



TO: Auburn Planning Board
FROM: Natalie Thomsen, Planning Coordinator
DATE: March 11, 2025
SUBJECT: Follow-Up on Election Procedures: Establishing a Subcommittee for Policy Review

Background:

At the request of the Planning Board, Attorney Daniel C. Stockford reviewed and determined that the procedure that the Board followed in electing the Chair and Vice Chair at the January 14, 2025 meeting was consistent with the Board's own Policies and Procedures, in that candidates for the officer positions were nominated from the floor, one nomination was received for each position, and the nominees for each position received majority votes of the membership of the Planning Board. His March 3, 2025 memorandum also provided recommendations in order to better clarify the process that should be followed for officer elections going forward.

Forward. With this in mind, it is recommended that the Planning Board form a subcommittee to review and revise the Board's Policies and Procedures. The goal is to clarify election procedures and ensure consistency with best practices and governing regulations.

Recommendation:

Pursuant to Sec. 2-476¹ - Committees, the Planning Board should establish a subcommittee at this meeting to evaluate the Board's Policies and Procedures. The subcommittee will assess the proposed amendments from the March 3 memorandum, identify any additional necessary revisions, and prepare recommendations for Board review.

Motion:

"I move that the Planning Board form a subcommittee to review and recommend revisions to the Planning Board's Policies and Procedures, including but not limited to officer election procedures, and to present proposed amendments to the full Board for review and approval. The Chairperson shall appoint members to this subcommittee."

Next Steps:

If approved, the Chairperson will appoint members to the subcommittee at this meeting. The subcommittee will establish a timeline for review and present recommendations to the Board at a future meeting.

This subcommittee will ensure the Planning Board's Policies and Procedures are clearly defined, transparent, and aligned with best practices.

1. The chairperson of the planning board may from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to it concerning such specific items as may be assigned to them for study and report.

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MEMORANDUM

TO: Eric Cousens, Executive Director of Public Services; David Hediger, Director of Planning; John A. Blais, Deputy Director of Planning & Permitting
CC: Phil Crowell, City Manager
FROM: Daniel C. Stockford, Esq.
DATE: March 3, 2025
RE: Validity of Planning Board Vote for Election of Chair and Vice Chair

This memorandum is in response to the inquiry whether the City of Auburn Planning Board is required to conduct a new election for Chair and Vice Chair of the Planning Board due to a procedural issue in the election for those offices at the Planning Board meeting on January 14, 2025.

Factual Background

In the election of the Chair and the Vice Chair of the Planning Board at the January 14 Planning Board meeting, I understand that one candidate was nominated for each position, and that both nominations were approved by majority votes of the Board. A question has arisen as to whether the elections were valid and whether the Planning Board is required to take additional action with respect to the election

The City of Auburn Planning Board Policies and Procedures provides, with respect to election of officers, that officers “shall be nominated from the floor,” and that “[a] candidate receiving a majority vote of the membership of the Planning Board present at the meeting shall be declared elected and shall serve one year or until his or her successor shall take office.” The Policies and Procedures further provide that “[i]f more than one member is nominated for the same position, then the Board shall vote by written ballot, which ballots are public records within the meaning of the Freedom of Access Act.”

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While Robert's Rules of Order are referenced in the Planning Board's Policies and Procedures, the reference to Robert's Rules relates to the duties of the Chair position rather than to the general applicability of Robert's Rules to the proceedings of the Planning Board. Robert's Rules of Order generally provide that when there is no nominating committee for officer positions and nominations are taken from the floor, the chair should invite nominations until all nominations for a vacant office have been made, before a vote on the nominations. Robert's Rules of Order Newly Revised, 12th Edition, at ¶46:8 ("If there is no nominating committee and nominations are to be from the floor, the chair calls for them by saying, for example, 'Nominations are now in order for the office of President.'...The chair repeats each nomination in this way until all nominations for the office have been made...When it appears that no one else wishes to make a nomination, the chair again asks if there are any further nominations; and if there is no response, he normally declares that nominations (for that office) are closed, without waiting for a motion to that effect....After nominations have been closed, they can be reopened by a majority vote...After nominations have been closed, voting for the office takes place....")

Analysis

The procedure that the Planning Board followed in electing the Chair and Vice Chair was consistent with the Board's own Policies and Procedures, in that candidates for the officer positions were nominated from the floor, one nomination was received for each position, and the nominees for each position received majority votes of the membership of the Planning Board. While it appears that the Chair did not specifically ask for additional nominations and did not specifically state that nominations were closed, I understand that no members of the Planning Board requested or moved to submit additional nominations, nor did any member raise a point of order with respect to the procedure that was followed. In the absence of any request or motion by a Planning Board member to submit additional nominations, and with no point of order raised regarding the process that was followed, the Board is not required take further action regarding the election of officers. Robert's Rules of Order Newly Revised, 12th Edition, at ¶23:5 ("The general rule is that if a question of order is to be raised, it must be raised promptly at the time the breach occurs....Points of order regarding the conduct of a vote must be raised immediately following the announcement of the voting result.")

Recommendation

In order to better clarify the process that should be followed for officer elections going forward, we recommend that the Planning Board consider amendments to its Policies and Procedures to specify the process for soliciting nominations in officer elections. We also

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recommend language that makes clear that Robert's Rules of Order shall be looked to as a source of authority when procedures are not determined in the Policies and Procedures. Following are proposed revisions to Articles III and IV of the Planning Board Policies and Procedures to address these issues, with new language underlined and in bold, and deleted language reflected in strikethrough:

ARTICLE III. Officers and Their Duties

- A. The Officers and their Duties of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2. Article V. Division 4, Section 2-467.
- B. The Chairperson shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage as written in "Roberts Rules of Order."
- C. The Chairperson shall have the privilege of discussing all matters before the Board and to vote thereon.
- D. **In cases where the parliamentary procedures for Planning Board meetings are not determined in these policies and procedures, Robert's Rules of Order, Newly Revised, shall be taken as authority to decide the course of proceedings.**

ARTICLE IV. Election of Officers

- A. **The Planning Board shall elect officers annually from the Board's own membership** ~~Officers shall be nominated from the floor and elected~~ at the regular February meeting. **The Chairperson shall call for nominations from the floor for each officer position, until all nominations for the position have been made, and the Board shall then vote as provided in Subsection B of this Article.**
- B. If more than one member is nominated for the same position, then the Board shall vote by written ballot, which ballots are public records within the meaning of the Freedom of Access Act. **If only one member is nominated for a position, the vote shall be conducted by roll call vote.**
- C. A candidate receiving a majority vote of the membership of the Planning Board present at the meeting shall be declared elected and shall serve one year or until his or her successor shall take office.
- D. Vacancies in offices shall be filled at the first possible regular meeting after the occurrence of the vacancy in the manner described in the previous Sections of this Article.