

# RULES OF ORDER MELROSE CITY COUNCIL



**Adopted January 2024**

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## **Overview**

A Special Committee on the Rules of Order was established by President Jennifer Grigoraitis in 2020 pursuant to Rule 25. Charged with modernizing the Council's governing rules, the Committee met on five occasions between November 11, 2020 and September 8, 2021 for a total of six hours. The Committee's scope of work involved simplifying the language of existing rules, addressing ambiguity, ensuring consistency in the use of terms, and offering recommendations for a series of revised and new rules.

A final version of the rules was then adopted in January 2022. Attached to this is a commentary section; its purpose is to memorialize the intent behind the rules that, in accordance with our mandate, have been either substantially amended or newly created.

## **OVERVIEW**

A Special Committee on the Rules of Order was established by President Jennifer Grigoraitis in 2020 pursuant to Rule 25. Charged with modernizing the Council's governing rules, the Committee met on five occasions between November 11, 2020 and September 8, 2021 for a total of six hours. The Committee's scope of work involved simplifying the language of existing rules, addressing ambiguity, ensuring consistency in the use of terms, and offering recommendations for a series of revised and new rules.

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## **RULES OF ORDER**

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

**Rule 2** A majority of the Council or any Committee thereof shall constitute a quorum.

### **PRESIDENT**

**Rule 3** The President shall take the chair at the scheduled hour, call the members to order and, on the appearance of a quorum, proceed with business.

**Rule 4** In the absence of the President, the President Pro Tempore of the Council, who shall be the senior member in length of service present at the meeting, shall call the Council to order and preside over meetings until the President resumes the Chair. When two or more members have the same seniority, names shall be drawn by the City Clerk thirty (30) minutes before the commencement of the meeting in the presence of the Clerk of Committees and at least one (1) member of the body, to determine who the presiding officer will be.

In the event that the longest serving member of the Council is elected President, the second longest serving member of the body shall serve as President Pro Tempore. When two or more members have the same seniority, the aforementioned selection process shall be followed.

**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 Council. The President shall declare all votes and may vote in all cases.

**Rule 6** The President may call the President Pro Tempore to the chair to preside over a full Council meeting, but such substitution shall not continue longer than one meeting without a majority vote of the members. The President may express an opinion on any subject under debate; but in such case they must leave the chair and shall not resume the chair while the question is pending. 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 their 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.

**Rule 7A** It shall be the duty of the President to oversee the City Clerk who shall report directly to the Council President.

## **CITY CLERK AND ASSISTANT CITY CLERK**

**Rule 8** The City Clerk or Assistant City Clerk shall keep minutes of the proceedings of the Council which shall be subject to correction when the Council meets. The City Clerk shall note upon legislative papers the action taken by the Council relating to said papers.

The City Clerk shall perform such duties in connection with the transaction of business during the sessions of the Council as the President deems necessary.

Whenever a petition is filed as provided by Section 22 of Chapter 166 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 City 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 Council occurring not less than seven (7) days following such receipt. The City Clerk shall also send notice of such hearing to the Inspector of Wires.

The City Clerk shall be responsible for preparing a Pre-Meeting Calendar for full Council meetings containing the following items: all matters of new business; all reports of committees to be presented at any regular or special meeting of the Council; a statement of any orders for which notice of a motion to reconsider has been filed; all orders which have been laid upon the table or postponed to a day certain; all hearings which may have been ordered; and all matters of unfinished business. Such Calendar shall be electronically transmitted to each member of the Council at least forty-eight (48) hours prior to said meeting.

Agendas and corresponding agenda packets for all committee meetings and full Council meetings shall be publicly posted seventy-two (72) hours before a meeting is called to order, excluding Saturdays, Sundays, and legal holidays. Agendas maybe updated after their initial posting so long as subsequent agenda items are added at least forty-eight (48) hours prior to a meeting in accordance with the Massachusetts Open Meeting Law. All Orders, Ordinances, Petitions, Resolutions, and Remonstrances appearing on meeting agendas shall include the name(s) of the corresponding sponsor(s).

Notice of emergency meetings must be posted as soon as reasonably possible prior to a meeting and in a manner accessible to persons with disabilities to the extent required by federal and state law. The City Clerk or the Clerk of Committees shall post meeting agendas to the city website. The agenda of a full Council meeting shall be subject to approval of the President and be posted in the same location as public meeting notices.

