

RULES AND ORDERS  
OF THE  
MELROSE BOARD OF ALDERMEN

Revised October 2008

- **Rule 1** Regular Meetings of the Board of Aldermen shall be held on the first and third Mondays of each month at 7:45 p.m., except (1) during July, August and September when there shall be one meeting each month on the third Monday; (2) when an election is to be held the following day the meeting shall be held on the following Monday; and (3) when said Monday falls on a holiday, the meeting shall be held on the Tuesday following such holiday.

### **QUORUM**

- **Rule 2** A majority of the Board shall constitute a quorum, but a less number may adjourn from day to day.

### **PRESIDENT**

- **Rule 3** The President shall take the chair at the hour to which the Board stands adjourned, call the members to order and, on the appearance of a quorum, proceed to business.
- **Rule 4** In the absence of the President, the senior member in length of service shall call the Board to order and preside until a President pro tempore is chosen, which shall be by ballot unless a roll call is requested by not less than three members, and a plurality of votes shall elect. In case two or more members have the same seniority, lots shall be drawn before the meeting to determine who shall call the Board to order.
- **Rule 5** The President shall preserve decorum and order; may speak to points of order in preference to other members, and shall decide all questions of order, subject to an appeal by the Board. The President shall declare all votes and may vote in all cases.
- **Rule 6** The President may call any member to the chair, but such substitution shall not continue longer than one meeting. The President may express an opinion on any subject under debate; but in such case he/she must leave the chair, appointing some other member to preside, and shall not resume the chair while the question is pending; provided the same is taken before adjournment. The President may state facts and give an opinion on questions of order without leaving the chair.
- **Rule 7** It shall be the duty of the President or his/her designee to examine and approve the records of each meeting. It shall, likewise, be the duty of the President or the President pro tempore to sign all legislative matters which have been passed at any meeting.

### **CLERK AND ASSISTANT CLERK**

- **Rule 8** The Clerk shall keep a record of the proceeding of the Board of Aldermen which shall, at the meeting of said Board be subject to correction. The Clerk shall note upon legislative papers the action taken by the Board relating to said papers and shall, for the time being, have charge of such papers. The Clerk shall perform such duties in connection with the transaction of business during the sessions of the Board of Aldermen as the President may deem best for expediting the business of said Board.

- **Rule 8, CONT.** Whenever a petition is filed as provided by Section 22 of Chapter 156 of the General Laws seeking a permit for an original location for wires, poles, piers, abutments or conduits to be used for the transmission of electricity, the Clerk shall forthwith, upon receipt of such petition, send notice, in the manner required by said Section, of a public hearing to be held thereon at the next meeting of the Board of Aldermen occurring not less than seven (7) days following such receipt. The Clerk shall also send notice of such hearing to the Inspector of Wires.

The clerk shall prepare a calendar containing all reports of committees to be presented at any regular or special meeting of the Board, which calendar shall include a statement of any orders with respect to which notice of a motion to reconsider may have been filed, of all orders which have been laid upon the table or postponed to a day certain, of all hearings which may have been ordered, and of all matters of unfinished business; and such calendar shall be mailed or delivered to each member of the Board at least one day prior to said meeting.

After receipt by the Clerk of all communications and papers referred to in Rule 32, he/she shall prepare a calendar of new business for such meeting, which shall be distributed to the members of the Board as seasonably as may be before the hour at which such meeting is called. Agendas for all committee meetings and Orders of the Day for full Board meetings shall be posted twenty-four (24) hours before that meeting is called to order. In addition, the IT Department shall post all agendas on the city website. Any matter that has not been included on the posted agenda for that committee shall not be considered by that committee except by unanimous consent of all committee members present. All agendas shall be posted in the same location as meeting notices. Any member who wishes to remove an Order from committee for consideration by the full Board shall notify the City Clerk on or before the deadline specified in Rule 32, and the Clerk shall place the Order on the Orders for the Day for the next regularly scheduled Board meeting. Should five or more members object to the taking of an Order from committee that appears on the Orders of the Day of the full Board, the Order shall be referred back to committee. A member may also remove an Order from committee that fails to appear on the Orders of the Day of the full Board meeting; however, should one or more members object, the Order shall be referred back to committee. Shall a committee fail to issue a report on an Order within forty-five days after the Order is referred to that committee, the Clerk of Committees shall notify the City Clerk of said order and the City Clerk shall place said Order on the Orders of the Day for the next regularly scheduled Board meeting. Whenever any order, ordinance or resolution adopted by the Board at any meeting has not been returned by the Mayor within ten (10) days and is thereby in force, as provided by Section 26 of the City Charter, there shall be included in said calendar of new business for the first meeting of the Board next following the expiration of such ten (10) day period a statement as to such order, ordinance or resolution setting forth that the same has become law by limitation.

