

Acton Town Council Bylaws

Revised and approved 10/19/2015

Article 1- Name

The Name of this organization shall be The Acton Town Council.

Article 2 - Purpose

The purpose of the Town Council shall be:

To provide a frequent forum or other means of gathering community views, wishes, and concerns on issues before or to be brought before the Town Council, and:

To present community concerns to appropriate agencies, and

To review public or private proposals which may affect the community.

To establish contact with other town councils, or similar organizations, and neighboring communities for our mutual benefit.

To be apolitical, neither supporting nor opposing any political party or candidate.

Article 3 – Organization

Section 1 - Duties and Responsibilities

The duties and responsibilities of the Town Council shall include the following:

A. The Council shall at all times:

1. Strive to accurately mirror, in its policies, the positions and concerns of the community.
2. Function as a voluntary organization of elected members who receive no remuneration.
3. Encourage the flow of information among individuals and community organizations that are working for the betterment of the area.

B. The Town Council shall not borrow money nor incur indebtedness.

Section 2 - Contracts

Town Council contracts must be:

- A. Authorized by a 2/3 vote of the Town Council.
- B. Fully funded.
- C. Executed by the President or Vice President and the Treasurer.
- D. Unless authorized by the Town Council, no officer or agent shall have any power or authority to bind the Town Council.

Section 3 - Reports

The Reports of the Council shall be as follows:

- A. The outgoing President shall submit a written report to the community at the first regular meeting of the Council following the regular election, detailing the accomplishments of the Council during the preceding year.
- B. A financial report shall be prepared and published by the outgoing Treasurer at the first regular meeting of the Council following the regular election, and as directed by the Council.

Section 4 - Special Appointments

The Town council shall make appointments as needed to further the goals of the Council. Preference in naming appointees shall always be given to residents of Acton.

Article 4 - Membership

Section 1 - Number

The Council shall be composed of nine (9) elected members. A quorum of the Council shall consist of fifty percent (50%) of the seated Council Members plus one (+1), rounded down to the next whole number.

Section 2 - Members

Members of the Council shall be at least eighteen years of age, a registered voter within the unincorporated area of Acton as defined by the Acton Community Standards District (Exhibit A-page 13), and be a resident of the Town of Acton. The term residence as used means a person's domicile. The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining. In addition, whenever he or she is absent, the person has the intention of returning. At any given time, a person may have only one domicile. The final determination on the validity of residency shall be decided by a majority vote of the Council Members not running in that election.

The Council shall establish, by majority vote, Standards of Decorum which will guide the manner in which Council Members shall conduct themselves. These Standards of Decorum shall also address Member and public conduct at Council meetings.

All Council Members are expected to participate in Council matters and actions.

Section 3 - Voting

Each member shall have one vote on the Council. Electronic attendance and voting at a meeting is allowed, with the prior notice to the Council. Absentee voting shall not be allowed. The President shall not have voting privileges except in the event of a tie.

Article 5 - Officers

Section 1 - Officers

The officers of the Council shall be a President, Vice President, Recording Secretary, Corresponding Secretary, and Treasurer. The offices of Recording Secretary and Corresponding Secretary may be held by the same person at the discretion of the Council.

Section 2 - Election of Officers

- A. The President Pro Tem (The highest ranking past officer still remaining on the Council) shall preside over all meetings of the Council until the new officers are elected. (Ranking shall be defined as highest to lowest as follows; President, Vice President, Recording Secretary, Corresponding Secretary, Treasurer, the longest serving Council Member if no prior officers remain on the Council)
- B. A nominating committee of three members of the Council, appointed by the President Pro Tem at the first regularly scheduled meeting of the Council following the election, shall prepare a slate of candidates and present the slate to the Council at the second regularly scheduled meeting of the Council following the election. Nominations from the Council floor shall be accepted at the time of the elections. Except as provided in Section 1, a Council person can be nominated for only one office.
- C. The election of Officers shall take place no later than the second (2nd) regularly scheduled meeting of the Council (within two months) after the election of the Members of the Council. The newly elected Officers shall be seated at the 1st Council meeting following their election.
- D. The Council members shall elect, by secret ballot, officers from the nominated candidates by majority vote.