When a committee fails to issue a report on an item within forty-five (45) days after the matter is referred to committee, the Clerk of Committees shall notify the City Clerk of such and the City Clerk shall place said item on the agenda for the next regularly scheduled Council meeting under Reports from Committee with the following notation: "No Action Taken."

Whenever any Order or Ordinance adopted by the Council at any meeting has not been returned by the Mayor within ten (10) days and is thereby enacted pursuant to Section 3.7 of the City Charter, the Pre-Meeting Calendar for the next meeting of the Council shall include a statement that such Order or Ordinance has taken effect by operation of law.

Within forty-eight (48) hours after adjournment of a Council meeting, the City Clerk shall prepare a Post-Meeting Bulletin containing a statement of all items referred to committees, whether standing or special. All matters so referred shall be listed separately under the heading of the respective committees; and all matters laid upon the table or postponed to a further date, and any hearings ordered to be held at any subsequent meeting, shall be included in said Bulletin.

Whenever a notice is filed by any member as a Motion to Reconsider a vote passed by the Council, such Bulletin shall include a statement to that effect. There shall also be noted upon said Bulletin a statement as to the action taken by the Council on which a Motion to Reconsider was filed. Bulletins shall be transmitted electronically to the members within seventy-two (72) hours after adjournment of the meeting to which they pertain.

**Rule 9** The Assistant City Clerk, in the absence of the City Clerk, shall perform the duties of the City Clerk.

### **CONDUCT & DECORUM OF MEMBERS**

**Rule 10** When a member speaks, they shall address the presiding officer and shall confine their remarks to the question under consideration. While speaking, members shall avoid personalities, and no member shall directly or indirectly impugn another member or conduct themselves in a manner unworthy or unbecoming of a City Councilor. No member shall speak or vote out of their 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 or point of information; 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 Council or disrupts the orderly procedure of the Council, 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 presiding officer returns to the member their rights to the floor.

**Rule 13** A Councilor or any combination of Councilors who file an Order, Ordinance, Petition, Resolution, or Remonstrance shall be given up to ten (10) minutes in total to introduce the matter.

When a matter is being debated, no member may occupy more than five (5) minutes for each point under debate, nor shall they speak twice to the same question without leave of the Council, nor more than once if any other member, who has not previously spoken, desires to speak.

When a city official or other person appears before the Council or committee thereof, an individual Councilor shall not occupy more than fifteen (15) minutes of dialogue with the party. If a Councilor, however, requires additional time for questions, they may seek leave of the presiding officer. In determining whether to grant the Councilor additional time, the presiding officer shall consider but is not limited to the following factors:

- 1) The number of remaining questions the Councilor intends to ask.

- 2) The number of questions the Councilor has already asked.
- 3) The relevancy of the questions.
- 4) The amount of time that has been occupied by the attendee in answering questions.
- 5) The responsiveness of the attendee.
- 6) The nature of the matter before the Council or committee.
- 7) Public interest considerations.
- 8) The hour of day.
- 9) Remaining business before the Council or committee.

On general matters of discussion, members of the Council shall occupy no more than five (5) minutes when speaking on a particular subject.

The presiding officer, at their discretion, may designate the City Clerk or Clerk of Committees to monitor the time provisions of this rule.

**Rule 14** No member shall vote on any matter or serve on any committee where their private interest is immediately distinct from that of the public.

**Rule 15** When a question is put forward, every member present, except the President, shall vote, unless excused by vote of the Council or excluded by personal interests.

No member shall leave without permission of the presiding officer if their presence is necessary to make a quorum.

**Rule 16** The reading of any paper, if objected to, shall be decided by the Council.

**Rule 17** No member shall stand up, to the inconvenience of others, while a member is speaking; pass unnecessarily between the presiding officer and the member speaking; stand in the area in front of the chair; or stand at the City Clerk's desk while a roll call is in progress. The use of electronic devices should be restricted for Council business only during a meeting of the full Council or committee thereof.

**Rule 18** The members of the Council shall not stand or leave their places on a Motion to Adjourn until the presiding officer has declared the Council adjourned.

**Rule 19** Every member shall take notice of the day and hour to which the Council stands adjourned.

### **STANDING COMMITTEES**

**Rule 20** The President shall appoint voting members to each Standing Committee, one of whom shall serve as Chairperson.

The President shall, at the first meeting in January, announce the Chairpersons and voting members appointed to all Standing Committees for that calendar year.