Following each meeting of the Board the Clerk shall prepare a bulletin containing a statement of all orders referred to committees, standing or special; said bulletin to be in such form that all matters so referred shall be listed separately under the heading of the respective committees and containing, likewise, a statement of all matters laid upon the table or postponed to a day certain and of any hearings ordered to be held at any subsequent meeting.

- **Rule 8, CONT.** Whenever a notice is filed by any member as a motion to reconsider, in accordance with Section 14 of the City Charter, a vote passed by the Board at any meeting, such bulletin for said meeting shall include a statement to that effect with respect to such vote. There shall also be noted upon said bulletin the action taken by the Board on all matters considered at such meeting. Bulletins shall be delivered to the members within forty-eight (48) hours after adjournment of the meeting to which they pertain.
- **Rule 9** The Assistant Clerk, in the absence of the Clerk, shall perform the duties of the Clerk.
- **Rule 10** When a member speaks he/she shall address the presiding officer and shall confine his/her remarks to the question under debate.

Every member while speaking shall at all times avoid personalities; no member in debate shall directly or indirectly impute to another member or to any other members any conduct or motive unworthy or unbecoming a member. No member shall speak or vote out of his/her place without leave of the presiding officer.

- **Rule 11** No member shall be interrupted while speaking except by their consent or by a point of order; nor shall there be any conversation among the members while a question is being stated, while a member is speaking or a paper is being read.
- **Rule 12** If a member repeatedly violates any of the rules of the Board or disrupts the orderly procedure of the Board, the presiding officer, after warning the member of such violations, shall call the member to order, and a member so called to order shall lose the right to speak on the pending subject matter but shall not be prevented from voting. A member so called to order shall remain silent until the Board begins consideration of another subject matter or unless the presiding officer returns to the member his/her rights to the floor. No debate shall be permitted on any point of order, except on appeal and on such appeal no member shall be allowed to speak more than once.
- **Rule 13** During debates, if objection is made thereto, no member shall speak twice to the same question without leave of the Board, nor more than once if any other member who has not previously spoken desires to speak.

No member shall occupy more than five minutes in total while speaking on any question where debate is unlimited. A person designated by the presiding officer shall keep strict accounting of the time occupied by any member and shall inform the presiding officer when a member's time has expired. Without leave of the Board, any member must thereupon stop speaking until the Board begins consideration of another subject matter.

- **Rule 14** No member shall vote on any question or serve on any committee where his/her private interest is immediately distinct from that of the public.
- **Rule 15** Every member, except the President, present when a question is put shall vote, unless excused by vote of the Board or excluded by personal interests. No member shall leave without permission of the presiding officer if his/her presence is necessary to make a quorum.