Section 3 - Duties of Officers

- A. *PRESIDENT*. The President shall preside at each meeting of the Council. The President shall be responsible for preparing the agenda, presiding at the meeting, maintaining order, and keeping the meeting on schedule. The President shall not have voting privileges except in the event of a tie. The President shall also provide leadership for the Council, and represent the Council as ceremonial head at all appropriate functions.
- B. *VICE PRESIDENT*. The Vice President shall preside in the absence of the President and shall prepare the Agenda for all regular meetings of the Council.
- C. *RECORDING SECRETARY*. The Recording Secretary is the recording officer of the Council, and the custodian of its records, except those assigned to other officers. The Recording Secretary shall:
 - 1. Keeps one book containing all the Bylaws and rules.
 - 2. Prepare and certify the correctness of the minutes of each regular and special meeting, and enter them in the official minute book.
 - 3. Notify all members of Special Meetings and Executive Sessions.
 - 4. Bring to all meetings the Bylaws and Rules, Minute book, a list of standing and special committees, a list of members, and a copy of Robert's Rules of Order - newly revised-current edition.
- D. *CORRESPONDING SECRETARY*. The Corresponding Secretary shall:
 - 1. Coordinate the Correspondence of the Council as needed.
 - 2. Coordinate position statements with agreed upon input from Council Members.
 - 4. Copy all correspondence to the Recording Secretary.
- E. *TREASURER*. The Treasurer shall:
 - 1. Receive and hold funds.
 - 2. Conduct necessary banking.
 - 3. Maintain pertinent financial books and records.
 - 4. Sign checks along with the President or, in his absence, the Vice President.

Article 6 - Meetings

Section 1 - Meetings

All Council meetings shall be open to the public except for executive sessions.

Section 2

The Council shall meet in regular session at least once per month. Each council member shall be notified and provided with a copy of the agenda in advance of the meeting.

Section 3 - Quorum

A quorum of the Council shall consist of fifty percent (50%) of the seated Council Members plus one (+1), rounded down to the next whole number. Electronic attendance and voting is allowed, with the prior notice to the Council. However, a Quorum is only established by those physically present at the meeting.

Section 4

In addition to the elected members, any interested community members, organizations, and business groups are encouraged to attend Council meetings and will be given an opportunity to speak and be consulted.

Section 5 - Special Meetings

"Special" Meetings of the Council may be called by any three (3) members of the Council by petition to the President or called by the President. All members must be notified of the time, place, and subject of a "Special" Meeting of the Council. The "Special" Meeting shall be limited to the announced subject.

Section 6 - Executive Sessions

The procedure to call an Executive session shall be the same procedure as in Section 5 (above). At an Executive Session, no formal votes can be taken.

Article 7 - Committees

Section 1 - Standing Committees - General

The standing committees shall be:

Planning and Coordinating.

Publicity.

Finance, Ways and Means.

Community Standards.

Trails, Open Space, and Recreation.

Utilities.

Bylaws.

Emergency Response & Disaster/Resiliency Planning

- A. The President shall appoint the committee chairpersons each elective year, or when necessary. The selections shall be confirmed by a majority vote of the Council. The committee chairperson shall be a member of the Council and shall select additional committee members from the council and community.
- B. Each standing committee shall make a report at regular meetings or at Special Meetings when requested by the President.

Section 2 - Planning and Coordinating Committee

All members of the Council shall serve on the Committee. The Committee shall be responsible for liaisons with government groups and other groups of interest.

Section 3 - Community Standards Committee

The Community Standards Committee shall be responsible to the Council for defining, presenting, and maintaining an Acton Standards Ordinance determined by community input.

Section 4 - Publicity Committee

The Publicity Committee shall handle publicity releases for the Council as reviewed by the Council.

Section 5 - Finance, Ways and Means Committee

The Finance, Ways and Means Committee shall prepare a budget for the coming year and shall oversee the finances.

Section 6 - Trails open Space and Recreation Committee

The Trails, Open Space, and Recreation Committee shall be responsible for investigating, coordinating, and recommending options to the Council.

Section 7 - Utilities Committee

The Utilities Committee shall be responsible for monitoring all matters that affect the utilities in our area.

Section 8 - Bylaws Committee

The Bylaws Committee shall be responsible for reviewing all proposed amendments to the Bylaws as well as performing a yearly review of the entire Bylaws and recommending changes where deemed appropriate.

Section 9- Emergency Response & Disaster/Resiliency Planning

The Emergency Response & Disaster/Resiliency Planning Committee shall be responsible for working with community members from Acton and adjacent communities and organizations to facilitate Disaster and Resiliency Preparedness for our area.

Section 10 - Special Committees

- A. The Election Committee shall be a special committee appointed by the President, composed of residents of Acton who are also registered to vote in Acton. No member of the election committee can be running for election or re-election. The Election Committee shall prepare the Official Candidate Application Form and News Releases. The Election Committee shall prepare for, conduct and report on elections in compliance with the bylaws. The Election Committee Chairperson shall be a member of the Council. Change of filing fees listed on the Application form shall be approved by a majority vote of the Council. The Election Committee shall validate each Candidate application for compliance with ATC Bylaws & Election Committee Guidelines and Specifications and report the results to the council.

