

RULES OF THE CITY COUNCIL, ADOPTED JANUARY 10, 2019

Meetings

Rule 1. Regular meetings of the city council shall be held on the second and fourth Thursday evenings of each month at 7 pm except when the Thursday falls on a holiday, in which case the meeting shall be held on the preceding Tuesday evening at 7 pm. Special meetings of the city council may be convened by the mayor, by the president of the city council, or by six members at any time upon such notification as the General Laws may provide.

Rule 2. The city clerk shall schedule an annual caucus at 6:30 pm on the Tuesday preceding Thanksgiving to conduct a poll of the members and members-elect, as the case may be, to express their preference as to the election of the president and vice president of the city council for the upcoming year.

Rule 3. The seats of the members of the city council shall be numbered and assigned by drawing the names of the members and the numbers of the seats simultaneously, annually, at the first meeting of the city council. The president and vice president shall sit in the last two seats, respectively.

Rule 4. The city clerk shall prepare the agenda for a meeting, post it, and distribute it to all members in accordance with MGL c. 30A §§ 18-25 as amended, with regulations promulgated thereunder, hereinafter called the open meeting law. Any matter submitted by a non-member shall only appear on the agenda if it is in the hands of the city clerk by the close of business four workdays before the meeting (Friday for a regular Thursday meeting). Any matter submitted by a member shall only appear on the agenda if it is in the hands of the city clerk by the close of business three workdays before the meeting (Monday for a regular Thursday meeting). Any item submitted after these times but by the close of business one workday before the meeting (Wednesday for a regular Thursday meeting) shall be added to the agenda as a supplemental item, subject to the requirements of the open meeting law. The agenda and supplement shall be made available to all members of the city council by 3 pm on the day of the meeting. Any additional item not included in the agenda or supplement that the city clerk presents, if challenged, shall be accepted only by a two thirds vote of the city council.

Rule 5. A majority of the entire membership shall constitute a quorum for the transaction of business. The presiding officer shall take the chair at the hour fixed or to which the city council has recessed, and shall convene the meeting. If a quorum is not present at such time, then the presiding officer shall recess such meeting until a quorum is in attendance, but if a quorum fails to materialize within thirty minutes of the time originally set forth, then the presiding officer shall adjourn such meeting forthwith.

Rule 6. No employee of the city government, except the city solicitor, shall be required to appear before the city council unless one week's written notice shall have been given to the employee, following approval by a majority vote of the city council. Such notice shall be prepared by the city clerk and shall describe the matter that the city council is interested in discussing.

Rule 7. Written minutes of the city council meeting, which shall include a record of the proceedings, describing the disposition of each agenda item and any votes taken, and a synopsis of the discussion, shall be maintained by the city clerk and approved by the city council, as prescribed by the most recent edition of Robert's Rules of Order and the requirements of the open meeting law.

Rule 8. Each meeting of the city council or any of its committees shall be video recorded whenever video recording equipment is available and operable. In the absence of video recording equipment, an audio recording shall be made whenever audio recording equipment is available and operable. The city clerk shall ensure that the recording is made available for public review on the city council's web portal. Subject to direction from the city solicitor, executive session meetings shall not be recorded by video or audio, but minutes for such meetings shall be kept by the city clerk.

Rule 9. Minutes of executive sessions shall be recorded by a recorder of the city council's choosing. The recorder shall obtain the written preliminary approval of the minutes by the presiding officer within twenty four hours, and shall then seal the minutes and present them to the city clerk, who shall thereafter maintain them. All executive session minutes shall remain confidential until the city council votes in open session to release them. The city clerk and city solicitor shall regularly prepare a recommendation to the city council as to which minutes should be released pursuant to the open meeting law.

Presiding Officer

Rule 10. The president of the city council or in his/her absence, the vice president, shall take the chair and preside at the meeting. At any meeting of the city council, in the absence of the president and vice president the oldest in age of members present shall preside until a president pro tempore is elected.