The President shall serve as a member ex-officio of all committees and, when required, may be counted in the making of a quorum. The President shall be entitled to vote as an ex-officio member of all standing committees.

All members of the Council shall be considered a member of each Standing Committee but shall not be authorized to vote on pending matters unless assigned as a voting member of that Committee. A quorum of a committee shall be determined on the basis of voting members only.

A non-voting member of a committee may only speak on a pending matter after all voting members have been given the opportunity to deliberate; and non-voting members shall only speak once unless granted leave by the Chairperson. This provision of the rule, however, shall not apply to non-voting members who have sponsored or co-sponsored a matter appearing before a committee. The sponsor(s) shall always be recognized first by the Chairperson for the purposes of introducing an order.

The following Standing Committees are hereby established:

**Appropriations & Oversight:** Eleven (11) voting members to include the annual Budget and all supplementary budgets, redevelopment authority, federal or state grants, zoning, and all general oversight matters.

**Finance:** Five (5) voting members to include accounts and surety bonds, election matters, print and supplies, and City Council purchases.

**Health, Education and Welfare:** Five (5) voting members to include public schools, public library, and veterans' affairs.

**Legal and Legislative Matters:** Five (5) voting members to include rules, legislative matters and claims.

**Protection and License:** Five (5) voting members to include the Police and Fire Departments, Emergency Management, and licenses.

**Public Service:** Five (5) voting members to include public grounds and buildings.

**Public Works:** Five (5) voting members to include Public Works Department, public transportation, all municipal parking areas and lighting of streets and municipal parking areas, and electric, cable and telephone wires.

**Rule 21** The member first named on any committee shall be its Chairperson and the second named member of the Committee will be recognized as the Vice Chair of the Committee. In the case of the Chairperson's resignation, absence or disability, the other members, in the order in which they are named to the Committee, shall call meetings of the Committee and act as Chairperson. If, for any reason, any committee has not assembled within three (3) weeks from the reference of matters thereto, except for the summer season, the member second in order may call meetings of the committee.

**Rule 21A** Committee Chairpersons serve at the pleasure of the President, who may at any time remove a Chair and designate a new Chair. Neither the removal nor the appointment or re-appointment of a Chairperson shall be subject to the approval of the Council.

**Rule 21B** A committee Chairperson shall take the chair at the scheduled time and shall convene the meeting within thirty (30) minutes thereof. If a quorum is not present within thirty (30) minutes of the time originally scheduled, the Chairperson shall not commence such meeting and it shall be rescheduled to a later date.

**Rule 21C** The Chairperson shall call upon the Vice Chair to preside whenever the Chairperson intends to ask questions of an attendee or express an opinion on a matter before the Committee. The Chairperson may resume the chair when the matter for which they gave up the chair is no longer before the Committee.

**Rule 21D** Whenever one (1) or more committee meetings are scheduled to commence the same evening as the full Council or other committee meeting(s), each meeting shall commence within thirty (30) minutes of the meeting's respective scheduled meeting time. Where the earlier opened meeting(s) has not adjourned prior to the time by which another meeting must commence, the earlier committee(s) may recess so as to allow the other scheduled committee meeting(s) to open for the purpose of public comment. After public comment the members may vote to recess and reconvene the preceding meeting.

**Rule 22** The Chairperson of each standing committee, in conjunction with the Clerk of Committees, shall ensure that the Councilor(s) who sponsor(s) any legislative item will have proper notice of all related hearings. A matter pending in committee shall not be disposed of at the committee level without the sponsor(s) being present and available to vote on that matter.

**Rule 23** Reports on all matters from committees shall be made as early as practicable and shall be signed by the Chairperson, unless otherwise ordered by the Committee. Reports shall be appropriately designated by the action taken in committee and presented as such on all future meeting agendas until that time the Council disposes of a matter. Reports shall be designated in one of three (3) ways: Favorable Report ("ought to pass"); Adverse Report ("ought not to pass"); Undeclared Report ("without recommendation"). 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 Council and one or more members dissent from the report, the name(s) of the dissenting member(s) shall be printed on the agenda under Reports from Committee followed by the "Dissents," provided a statement is filed as a minority report by such dissenting member(s), containing the reasons therefore, with the Clerk of Committees, which statement shall accompany the report of the Committee and shall be read by the President.

**Rule 24** The President shall form special committees of the Council as needed and shall appoint its members. Special committees shall consist of three members, unless otherwise ordered.