- **Rule 16** The reading of any paper, if objected to, shall be decided by the Board.
- **Rule 17** No member shall stand up, to the inconvenience of others, while a member is speaking; or pass unnecessarily between the presiding officer and the member speaking; or stand in the area in front of the chair; or stand at the Clerk's desk while a roll call is in progress.
- **Rule 18** The members of the Board shall not leave their places on adjournment until the presiding officer shall have declared the Board adjourned.
- **Rule 19** Every member shall take notice of the day and hour to which the Board may stand adjourned.
- **Rule 20** The President shall, annually, at the first meeting in January, appoint members to Standing Committees of the Board of Aldermen, and the President shall be a member ex-officio of all committees and, when required, may be counted in the making of a quorum at committee meetings. The President shall be entitled to vote as a member of the Appropriations Committee or when he/she is required to make a quorum. The following Standing Committees are hereby established:

### **COMMITTEES**

**Appropriations** (11 members), to include the annual Budget and all supplementary budgets, salaries of municipal employees and the salary administration plan, any recommendations of the Personnel Board with respect to said salary administration plan, redevelopment authority, federal or state grants and zoning.

**Finance** (5 members), to include accounts and surety bonds, election matters, print and supplies.

**Health, Education and Welfare** (5 members), to include public schools, public library and veteran's services.

**Public Works** (5 members), to include Public Works Department, public transportation, all municipal parking areas and lighting of streets and municipal parking areas.

**Legal and Legislative Matters** (5 members), to include Rules, legislative matters and claims.

**Protection and License** (5 members), to include the Police and Fire Departments and licenses.

**Public Service** (5 members), to include public grounds and buildings, public lighting and electric, cable and telephone wires.

- **Rule 21** The member first named on any committee shall be its Chairperson and, in the case of his/her resignation, absence or disability, the other members, in the order in which they are named, shall call meetings of the committee and act as Chairperson; and if, for any reason, any committee shall not have assembled within three weeks from the reference to it of any matters, except for the Summer season, the member second in order may call meetings of the committee.

It shall be the duty of the Committee on Finance to approve all purchases for the Aldermen.

- **Rule 21A** Committee chairmen serve at the pleasure of the President, who may at any time remove a Chairperson and designate a new chair. Neither the removal of a Chairperson, nor the appointment of a new Chairperson shall be subject to the approval of the Board.
- **Rule 21B** Beginning each evening of committee meetings, public participation will be offered to any member of the public wishing to speak.

#### **CLERK OF COMMITTEES**

- **Rule 22** The Clerk of Committees shall keep proper records of committee meetings in written format, which shall be an official record. Audio/visual records may also be kept. A copy of the written record shall be available to all members of the Board or member of the public. He/she shall prepare all reports of committees for presentation to the Board of Aldermen subject to the approval of the Chairperson.

The Clerk of Committees shall, following the final action of the Committee on Appropriations and the making of its report on the annual budget, or any supplementary budget, prepare a statement with respect to the appropriations recommended for each department when such appropriations include any sums for increase in salaries for employees of such departments, stating in detail the amount of such increases allowed in such appropriations and the period of the budget year allowed by said appropriations.

- **Rule 23** Each standing committee shall, in all cases of original reference on a petition or request for legislation, insure that the parties so requesting have proper notice of hearings and ample opportunity to be heard before final action is taken.
- **Rule 24** Reports on all matters referred to committees shall be made as early as practicable and shall be signed by the Chairperson, unless otherwise ordered by the committee. Any member may call for the degree of progress reached with respect to any matter referred to a committee.

Whenever any committee reports to the Board of Aldermen and any member dissents from the report, the name of such dissenting member shall be printed on the calendar followed by the word “dissents”; provided a statement is filed, as a minority report, by such dissenting member or members, containing the reasons therefor, with the Clerk of Committees, which statement shall accompany the report of the committee and shall be read by the President.

- **Rule 25** All committees shall be appointed by the President, unless otherwise provided. Special committees of the Board shall consist of three members, unless otherwise ordered.
- **Rule 26** All committees of the Board shall be notified of their meetings by the Clerk of Committees. They shall not sit during sessions of the Board without special leave.

### **COMMITTEE OF THE WHOLE**

- **Rule 27** When the Board determines to go into a committee of the whole, the chairperson shall be appointed by the President.
- **Rule 28** The Rules of the Board shall be observed in a committee of the whole, so far as they may be applicable, except the rules limiting debate. A motion to rise, report progress, and ask leave to sit again shall always be first in order and be decided without debate.