Rule 11. The presiding officer shall preserve decorum and order and may speak to points of order in preference to other members. The presiding officer shall be entitled to call a recess of up to five minutes in duration when deemed appropriate. The presiding officer shall decide all questions of order and shall be the determinant on all interpretations of these rules. If any member wishes to appeal such decision or determination, he/she shall make a motion, and if it is seconded, then no other business shall be in order until the question on appeal is decided by a majority vote of the city council.

Rule 12. The presiding officer may refuse to allow any items which in his/her opinion do not have a direct bearing on the business of the city council. These items shall be placed on file and shall not be further considered.

Rule 13. The president may express his/her opinion on any subject under debate, but in such case he/she shall leave the chair and the vice president shall preside. He/she may state facts and give his/her opinion on questions of order without leaving his/her place.

Rule 14. The presiding officer shall declare all votes, but if any member doubts the vote, the chair, without further debate, shall require the members to vote in the affirmative or negative by roll call. He/she shall declare the result only after all members present have voted. No member shall be recorded on any vote unless he/she is physically situated within the city council's chambers.

Rule 15. The presiding officer shall name the member who shall first be heard, whenever two or more members address the chair at the same time.

Rule 16. When a question is under debate before the city council or a committee of the city council, the presiding officer shall entertain no motion but:

- 1) to adjourn,
- 2) to lay on the table,
- 3) for the previous question,
- 4) to postpone to a day certain,
- 5) to refer to a committee,
- 6) to amend,
- 7) to postpone indefinitely, or
- 8) to recess.

These motions shall take precedence in the order in which they are arranged, and the first two shall be decided without debate. On a motion for the previous question no more than five minutes shall be allowed for debate and no member shall speak except in opposition to the motion or for more than two minutes. All questions of order arising after a motion for the previous question shall be decided without debate, except on appeal, and on appeal no member shall speak more than two minutes or more than once. The adoption of the previous question shall put an end to all debate and bring the city council to a direct vote upon pending amendments, if any, and then upon the main question.

Rights And Duties Of Members

Rule 17. Every member when about to speak, shall address the chair as "Mister/Madame President", and shall confine himself/herself to the question under debate, avoiding personal remarks at all times.

Rule 18. Any member may sponsor an employee of city government to address the city council on any matter properly before the city council, or request the reading of any item in full, unless such sponsorship or reading is objected to by any member. Upon such objection, the address or reading shall occur only by majority vote of the city council.

Rule 19. Any member of the city council, or a committee of the city council, may sponsor a member of the public to address the city council, or committee, on any matter properly before the city council, or committee, as the case may be, unless such sponsorship is objected to by any member. Upon such objection, the address shall occur only by a two thirds vote of the entire membership of the city council, or by a majority vote of the committee members present.

Rule 20. In accordance with the provisions of MGL c. 233, § 8, the city council is hereby authorized to issue subpoenas for the attendance of witnesses and/or the production of books and papers as to matters within their authority at a hearing of the city council or any committee thereof. If any member of the city council wishes to have such a subpoena issued to compel the appearance of a witness and/or the production of books and papers to a meeting of the city council, or a committee thereof, the member shall move to have such a subpoena issued. Upon the approval of a majority of the members of the city council, the city clerk shall issue such subpoena.

Rule 21. No member shall speak on the same question more than once unless all other members who wish to speak have already spoken. No member shall speak on any subject for more than five consecutive minutes without having first relinquished the floor to any other member who wishes to speak on the subject. No member shall interrupt another, except on a point of order, a request for information, or a question of personal privilege.

Rule 22. No member shall vote or serve on any committee where the subject under debate concerns his/her private as opposed to the public interest. Otherwise, every member who is present when a question is put shall vote in the affirmative or negative unless excused from doing so by the city council. Application to be so excused shall be made before the vote is taken.

Rule 23. No member shall represent the city council unless he/she is appointed to do so by the president.