**Rule 25** All committees of the Council shall be notified of their meetings by the Clerk of Committees. No two committee meetings may occur at the same time.

## COMMITTEE OF THE WHOLE

**Rule 26** When a committee determines to go into a Committee of the Whole, the Chairperson shall be appointed by the President.

**Rule 27** The Rules of the Council 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.

## CLERK OF COMMITTEES

**Rule 28** The Clerk of Committees shall report to the City Council, providing legislative assistance, support, and other professional services as needed. The City Council President shall have ultimate oversight over the Clerk of Committees, with day-to-day supervision provided by the City Clerk.

**Rule 28A** 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 Council and the public. They shall prepare all reports of committees for presentation to the full Council subject to the approval of the Chairperson. The Clerk of Committees shall, following the final action of the Committee on Appropriations & Oversight 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.

## ORDER OF BUSINESS

**Rule 29** At every meeting of the Council the order of business shall be as follows:

- I. Call to Order**
- II. Reading of the Minutes** -- An electronic copy of the minutes shall be transmitted to the full Council twenty-four (24) hours in advance of any vote regarding those minutes. Minutes of each meeting of the full Council shall be given to the City Clerk to be posted on the city website within twenty-four (24) hours after the minutes are accepted by the full Council.
- III. Public Comment**
- IV. Public Hearings**
- V. New Business**
  - a) Filings by the Honorable Mayor
  - b) Filings by Members of the City Council
- VI. Communications from the Honorable Mayor & Other City Officials**

**VII. Unfinished Business**

**VIII. Reports from Committees**

**IX. Expiries**

**X. Rule 53 Reports**

**X1. Adjournment**

The above order may be changed, at any meeting, by a two-thirds (2/3) 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 Council or any standing committee thereof shall allow up to ten (10) minutes per person for public comment prior to the reading of “COMMUNICATIONS FROM THE MAYOR AND OTHER CITY OFFICIALS.” 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. There will be an option to speak in public comment via remote participation whenever practicable, to be managed by the City Clerk and/or the Clerk of Committees. This rule shall only be suspended by unanimous consent of the members.

**LEGISLATIVE PROCEEDINGS**

**Rule 30** All pending matters before the Council shall be presented by the President or; and shall be read by the President, City 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 Council shall otherwise direct.

**Rule 31** All nominations/appointments made by the Mayor, subject to the confirmation of the Council, shall, when received by the Council, be referred without debate to the proper standing committee and said committee shall report its recommendations thereon within forty-five (45) days or at the next regular meeting.

**Rule 31A** All appointments made by the Mayor and subject to the confirmation of the Council shall include a written statement of interest and/or resume from the candidate.

**Rule 32** All filings (legislative or otherwise), communications from the Mayor or other city officials, and reports from committees that may require action by the Council, must be in the hands of the City Clerk no later than noon on Tuesday prior to each regular meeting. All filings from the Mayor or other city officials must include a written statement or memorandum detailing the intent of the filing and any impacts to the City’s finances, if applicable. The City Clerk shall confirm the receipt of all filings by notifying the sponsor(s) via e-mail at the time of receipt.

Any written document independently submitted by the administration, including documents prepared by a department head or other city employee after the filing of said matter, shall be transmitted electronically to the Council or committee thereof at least forty-eight (48) hours in advance of the meeting at which the matter is scheduled to be heard. Upon invocation of this rule by any Councilor, and the subsequent affirmative vote of not less than five (5) Councilors, or the affirmative vote of not less than three (3) Councilors when a matter is before a standing committee, an agenda item may be postponed. The Councilor who invokes this rule shall be required to vote on it. Invocation of this rule shall not apply to the annual budget.

Whenever any, Order, Ordinance, Petition, Resolution, or Remonstrance is introduced by a member of the Council, the name of such member shall be designated thereon and be reflected on all agendas and reports related to the matter. The filer of any matter shall be listed first on all agendas followed by the names of any co-sponsors in the order that they appear in the original filing.

**Rule 32A** No Legislation, Petition, Resolution, or Remonstrance shall be accepted by the City Clerk and placed upon the agenda for a meeting of the City Council unless a copy of the full text has been filed with the City Clerk.

**Rule 33** Ordinances of the city and associated amendments shall be established by a two-thirds (2/3) vote of all the members of the Council, to be taken by a Roll Call vote. 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 Council shall be necessary for passage at each debatable legislative stage.