### **ORDER OF BUSINESS**

- **Rule 29** At every meeting of the Board the order of business shall be as follows:
  1. Reading of the minutes
  2. Each Member shall be provided with a copy of the minutes of the full Board twenty-four hours in advance of any vote regarding those minutes. Minutes of each meeting of the full Board shall be given to the IT Department to be posted on the city website within twenty-four hours after the minutes are accepted by the full Board.
  3. Hearings
  4. Communication from the Mayor and other city officials
  5. Presentation of legislative matters
  6. Miscellaneous business
  7. Reports of committees. No report of a committee shall be considered at any meeting of the Board unless such report shall have been in the hands of the clerk at least forty-eight (48) hours prior to said meeting.
  8. Consideration of the orders of the day in which unfinished business of the preceding meeting shall take precedence.

The above order may be changed by a two-thirds vote of the members present and, upon motion to change the order of business, no debate shall be allowed.

- **Rule 29A** Each meeting of the Board of Aldermen shall allow up to ten (10) minutes for public participation prior to the commencement of the reading of “COMMUNICATIONS FROM HIS HONOR THE MAYOR AND OTHER CITY OFFICIALS.” The members of the public shall limit their remarks to matters on the agenda for the meeting at which they speak and shall be out of order if said speaker addresses other issues not on the agenda. This Rule may be suspended by unanimous consent of the members.

- **Rule 30** All papers shall be presented by the President or a member in his/her place; and shall be read by the President, Clerk or such other person as the President may request. They shall be acted upon in the order in which they are presented unless the Board shall otherwise direct.
- **Rule 31** All appointments made by the Mayor, subject to the confirmation of the Board of Aldermen, shall, when received by the Board be referred without debate to the proper standing committee and said committee shall report its recommendations thereon at the next regular meeting.

#### **PROCEEDINGS WITH RESPECT TO LEGISLATIVE MATTERS**

- **Rule 32** Except by unanimous consent, all legislative matters, communications from the Mayor or heads of departments and all papers of whatever description which may require action by the Board of Aldermen, must be in the hands of the Clerk not later than noon on Thursday prior to each regular meeting. Reports of committees must be filed with the Clerk at the same time.

Whenever any bill, order, petition, memorial or remonstrance is introduced by a member of the Board, the name of such member shall be designated thereon and, if the same is referred to any committee, the name of such member shall, in the event of a favorable report, or, if such report is unfavorable and is not adopted by the Board, appear upon any order based thereon which may be enacted by said Board.

- **Rule 33** Ordinances of the city and amendments thereto shall be established only by a two-thirds vote of all the members of the Board of Aldermen, to be taken by the yeas and nays. In the case of all other legislative matters, except as otherwise provided in the General Laws, or in the Revised Charter and Ordinances of the City of Melrose, the affirmative vote of a majority of all members of the Board shall be necessary for passage at each debatable legislative stage.
- **Rule 33A** A two-thirds Roll Call vote of the Entire Board of Aldermen shall be required to expend funds from Aldermanic Budget Account No. 01-5291-001, Legal Counsel.
- **Rule 34** Subject to the provisions of Section 13 of the City Charter, every legislative matter shall be read once when it is introduced and shall then be referred to its appropriate committee, unless immediate consideration is asked for, in which event it shall be at once considered, provided no alderman objects; and no motion shall be applied to any such matter when originally introduced until immediate consideration has been granted. It shall be the duty of the President to ask if there is objection before immediate consideration is given any matter.

