to the recording of the first vote shall be voted upon a roll call vote of the members. All other votes shall be by voice expressing a vote in favor of or against the motion.
6. **AGENDA**: The Village Manager, in cooperation with the Mayor, shall determine the matters placed on the agenda, provided, the Mayor may add or remove a matter from the

agenda. The Village Manager, or his or her designee, shall prepare the agenda for each meeting of the Village Board. The agenda shall list the matters to be considered by the Village Board in the order set forth in Paragraph 10 of these rules as is reasonably possible. The Village Manager's office shall arrange for the delivery of a copy of the agenda of each meeting of the Village Board to each of the Village Board members prior to the meeting. Items not listed on the agenda of a Regular meeting may be considered by the Village Board as a new matter upon the unanimous consent of all members of the Village Board present at the meeting. Items not listed on the agenda of a Work Session meeting may be added upon request of any Member, at the Mayor's sole discretion. The Mayor shall have the discretion to change the order of items on the agenda, provided a modified agenda is distributed to the members as soon as practicable, but always before the meeting is called to order. Upon the meeting being called to order and the roll call of the Village Board, a member may object to the new order of the agenda and call for the order to be voted upon.

7. **CONSENT AGENDA:** A Consent Agenda consists of routine, procedural, informational, and self-explanatory items, as proposed by the Village Manager and accepted or modified in the sole discretion of the Mayor, combined together for a single vote of the Village Board without debate or discussion.
  - a. When the Consent Agenda is reached on the Agenda, the Mayor shall inquire if any member of the Village Board objects to any item or items listed on the Consent Agenda. Such objection shall result in the item or items being returned to the regular portion of the Agenda and taken up as the first item(s) of the resolution portion of the meeting. No motion is required to remove an item from the Consent Agenda.
  - b. The consideration of the Village Budget or amendments thereto, Local Laws, Appointment of Department Heads, hiring of the Village Manager, and payment of bills may not be placed on a Consent Agenda.
8. **MOTIONS:** To introduce an item of business or to take any action the Presiding Officer, shall call for a motion. Every motion shall require a second before discussion begins. A quorum of the Village Board must be present for a motion to be carried, and a motion shall be carried by majority vote of the entire Village Board, including any absences, abstentions, and vacancies.
  - a. Any member of the Village Board can request a full reading of any proposed local law, resolution, or ordinance prior to a motion being called for a vote.
  - b. Motions to close or limit discussion may be made by majority vote of the Village Board after the Presiding Officer recognizes such motion.
  - c. A motion to reconsider a matter already voted upon, may only be made during the same meeting and may only be made by a member of the Village Board who voted

on the prevailing side. A two-thirds affirmative vote of the Village Board is required to reconsider.

9. **MINUTES**: Minutes of each regular meeting or when requested by the Mayor shall be taken by the Village Clerk, or his or her designee.
  - a. The Village Clerk is not required to record the verbatim remarks of public speakers or individuals during a meeting, unless specifically requested by a member of the Village Board.
  - b. Minutes of a meeting may not be amended or corrected to include more detailed information unless authorized by Village Board resolution. Notwithstanding, minutes may be amended by majority vote to correct an inaccurate record.
  - c. Minutes of each meeting shall include at a minimum:
    - 1) Date, place and time of meeting;
    - 2) Summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereof, including names of the Village Board members, how they voted and what was voted on;
    - 3) Summary of remarks made by speakers;
    - 4) Notation of presence or absence of Village Board members and time of arrival or departure if different from the time of call to order;
    - 5) Name and title of other Village officials and staff present;
    - 6) Time of adjournment; and
    - 7) Signature of the Village Clerk.
10. **ORDER OF BUSINESS**: The following is the order of business at all regular Meetings of the Village Board and shall be followed to the greatest extent possible:
  - a. Call to Order
  - b. Roll Call
  - c. Pledge of Allegiance
  - d. Mayor's Comments
  - e. Manager's Comments
  - f. Public Comment
  - g. Public Hearings (if scheduled)
  - h. Trustee Liaison Reports

- i. Review of Bills
- j. Consent Agenda
- k. Local Laws and Ordinances
- l. Resolutions
- m. Adjournment

The regular order of business may be modified by the Mayor or suspended at any time by majority vote of the Village Board.