**Rule 34** Subject to the provisions of Section 2-9(b) 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, where appropriate, immediate consideration is requested. In the case of a request for immediate consideration, the legislative matter shall be at once considered, provided no councilor 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, and upon objection the matter will be referred to the appropriate committee.

**Rule 34A** All matters involving the appropriation of moneys in the treasury not otherwise appropriated, the intra-departmental transfer of moneys from one account of the city to another, or otherwise affecting municipal finances, shall be referred to the Finance Committee. The Committee shall make its recommendation thereon not later than three (3) weeks from the date of such reference. The provisions of this section shall not apply in the case of matters referred to the Committee on Appropriations & Oversight.

**Rule 35** Upon the report of a committee recommending the passage of any Order, Ordinance, Petition, Resolution, or Remonstrance the item shall be read a second time at the next full Council meeting and shall then be in order for a final action unless the next full Council meeting falls on the same day. When an Order, Ordinance, Petition, Resolution or Remonstrance appears before the full Council with a recommendation from a committee that same day, it shall be

presumed that the matter will be placed on the agenda of the next full Council meeting under the Reports from Committee section of the agenda. Any councilor, however, shall be entitled to make a motion to immediately pull a matter from committee, when a matter is recommended by that committee on the same day, provided that a showing of good cause has been made. The burden shall be on the maker of the motion to demonstrate good cause. After a second to the motion has been made, the motion to pull from committee shall require a simple majority vote. Appointments of city officials by the Mayor are not included in connection with the aforesaid.

**Rule 35A** When a matter is introduced to the full Council with a recommendation for passage from any standing or special committee, a period of discussion shall be in order before a Motion for Passage is entertained by the President, President Pro Tempore, or other member presiding on behalf of the President.

**Rule 36** All matters pertaining to amendments to the Rules of Order of the City Council, Ordinances and legal affairs shall be referred to the committee on Legal and Legislative Matters.

When amendments are recommended to the Council, the City Clerk shall forward copies of any proposed changes to all members, and no amendment shall be in order for final passage until each member shall have received such copy.

**Rule 37** When any matter has been rejected by the full Council, no measure embodying substantially the same subject shall be introduced by any committee or member within six (6) months of its previous rejection.

**Rule 37A** Any matter not acted upon by the Council or the appropriate committee within one (1) year of said matter being filed, shall be considered null and void and shall be removed from the calendar of the Clerk of Committees. Any matter considered null and void by operation of this rule shall not be subject to any refiling restriction of Rule 37.

**Rule 37B** During a Council meeting, standing committee thereof, or a public hearing, a non-member may speak no more than ten (10) minutes unless he obtains the consent of the Council or standing committee thereof, nor may they speak more than twice on the same issue.

**Rule 38** Unless otherwise ordered, votes shall be taken orally. If the vote is doubted, the members voting shall rise in their places until counted. A Roll Call vote shall be taken upon request of five (5) or more councilors.

**Rule 39** The President shall consider a motion to adjourn as always in order, except on immediate repetition. When a matter before the Council is under debate, it shall receive no motion except:

1. To adjourn
2. To lay on table
3. The previous question
4. To close debate

5. To postpone to a day certain
6. To amend
7. To postpone indefinitely

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

Roll Call: 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 (10) -- No member to occupy more than three (3) minutes.

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 Council and shall make a record thereof in the minutes 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 Council so requests. In a remote meeting format, written motions shall be emailed to the Clerk of Committees and/or City Clerk for distribution to the Council through the appropriate and available electronic means.

**Rule 42** A question containing two or more propositions capable of division shall be divided whenever any member so requests and is confirmed by majority vote.

**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 move the consideration of any report of committee out of the order said report appears on the agenda, subject to the unanimous consent of the Council.

**Rule 44** 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 City Clerk notice of a motion to reconsider such vote within twenty-four (24) hours from the taking of the same. When a motion to reconsider has been decided, that vote shall not be reconsidered and, unless two-thirds (2/3) of the members of the Council are present, a motion to reconsider shall be laid upon the table until the next meeting of the Council.

A notice of a motion to reconsider filed with the City Clerk shall be regarded in the same manner as if a motion to reconsider had been made while the Council 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 Council, 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 City Clerk shall notify all the members of the Council. No notice of a motion to reconsider may be withdrawn except by a majority vote of the Council. No notice of a motion to reconsider may be filed with respect to any. Order, Ordinance, Petition, Resolution, or Remonstrance or vote acted upon at the final meeting of the term to which the members of any Council may have been elected.