The Election Committee shall recommend Election Committee Guidelines & Specifications which shall be approved by a majority vote of the Council. These Guidelines & Specifications will stay in effect until changed by a vote of the Council.

- B. Any special committees of the Council shall perform a special task as outlined by the Council. A Council member shall serve as chairperson of the committee and shall appoint additional committee members as needed.

Article 8 - Finances

Section 1 - Dues

The Council shall not adopt a system of fixed dues.

Section 2 - Audit

The financial books of the Council shall be audited annually. The audit shall be conducted by either an outside auditor selected by the Council, or be reviewed by a committee of three community or Council members who do not have authority to sign checks.

Article 9 - Terms of Office of Council Members

Section 1- Length of term

Members of the Council shall serve for a term of two years. There will be no limitation as to the number of terms a Council member may serve.

Article 10 - Vacancies and Resignations

Section 1 - Resignation

The resignation of a member shall be effective immediately upon submission, in writing, to the council.

Section 2 - Vacancy

In the event that a member of the Council does not complete his or her term of office or if a vacancy occurs due to any other reason, the Council may fill the vacancy in accordance with the following procedure:

- A. A public announcement shall be made at a regularly scheduled public meeting of the council. The announcement shall also be submitted to local media for dissemination. The announcement shall include:
 1. The council position available.
 2. Qualification requirements.
 3. An invitation for interested persons to apply.
 4. The time and place that the appointment is proposed to be made.
- B. At an announced public meeting of the Council, no sooner than 14 days after the aforementioned public announcement, the Council shall consider all available qualified applicants.
- C. Appointment to fill the vacant position shall be by a majority vote of the Council.

Section 3

There shall be no special election and no appointment if the vacancy occurs within four (4) months of the end of the term of that position, unless the vacancy would create a situation where a quorum could not be established.

Section 4 - Appointments

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term.

Article 11 - Removal and Discipline of Members

Section 1 - Grounds for removal and discipline

- A. Continued, gross, and willful neglect of the duties of the office.

- B. Conviction of a criminal act while in office.
- C. Intentional failure or refusal to disclose necessary information on matters of Council business.
- D. Unauthorized expenditures, signing of checks, or misuse of Council funds.
- E. Intentional misrepresentation of the Council or its officers to outside parties.
- F. Absenteeism amounting to two (2) consecutive regular meetings of the Council without an excuse acceptable to a majority of the Council.
- G. Absenteeism amounting to Five (5) meetings in any 12 month period.
- H. Failure to remove oneself from a vote where the Council member has a conflict of interest regarding the parties or issue involved as perceived by a majority of the Council.

Section 2 - Investigation, hearing, and final investigation passed by the Council

When a motion to consider charges against a Council member is passed, it shall be immediately referred to an investigation committee as appointed by the President or Vice President if the President is involved in the charge. The committee shall be composed of five members. After deliberation, the committee shall present its findings to the Council in an executive session. A motion to either remove or discipline shall require a 2/3 vote of the Council and shall be made at an open meeting. The vote shall be by secret ballot. The party in question shall not have a vote.

Section 3 - Recall

Recall of a Council member shall take place as follows:

- A. A citizen or group of citizens, eligible to vote in the last regular Council election shall present to the Council, in writing, a Notice of Intention regarding the Council member to be recalled. The Notice of Intention must be served at a regular scheduled Council meeting. Separate notices of intention are necessary to propose the recall of each Council member. The Notice of Intention must be signed by a minimum of three (3) registered voters who are eligible to vote in a Council election. Printed name, signature, and business or residence address of the three proponents must appear on the Notice of Intention.
- B. Said citizens or group of citizens will then have up to sixty (60) days to circulate a recall petition. Petitions must contain signatures of citizens eligible to vote in a regular Council election amounting to at least ten per-cent (10%) of the registered voters who are eligible to vote in a regular Council election. Separate petitions are necessary to propose the recall of each Council member. Petitions must be presented to the Council at a regular scheduled Council meeting for action.
- C. Contents - Notice of Intention and Petitions

1. The Notice of Intention shall contain all of the following:
 - (a). The name and title of the member sought to be recalled.
 - (b). A statement, not exceeding 200 words in length, of the reasons for the proposed recall.
 2. Form of recall petition.
 - (a). The petition sections shall be designed so that each signer shall personally affix his or her:
 - (1). Signature.
 - (2). Printed Name.
 - (3). Residence address, giving street and number or, if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
 3. Declaration of circulator form shall include the following:
 - (a). The printed name of circulator.
 - (b). The residence address of the circulator, giving street and number or, if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
 - (c). That the circulator circulated that section and saw the appended signatures being written.
 - (d). That, according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
 - (e). That the circulator is a registered voter of the electoral jurisdiction of the member sought to be recalled.
 - (f). The dates between which all the signatures to the petition section were obtained.
 - (g). The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately following the circulator's signature.
- D. A special election committee shall be appointed within two weeks of the date the Notice of Intention is presented to the Council. Under no circumstances should its appointment be delayed past the next regularly scheduled Council meeting.