Rule 24. In the event that the city council shall be required by the City Charter to fill a vacancy in the office of councilor, the following procedure shall be followed:

- 1) Legal notice shall be given by immediate publication once in a newspaper of local circulation and for not less than two weeks on the city website's homepage that the vacancy exists and that a replacement is being sought.
- 2) Individuals interested in filling the vacancy (hereinafter "applicants") shall be requested to contact the city clerk. By the close of business of the fourteenth day following publication in a newspaper of local circulation, applicants shall submit a letter of introduction and current resume when contacting the city clerk.
- 3) Applicants who have complied with paragraph 2 above shall be invited to a meeting of the full city council, at which time all applicants will be given an opportunity to address the city council and respond to the same questions submitted by members and by the public as approved by the city council. Such meeting shall be held no later than thirty days after the publication of the legal notice in the newspaper. After all applicants have been given an opportunity to address the city council, an election shall be conducted.
- 4) In order to be eligible for election an applicant must have his or her name placed in nomination by a member and must receive a second.
- 5) The voting shall be public with each member stating the name of the applicant for whom he or she is voting.
- 6) The first applicant to receive six votes shall be elected.
- 7) If there is more than one applicant and no applicant receives six votes on the first ballot, the two applicants who receive the most votes shall move to a second ballot. The other

applicants shall be eliminated. In the event that there is a tie for either of the top two spots, any applicant in such a tie shall move on to a second ballot.

- 8) In the event that no applicant receives six votes after at least five ballots, the city council may place the order on the table and continue with the process at the next regularly scheduled meeting of the city council.

Committees

Rule 25. The president shall annually, as soon after the organization of the city council as may be convenient, appoint the members to the following standing committees, and any special committees he/she may choose to create. The president may, at any time, change the membership of any committee. The president shall not serve as chair or vice chair of any standing committee. The president and vice president shall be members of the committees on finance and legislative matters.

- 1) Confirmation of Appointments and Personnel Matters (five members)
- 2) Finance (five members)
- 3) Housing and Community Development (three members)
- 5) Land Use (five members)
- 6) Legislative Matters (five members)
- 7) Licenses and Permits (three members)
- 8) Open Space, Environment and Energy (five members)
- 9) Public Health and Safety (three members)
- 10) Public Utilities and Works (three members)
- 11) Senior Services (three members)
- 12) Traffic and Parking (three members)
- 13) Veteran and Public Services (three members)
- 14) Youth Services (three members)

Rule 26. The member first named on each committee shall be its chair; and in the case of his/her resignation, inability to serve or absence, the other members in the order in which they are named shall call meetings of the committee and act as chair, subject to the provisions of Rule 25. The most recent edition of Robert's Rules of Order shall be the authority on all questions of debate in committee wherever they do not conflict with the several rules of the city council that apply to committees.

Rule 27. A majority of a committee shall constitute a quorum for the transaction of business. The chair shall take the chair at the hour fixed or to which the committee has recessed, and shall convene the meeting. If a quorum is not present at such time, then the chair shall recess such meeting until a quorum is in attendance, but if a quorum fails to materialize within thirty minutes of the time originally set forth, then the chair shall adjourn such meeting forthwith, and shall prepare a report of the committee indicating such.

Rule 28. The chair of any committee may call and preside at a meeting of the committee of the whole, to include all members of the city council, pursuant to the notice requirements of the open meeting law, whenever in his or her judgment such meeting shall facilitate the consideration of an item before the committee. In such case, a majority of the entire membership shall constitute a

quorum for the transaction of business. In other respects, the provisions of Rule 27 shall apply to these meetings.