**11. GENERAL RULES OF PROCEDURE AND STANDARD OF CONDUCT:**

- a. Presiding Officer: The Mayor shall preside at all meetings of the Village Board. In the event the Mayor is unable to preside, for whatever reason, the Deputy Mayor shall preside at the meeting. In the event that the Mayor and the Deputy Mayor are absent or unable to preside at a meeting, or a Deputy Mayor has not yet been appointed, the Village Board members present at such a meeting shall determine who amongst their members shall preside at the meeting.
- b. Guidelines for Village Board:
  - 1) Conflict of Interest. A Trustee or Mayor who is prohibited from voting due to a conflict of interest must recuse him or herself, step down from the dais and may not vote on the matter and must otherwise comply with State law and Village policy concerning conflicts of interest.
  - 2) Non-Disclosure of Confidential Information. “Confidential information” for this rule is defined as follows:
    - i. Specific information, rather than generalized knowledge, received by a Trustee or the Mayor as a result of their position that is not available to the general public on request; or
    - ii. Information furnished to a Trustee or the Mayor under circumstances as to suggest the information is confidential, including when the provider of the information identifies the information as confidential; or
    - iii. Information made confidential by law, including specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person’s right to privacy; or

- iv. Discussions held in Executive Session. Neither the Mayor, nor any Trustee, may disclose confidential information or otherwise use such information for his or her personal gain or benefit or the gain or benefit of another.

c. Guidelines for Public Comment and Public Hearing Sessions:

- 1) There shall be at least one (1) public comment segment during each regular meeting of the Village Board dedicated to public comment, except there shall not be a public comment segment during a Work Session meeting unless authorized by the Mayor. In the event that all business of the Village Board or Town Board has concluded before 10:00 p.m., a second opportunity for public comment will be provided.
- 2) Comments pertaining to a topic which is the subject of a public hearing being held at that meeting may only be made during the public hearing.
- 3) Members of the public may not speak until called upon by the Presiding Officer.
- 4) The Presiding Officer may appoint a timekeeper for purposes of the public comment segments.
- 5) Conduct of Speakers. All persons speaking before the Village Board shall conform to the following standards of conduct:
  - i. In-person speakers must address the Village Board at the designated podium. Reasonable accommodations shall be made for all persons with disabilities who need such accommodation.
  - ii. Before addressing the Village Board, a speaker must give their name, street upon which they reside, municipality, and business or organizational affiliation (if any) for the record.
  - iii. A speaker's individual time to speak during any public comment session may not exceed five (5) minutes. Speakers may not yield remaining time to another speaker. Speakers are limited to speaking one time during a public comment session.
  - iv. Speakers shall address the entire Village Board.
  - v. Village Board members should refrain from interrupting a speaker during his or her remarks. However, after such comment has concluded, a member may, through the Presiding Officer, request the speaker clarify his or her remarks.

- vi. Village Board members do not respond during Public Comment. A response may be provided during the Mayor's, Trustee's or Village Manager's comment session.
  - vii. Public Comment is intended to foster dialogue in a respectful and civil manner. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of a meeting shall, at the discretion of the Presiding Officer, be ordered to yield the floor and barred from further participation during that meeting. Public comments are requested to be made with these guidelines in mind.
- 6) Written communications. Written communications received from the public shall be delivered to the Village Board in the same manner as the Agenda. Any member of the public who wishes to have their written communications delivered to the Village Board prior to a meeting, must deliver said communication to the Village Manager's office by Noon the Wednesday before a meeting. Alternatively, written communications transmitted via-email may be sent to [publiccomment@scarsdale.com](mailto:publiccomment@scarsdale.com). Written correspondence shall not be posted to the Village website nor attached to the Agenda.
12. **RULES OF ORDER**: Any rule or procedure not covered by these Rules or under applicable law shall be decided upon by the Presiding Officer in accordance with Robert's Rules of Order Revised for Deliberative Assemblies (Current Edition, Henry Robert et al).
13. **RECORDING OF MEETINGS**: No person shall record the proceedings of the meetings of the Village Board, or any part thereof, by electronic or any other type of recorder, nor with a "steno-type" or similar machine, nor by motion picture, television or any other type of camera or visual record, without having previously made application, in writing, to the Village Board at least two (2) business days in advance of the meeting for which permission is requested and without having received written permission therefore. Permission shall be granted upon a finding that the recording and/or broadcasting will not be disruptive or obtrusive of the public meeting and reasonable conditions may be imposed upon the granting of the application. This rule shall not be construed to prohibit the use of a handheld audio recording device or a handheld video recording device which does not interfere with the meeting, or the making of notes by any person or persons at such meetings, whether or not such notes shall constitute a complete transcript of the proceedings, nor shall this rule apply to the Village Clerk or to members of the Village Board.

Adopted: April 11, 2023

14. **ADJOURNMENT**: A motion to adjourn the meeting may be made at any time, except when a vote has been called for. Such motion shall be decided without debate.
15. **AMENDMENTS**: The foregoing Rules of Procedure may be amended from time to time by a majority vote of the Village Board or during the Organizational Meeting.

ADOPTED: April 11, 2023