All matters involving the creation of a loan, the appropriation of moneys in the treasury not otherwise appropriated, the transfer of moneys from one account of the city to another, or otherwise affecting municipal finances, shall be referred to the appropriate committee, which committee shall refer the same, with its report thereon, directly to the Committee on Finance. New provisions shall not be added to orders recommended by any committee of the original reference by the Committee on Finance unless directly connected with the financial features thereof. Whenever matters are referred in accordance with foregoing, the Committee on

- **Rule 34, CONT.**  
Finance shall make its report thereon not later than three weeks from the date of such reference; provided, however, that nothing contained in the foregoing shall preclude a report by said committee that any order so referred “ought not to pass,” in which case the report of said committee shall be considered first when such order is presented to the Board for action. The provisions of this section shall not apply in the case of matters referred to the Committee on Appropriations.
- **Rule 35** Upon the report of a committee recommending the passing of any ordinance, order, or resolution, it shall be read a second time and shall then be in order for a final action unless there is objection on the part of not less than five aldermen. It shall be the duty of the President to ask if there is objection before consideration. If not less than five aldermen object, it shall be placed in the orders of the day for the next meeting. Appointments of city officials by the Mayor are not included in connection with the aforesaid.
- **Rule 36** All matters pertaining to amendments to Ordinances and legal affairs shall be referred to the appropriate committee, which committee shall refer the same with their report thereon directly to the committee on Legal and Legislative Matters, which shall pass upon the legal form of the order and report directly to the Board.

New provisions shall not be added to orders recommended by any committee of original reference, as aforesaid, by the committee on Legal and Legislative Matters, unless for the purpose of bringing the same into conformity with the General Laws or with the Charter and Ordinances of the City of Melrose. Amendments to ordinances so referred to the committee on Legal and Legislative Matters shall be reported to the Board not later than three weeks from the date of such reference. When ordinance amendments are recommended to the Board, the Clerk shall forward copies of any proposed changes to all members, and no ordinance amendment shall be in order for final passage until each member shall have received such copy.

- **Rule 37** When any bill, order, petition, memorial or remonstrance has been finally rejected by the Board, no measure embodying substantially the same subject shall be introduced by any committee or member within six months of its previous rejection.
- **Rule 37A** Any order not finally acted upon by the Board or the appropriate committee within one year of said order being filed, shall be considered null and void and shall be removed from the files of the Clerk of Committees. Any order not finally acted upon by the Board or appropriate committee by the first Tuesday following the first Monday in any even-numbered year shall be considered null and void and shall be removed from the files of the Clerk of Committees. Any order considered null and void by operation of this rule shall not be subject to any refiling restriction of Rule 37.
- **Rule 37B** During a public hearing, Section 42 of Robert’s Rules of Order, as it relates to the length of time and number of speeches, will apply. That is, a speaker may speak no more than ten (10) minutes unless he obtains the consent of the assembly, nor may he/she speak more than twice on the same issue.

- **Rule 38** Subject to the provisions of the Charter, and unless otherwise ordered, votes shall be taken orally. If the vote is doubted, the members voting shall rise in their places until counted. A vote shall be taken by yeas and nays when five members of the board so request.
- **Rule 39** The President shall consider a motion to adjourn as always in order, except on immediate repetition. When a question is under debate he/she shall receive no motion except:
  1. To adjourn
  2. To lay on table
  3. The previous question
  4. "To close debate" (Order No. 99-008)
  5. To postpone to a day certain
  6. To amend
  7. To postpone indefinitely

which several motions shall have precedence in the order arranged.

- **Rule 40** On the following motions the debate shall be limited to the time specified in each case:
  - To adjourn; no debate
  - Yeas and Nays; no debate
  - Lay on Table; no debate

The previous question, to close debate at a specified time, indefinite postponement, postponement to a day certain, to suspend the rules, to reconsider; ten minutes (no member to occupy more than three minutes except upon a motion to reconsider under Rule 14 of the City Charter.)

Whenever, at any meeting, a question is laid on the table, it shall remain there until the close of the next regular meeting, if not taken up earlier; but, if it is not taken from the table at such next meeting, or earlier, the clerk shall place the same in the files of the Board and shall make a record thereof in the journal of such meeting and upon any paper relating to such question.

- **Rule 41** Any motion shall be in writing if the President so directs, or any member of the Board so requests.
- **Rule 42** A question containing two or more propositions capable of division shall be divided whenever any member so requests.
- **Rule 43** No motion or proposition of a subject different from that under consideration shall be admitted under the color of any amendment.
- **Rule 43A** Any member may with the unanimous consent of the Board move the consideration of any report of committee out of the order said report appears on the calendar.