Rule 29. The chair of each committee shall determine the agenda for each committee meeting, and shall include in said agenda any items that the committee previously voted to include on the agenda for the meeting in question. The clerk of committees shall prepare the agenda and the report of the meeting, which shall include the disposition of each agenda item and any roll call votes taken. Any document submitted to the members of the committee in connection with the main item under discussion during the committee meeting shall be identified in the report. The clerk shall insure that all such items are readily available for viewing during searches of the main item on the web portal for the city council. The report shall be approved by the chair and submitted to the city council for action at its next meeting. In no case shall this preclude a member not in agreement from submitting a minority report. The clerk shall also prepare the minutes of the meeting, which shall consist of the committee's actions, decisions, and votes, with a summary of any discussions, as prescribed by the most recent edition of Robert's Rules of Order and the requirements of the open meeting law. The minutes shall be approved by the committee at a subsequent meeting. No committee shall act by separate consultation and no report shall be received by the city council unless the subject thereof shall have been considered in committee actually assembled.

Rule 30. All items of business reported adversely by a committee shall contain the endorsement, "should not be approved" on such order, ordinance, resolution, petition or other matter, and if the report is accepted, the matter shall be disposed of.

Rule 31. Pursuant to the Open Meeting Law, if less than a quorum of the full city council attends a committee meeting, the visiting members may participate in full discussion. However, if a quorum of the full city council is present at the committee meeting, the visiting members must sit in the audience and participate as members of the public and may not deliberate.

Order Of Business

Rule 32. At every meeting of the city council the order of business shall be as follows:

- 1) Call of the meeting, with a prayer, salute to the Flag of the United States of America and a call of the roll of members.
- 2) Approval of the minutes of the previous meeting.
- 3) Citations.
- 4) Public hearings.
- 5) Ordinances, orders, resolutions and motions of members.
- 6) Unfinished business.
- 7) Reports of committees.
- 8) Communications of the mayor.
- 9) Communications of city officers.
- 10) New business.
- 11) Supplemental items.

Rule 33. All items on the agenda shall be acted upon in the order in which they are read by the city clerk, unless the city council shall otherwise direct by majority vote of the members present. All items shall be read by their titles only, unless any member requests a reading pursuant to Rule 18.

Rule 34. No report of a committee shall be acted upon by the city council unless it is printed on the agenda of a meeting.

Rule 35. After a motion or item is stated or read before the city council it shall be deemed to be in possession of the city council and shall be disposed of by vote, but the mover may withdraw it at any time before a decision or amendment if no objection is made.

Rule 36. Every motion shall be reduced to writing if the presiding officer so directs or if any member so requests. A motion need not be seconded, either before the city council or a committee of the city council, except as provided in Rule 11.

Rule 37. A question containing two or more propositions may be divided whenever such division can clearly be made, and such division shall be determined by a majority vote of the members present. A member may sever an item from a committee report in order to separately vote on that item from the remainder of the report if determined favorably by a majority vote of the members present.

Rule 38. Every item shall, after its passage, remain in the possession of the city clerk until 12 noon of the second weekday (Saturdays and holidays excepted) following the day of the meeting at which final action was taken. If, during that time, notice of intent to move for reconsideration is filed with the city clerk, then such item shall be considered unfinished business before the city council. If, during that time, no notice of intent to move for reconsideration is filed with the city clerk, then such item shall be considered as having passed out of the custody of the city council.

Rule 39. A motion for reconsideration shall only be made by a member on the prevailing side. No motion for reconsideration shall be made upon any of the following motions: to adjourn, for a roll call vote, to lay on the table, or for the previous question. On a motion for reconsideration no more than twenty minutes shall be allowed for debate, and no member shall speak more than two minutes. No motion for reconsideration shall be made during a meeting at which final action on a matter has been taken except by two thirds vote of the entire membership. No motion shall be twice reconsidered, but this shall not prevent the city council from reconsideration of any matter vetoed by the mayor.

Rule 40. Petitions for licenses or permits shall, upon their receipt by the city council, be referred to the committee on licenses and permits unless a motion to approve without referral to committee is approved by two thirds of the entire membership.

Rule 41. Appointments and reappointments subject to confirmation and personnel matters shall, upon receipt by the city council, be referred to the committee on confirmation of appointments and personnel matters unless a motion to approve without referral to committee is approved by two thirds of the entire membership.