**Rule 45** No vote on any of the following motions shall be reconsidered:

1. To Adjourn
2. To Lay on the Table
3. To Take from the Table
4. To the Previous Question
5. 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 by a majority vote of the Council. The question shall be put as follows: *“Shall the decision of the Chair stand as the judgment of the Council”?*

### **USE OF COUNCIL CHAMBER**

**Rule 47** The use of the Council Chamber, or the Council Committee Room, shall not be granted to any person 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 & ELECTION OF PRESIDENT**

**Rule 48** The City Council shall, on the first Monday in December of each year, nominate a President for the ensuing year. 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.

Such Caucus shall be held in the Council Chamber; shall be called to order by the President Pro Tempore; shall include a period for public comment and shall be conducted in accordance with the rules of the Council pertaining to the conduct of regular meetings. Notice of the Caucus shall be posted, and the Caucus shall be held in public session. The President Pro Tempore shall call upon the City Clerk to conduct the Caucus, tally votes, and announce the results. Nominations, as aforesaid, shall be followed by a Roll Call vote, each member present answering to their name when called by the City Clerk, stating the name of the person for whom they vote, or that they decline to vote. The vote of the majority of all the members of the Council shall be necessary to

so nominate a President. Upon being elected, the prior President shall escort the newly-elected President to the rostrum.

A current member with the intention of pursuing the presidency shall state so publicly at any prior meeting of the full Council before the scheduled caucus.

The nomination of a President shall be a non-binding vote. The formal election of the President shall take place at the first meeting in January next following. Before a final vote commences, all nominees shall be required to make a public statement regarding their candidacy, at the first meeting in January, which shall not exceed five (5) minutes in length. The conduct of the election shall follow the process of the Caucus.

### **MISCELLANEOUS**

**Rule 49** Any rule may be suspended by an affirmative vote of two-thirds (2/3) of the members of the Council present. When a motion to suspend a rule is made, the specific rule for which suspension is sought must be cited in the motion and the reason stated on the record.

Any rule may be amended or repealed by a vote of a majority of all the members of the Council, 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 City Clerk before final action thereon.

**Rule 50** The Council shall be governed by Robert's Rules of Order, in all questions of parliamentary procedure not provided for by special rules of 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 not be divided into time periods for proponents and opponents to speak.

**Rule 52** In the event the Council must elect a person to complete the term of a Councilor in accordance with Section 2-11 (c) of the City Charter, the procedure for filling such vacancy shall be as follows:

1. Notice shall be given by immediate publication once in a newspaper of local circulation and for not less than two (2) weeks on the City's website homepage that the vacancy exists and that a placement is being sought.
2. Individuals interested in filling the vacancy (hereinafter "Applicants") shall be requested to contact the Clerk of Committees. By the close of business of the 14th day following publication in a newspaper of local circulation, applicants shall submit a letter of intent and resume to the Clerk of Committees.
3. Applicants who have complied with Rule 52, Section 2 above shall be invited to a meeting of the full Council, at which time all applicants will be given an opportunity to address the Council. At that time, Applicants will be afforded up to 10 minutes to make a statement; and Councilors will have the opportunity to ask questions of the Applicants.

4. After all applicants have been given an opportunity to address the Council, an election shall be conducted.
5. In order to be eligible for election, an Applicant must have their name placed in nomination and must receive a second.
6. The voting shall be public with each member of the Council stating the name of the Applicant for whom they are voting.
7. The first Applicant to receive six (6) votes shall be elected pursuant to Section 2-11(c) of the City Charter.
8. If there is more than one Applicant and no Applicant receives six (6) votes on the first ballot, the two (2) individuals 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 individual in such a tie shall move on to a second ballot.
9. In the event that no Applicant receives six (6) votes after at least five (5) ballots, the Council may place the order on the table and continue with the process at the next regularly scheduled meeting of the full Council.

**Rule 53** Whenever the President, or a member of the Council appointed by the President or Mayor to serve on a committee, commission, council, board or other working group, attends a meeting of such committee, commission, council, board or other working group, that member shall report back at the next regular meeting of the Council as to the actions taken on all matters on the agenda of said body.