- E. Petitions shall be turned over to the election committee for verification of signatures. The election committee shall have a minimum of two (2) weeks and a maximum of three (3) weeks to verify an adequate number of signatures as referenced in this article. The results of the verification shall be reported at a regularly scheduled Council meeting. If an adequate number of verified signatures were obtained, the election committee shall, at that meeting, make public a specific date for the recall election and shall then conduct a special recall election not less than thirty (30) days or more than forty-five (45) days from the presentation of the results of the recall petitions. If an adequate number of signatures are not obtained, the recall shall be deemed null and void.
- F. If the recall prevails, the recall shall be effective immediately.
- G. Any member recalled shall be ineligible to serve in a Council position until one (1) year following the expiration of the term for which the member was recalled.

Article 12 - Elections

Section 1 - Election Date

There shall be an annual election, in November, that corresponds with the date of Federal, State, or County elections, for vacant Council positions. In the event there are an equal number of qualified candidates to the number of contested positions, the Council may vote to waive the election process and install the candidates as council members. If the number of qualified candidates is less than the number of vacant positions, the Council may vote to waive the election process and install the candidates as Council members and then fill the remaining vacancies in accordance with Article 10 of the Bylaws.

The election shall be by secret ballot, on ballots prepared by the election committee. Voters must be registered voters in the unincorporated area of Acton as defined in Exhibit A (Attached).

Section 2 - Terms

Staggering of Terms. In the first election of the Council, all elected candidates will serve a one-year term. The second election of the Council (1990) will elect the four highest vote-getting candidates to two-year terms and the next five highest vote-getting candidates to a one-year term. Thereafter, the terms of members shall be staggered so that four members will be elected in the even number years, and five members will be elected in the odd number years.

Section 3 - Election Committee

The election committee shall report to the Council during its term of operation, and shall submit a final written report indicating the tabulated results of the election to the Council within thirty (30) days after the election.

Section 4 - Formation

The election committee shall be formed not more than six (6) months nor less than three (3) months prior to the next election.

Section 5 - Recall Election Committee

A special election committee shall be formed upon Notice of Intention to recall and will conduct the recall election as referenced under Article 11 of these bylaws.

Section 6 - Procedures

The procedures, which all the elections shall follow, shall be established by the Council.

Article 13 - Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order - newly revised- current addition shall govern the Council in all cases in which they are not inconsistent with these bylaws and any special rules of order the Council may adopt.

Article 14 - Procedures to Amend the By-Laws

Section 1

Amendments to the Bylaws may be proposed by any member of the council, by the Bylaws Committee, or by a petition signed by five percent (5 %) of the number of voters in the last regular Council election.

Section 2

The Bylaws Committee shall review all recommended changes and present them to the Council with their recommendation as to accept or reject. Written notice of the proposed amendment(s) to the Bylaws must be delivered by the Bylaws Committee to the members of the Council one (1) meeting prior to the meeting at which the amendment is to be considered. The written notice shall be definite as to the exact points to be modified.

Section 3

When the proposed amendment is read, the Council will consider the motion to amend the bylaws, which is subject to amendments of primary and secondary degrees insofar as these amendments are within the scope of the motion and must carry by majority vote of the Council.

Section 4

Bylaws shall be amended only by a two-thirds (2/3) vote of the members of the Council, and ratified by a majority of the residents at the second of two announced public meetings.

Article 15 - Dissolution

The Council may be dissolved at any time by the written consent of not less than two-thirds (2/3) of the members, rounded up to the next whole number. In the event of the dissolution of the Council, whether voluntary or involuntary or by operation of law, none of the property of the Council or any proceeds thereof or any assets of the Council shall be distributed to any members of the Council. After payment of the debts of the Council, its property and assets shall be given to a charitable organization for the benefit of the town of Acton. Such organization to be selected by the council.

EXHIBIT - A -

ACTON COMMUNITY STANDARDS DISTRICT
- DISTRICT BOUNDARY -