- **Rule 44** Subject to the provisions of Section 14 of the City Charter, when a vote has been taken, except those enumerated in Rule 45, it shall be in order for any member voting on the prevailing side to move a reconsideration thereof at the same meeting at which such vote was taken, or to file with the Clerk notice of a motion to reconsider such vote within twenty-four (24) hours from the taking of the same, as set forth in said Section 14 of the City Charter; but, when a motion to reconsider has been decided, that vote shall not be reconsidered and, unless two-thirds of the members of the Board are present, a motion to reconsider shall be laid upon the table until the next meeting of the Board.

A notice of a motion to reconsider filed with the City Clerk in accordance with the provisions of Section 14 of the Charter, shall be regarded in the same manner as if a motion to reconsider had been made while the Board was in regular session and, except as hereinbefore provided, shall be called up by the member filing such notice, or by some other member of the Board, at the next regular meeting, or at any intervening special meeting provided the same is included in the call thereof.

Whenever notice of a motion to reconsider has been filed, as aforesaid, the clerk shall notify all the members of the Board. No notice of a motion to reconsider may be withdrawn except by a majority vote of all the members of the Board of Aldermen. No notice of a motion to reconsider may be filed in accordance with Section 14 of the City Charter with respect to any ordinance, order, resolution, or vote acted upon at the final meeting of the term to which the members of any Board may have been elected.

- **Rule 45** No vote on any of the following motions shall be reconsidered:
  - to adjourn
  - to lay on table
  - to take from the table
  - the previous question
  - to reconsider.

#### **APPEAL**

- **Rule 46** No appeal from any decision of the President shall be entertained unless it is duly seconded, and no other business shall be in order until the question on the appeal has been decided. The question shall be put as follows: “Shall the decision of the Chair stand as the judgment of the Board?”, and it shall be deemed to be decided in the affirmative unless a majority of the votes are given to the contrary.

#### **USE OF ALDERMANIC CHAMBER**

- **Rule 47** The use of the Aldermanic Chamber, or the Aldermanic committee room, shall not be granted to any person, board or organization without the permission of the President. Said request shall be in writing and the Clerk of Committees shall keep a suitable calendar noting the permitted uses thereon.

#### **CAUCUS FOR NOMINATION OF PRESIDENT**

- **Rule 48** The Board of Aldermen shall, on the first Monday in December of each year, nominate a President for the ensuing year, and the formal election of the President shall take place at the first meeting in January next following. Notice of the holding of the caucus herein provided shall be sent to each member qualified to vote therein not less than four (4) days before the date thereof.

- **Rule 48, CONT.**

Such caucus shall be held in the rooms of the Board of Aldermen, shall be called to order by the Clerk, and shall be conducted in accordance with the rules of the Board pertaining to the conduct of regular meetings. Nominations, as aforesaid, shall be made by a viva voce vote, each member present answering to his/her name when called by the Clerk or other proper officer, stating the name of the person for whom he votes, or that he declines to vote. The vote of the majority of all the members of the Board shall be necessary to so nominate a President.

### **SUSPENSION, AMENDMENT OR REPEAL**

- **Rule 49** These rules may be suspended by an affirmative vote of two-thirds of the members of the Board present; they may be amended or repealed by a vote of a majority of all the members of the Board, but the motion for such purpose shall not be made and acted upon at the same meeting. All motions for amendments to these rules shall be in writing and copies thereof shall be sent to each member by the Clerk before final action thereon.
- **Rule 50** The Board shall be governed by *Robert's Rules of Order, Newly Revised Edition*, in all questions of parliamentary procedure not provided for by special rules or order.
- **Rule 51** In order to promote fair and open discussion, once a public hearing is called to order, the presiding officer shall recognize members of the public who may speak in the order of recognition. Public hearings shall no longer be divided into time periods for proponents and opponents to speak.