Rule 42. Mayor's requests for direct appropriations, transfers, tax levies or loans shall, upon receipt by the city council, be referred to the committee on finance unless a motion to approve without referral to committee is approved by two thirds of the entire membership.

Rule 43. Proposed ordinances relating to pedestrians or vehicular traffic, the parking of vehicles on the public ways, or to taxicabs shall, upon receipt by the city council, be referred to the committee on traffic and parking.

Rule 44. Proposed ordinances relating to zoning shall, upon receipt by the city council, be referred to the committee on land use and to the planning board.

Rule 45. Proposed ordinances not above described shall, upon receipt by the city council, be referred to the committee on legislative matters.

Rule 46. On all matters not described in Rule 40 through Rule 45, the presiding officer shall determine how the matter shall be disposed of, unless a majority of members present shall vote otherwise.

Rule 47. No endorsement of any kind, except reports of committees, shall be made upon any items referred to committee.

Rule 48. Any item referred to a committee and not acted on within sixty days of such referral may be ordered for discharge from that committee by any member upon a vote of a majority of the entire membership.

Orders, Ordinances and Resolutions

Rule 49. All orders, ordinances and resolutions shall be submitted by the member who presents them, or by an authorized representative. Any member may solicit more than a quorum of the city council to co-sponsor an order, ordinance, resolution, or citation, but any discussion or deliberation which reaches a quorum of the members must occur in open session. The solicitation should instruct that questions or discussions be withheld until the city council next meets in open session.

Rule 50. Up to a subquorum of the city council (one to no more than five members) may sponsor an order, resolution or ordinance and request the clerk of committees to email the remaining members as to whether they wish to co-sponsor that item. The names of the members who originally sponsor the item may be identified in that communication from the clerk of committees. The remaining members may only respond to the clerk of committees directly as to whether they wish to co-sponsor the item, and may not notify any members of their decision. Any agendas published for the meeting at which the item will appear shall only reveal the names of the original member(s) who sponsored the item. The names of any additional co-sponsors who favorably responded to the communication from the clerk of committees shall only be disclosed when the city clerk reads the item at the meeting at which the item is on the agenda. The sponsorship of an item does not commit a member to ultimately vote in favor of the item.

Rule 51. In all votes, when the city council expresses an action by way of command the form of expression shall be, "ordered"; and when the city council expresses an opinion, principles, facts or request, the form shall be "resolved."

Rule 52. Every order and resolution shall be read a single time before the question on final adoption is taken, unless it is referred to a committee.

Rule 53. Every proposed ordinance and home rule petition shall be printed and a copy made available to each member at the start of the meeting at which its approval is expected to be under consideration.

Rule 54. Every ordinance, before being enrolled, shall be printed and a copy made available to each member. No ordinance once enrolled shall be amended. No ordinance shall be passed through all its stages of legislation at the same session, except by a two thirds vote of the entire membership taken by roll call.

Rule 55. Any order, ordinance, resolution or final vote may be passed through all its stages of legislation at one session, provided that no member objects thereto; but if a single member objects, the measure shall be postponed for that meeting, and if when it is next brought up, three or more members object to its passage, a second postponement of at least one week shall take place. The invocation of a member's rights under this rule or under Section 15 of the City Charter shall automatically halt discussion of the matter. Any matter postponed under this rule shall be considered unfinished business at subsequent meetings, but shall remain on the table until removed by a majority vote of the city council.

Rule 56. Every order, ordinance, resolution or final vote of the city council, except as relates to its internal affairs, shall be presented to the mayor. If he/she approves, he/she shall so signify in accordance with state law; but if he/she does not approve, he/she shall return it with his/her objections to the city council. The matter shall then be considered not approved, unless the city council proceeds to reconsider it, and two thirds of the entire membership vote to pass it notwithstanding the objections of the mayor, in which case it shall be finally approved. In all cases, the vote to reconsider shall be by roll call. If such order, ordinance, resolution or final vote is not returned to the city council within ten days after it has been presented to the mayor, it shall be considered approved.

Rule 57. After an order or resolution is adopted by the city council, the city council, by a majority vote, may refer such item to a committee of the city council for further action. In that event, the clerk shall note on the item that it was adopted by the city council and referred to a committee for further action. Whenever the committee discusses such item at a committee meeting, the committee report for that meeting shall list the item number and report on the action taken by the committee on that item. When the committee, by a majority vote at a committee meeting, has determined that it has completed its work on the item, the committee report shall note that it is the recommendation of the committee that the item be returned to the full city council. If the committee's recommendation is accepted by the city council, then the clerk shall

note on the item that it was returned by the committee to the city council with the date. No item shall be referred by the city council to more than one committee.

Rule 58. Whenever any order, ordinance, resolution or other matter shall have been finally rejected by vote of the city council, no measure embodying substantially the same subject matter shall be acted upon by the city council, by any committee or member within six months of the date of its rejection.

Duties Of The Clerks

Rule 59. The city clerk shall have charge of all journals, records and documents of the city council and shall attest all warrants. He/she shall be the clerk of the city council, shall attend all meetings, shall record the names of the members present and shall keep a record of all votes and proceedings. He/she may make changes to correct the form of an item once acted on by the city council but prior to its presentation to the mayor, provided that its substance is not thereby affected. He/she shall maintain the papers and all documents for which no other provision has been made by law or ordinance. He/she shall also keep and submit minutes of every meeting of the city council, which shall become the official record of the city council's actions upon acceptance by the city council. In his/her absence, the assistant city clerk shall serve as clerk of the city council pro tempore, who shall be sworn to the faithful performance of his/her duties.

Rule 60. The clerk of committees or in his/her absence the assistant clerk of committees shall keep a list of committees and their respective memberships posted in a convenient place in the committee room of the city council. He/she shall also prepare correspondence for each committee, and keep a record of every item of business before each committee. The clerk of committees shall notify every member of the city council of all committee meetings and shall prepare the agenda and minutes of each committee meeting. The clerk of committees shall also prepare and deliver to the city clerk all orders, ordinances and resolutions. The clerk of committees and his/her assistants shall be directly responsible to the president of the city council. He/she shall conduct research, prepare reports and perform such other functions and have such other duties as the president or any committee, by majority vote, shall from time to time direct.

Rule 61. The city clerk shall schedule usage of the council chambers and committee room for the city council or other city boards, committees, commissions, or departments. The committee room, however, shall only be scheduled business days between the hours of 8:30 am and 4:30 pm. The city council reserves the right to use the rooms at any time, even if they had previously been scheduled by another entity. The rooms may be used if available, but may not be scheduled, by individuals for a wedding ceremony licensed by the city clerk's office. The rooms may not be used by other entities without the expressed consent of the president. Use of the rooms may be withheld from any group that, in the opinion of the president or city clerk, does not leave them in a clean and orderly condition.

Suspension Or Alteration Of the Rules, Parliamentary Authority

Rule 62. No standing rule of the city council shall be suspended unless either two thirds of the entire membership consents or the rule to be suspended specifies otherwise. No objection to

suspension of the rules shall be deemed as an objection under Rule 55 or Section 15 of the City Charter.

Rule 63. Every amendment to a rule, proposed new rule or repeal of a rule shall be forwarded to each member of the city council and shall be referred to the committee on legislative matters, or any appropriate special committee, which shall recommend its adoption or rejection. Two thirds vote of the entire membership shall be required to amend, add or repeal a rule of the city council.

Rule 64. The rules of parliamentary procedure, as contained in the most recent edition of Robert's Rules of Order and interpreted by the city clerk, shall be the authority on all questions of debate or parliamentary usage wherever they do not conflict with the rules of the city council.