**Rule 54** In the event of a vacancy in the position of the City Clerk or Clerk of Committees, the President of the Council shall appoint a nominating committee of three (3) Councilors. The nominating committee will cause any such vacancy to be posted, will review applicant resumes, and conduct interviews. Thereafter, the nominating committee shall recommend up to three (3) candidates for consideration by the full Council.

**Rule 55** When a standing committee votes to move forward any Order, Ordinance, Petition, Resolution or Remonstrance to the full Council on the preceding Thursday before a full Council meeting, the City Clerk shall, on the next business day, update the meeting agenda of the full Council to include the committee's recommendation. The updated agenda shall be posted in accordance with the provisions of Rule 8.

**Rule 56** All correspondence from members of the public submitted in writing to the Council in connection with any matter before the full Council or committee thereof shall be publicly available; such correspondence shall be automatically attached to the order in question by the City Clerk or Clerk of Committees and shall not require a vote of the full Council or any committee thereof.

Correspondence relating to a matter, when submitted to the Council at least twenty-four hours (24) prior to a scheduled meeting on said matter, shall be attached to the order before the start of

the meeting; correspondence submitted thereafter shall be attached to the order no later than forty-eight 48 hours from the time of adjournment.

The City Clerk shall redact the e-mail address and phone number of any member of the public who submits correspondence to the Council before any such correspondence is attached to the order.

**Rule 57** The final disposition of all Orders, Ordinances, Petitions, Resolutions, and Remonstrances for a given fiscal year shall be posted to the City Council section of the City's webpage by the City Clerk within 48 hours of a measure having been disposed. The public posting of dispositions, hereinafter known as the Legislative Disposition List, shall include the following information for all disposed matters: 1) the title of the filing; 2) the filing number; 3) the name of the Councilor who sponsored the filing; 4) the names of any co-sponsors; 5) how each Councilor voted on the matter; 6) the outcome of the vote; and 7) the date of disposition.

The Legislative Disposition List shall be maintained in the order that matters are disposed.

**Rule 58** When a virtual meeting occurs, public participation shall be enabled in accordance with Rule 29A, whenever feasible.

Councilors must utilize a video feed when participating in a virtual meeting. In the event that a Councilor loses video and audio feed during a meeting, no vote shall occur on any matter until after such time that a recess has occurred in order to troubleshoot the problem. If the Councilor's video and audio feed has not been reestablished within 15 minutes of recessing, the members shall decide whether to proceed with a vote.

If the City Clerk loses video and audio feed during a meeting, the Clerk of Committees shall call the roll and record all votes. If the Clerk of Committees loses video and audio feed during a meeting, the committee Vice Chair shall call the roll and record all votes. If the Clerk of Committees loses video and audio feed during a full Council meeting, the City Clerk shall read all orders of business into the record.

When a remote meeting of the full Council or committee thereof occurs, the City Clerk or Clerk of Committees shall admit any member of the administration or other participant to the meeting as directed by the presiding officer. No member of the administration or other participant shall be admitted without the approval of the presiding officer. Members of the administration or other participants shall remain in the virtual meeting room until such time that the presiding officer determines that their presence is no longer needed.

Members of the administration or other participants appearing before the Council in a remote format must utilize a video feed to the extent possible.

## COMMENTARY

### **Rule 4**

**Commentary:** In legislative bodies at all levels of government, a recognized officer, usually the longest-serving member, serves as President Pro Tempore. Although not recognized by this title in the last iteration of the Rules of Order, the longest-serving member has historically presided over the Council in the President's absence. This new rule removes the requirement that the Council vote for a temporary presiding officer each time the President is unable to fulfill their duties, affording deference to the most experienced Councilor to preside over the body.

### **Rule 7A**

**Commentary:** This rule delineates and streamlines the structure of supervision as it relates to the City Clerk.

### **Rule 8**

**Commentary:** The Massachusetts Open Meeting Law requires public bodies to provide *at least* 48-hours' notice to the public when a meeting will be held. This amended rule requires that notice of a City Council meeting or committee thereof is posted at least 72-hours in advance of a meeting -- an affirmative step at promoting greater transparency in City government by extending the period of time for which the public is given notice. This rule does not prohibit the updating of agendas or agenda packets after the initial posting so long as any and all updates comport with the Open Meeting Law.

### **Rule 13**

**Commentary:** This rule recognizes that inquiry, debate, and discussion are separate and distinct parts of the legislative process. Historically, the cap on how much time a Councilor was allowed to speak on a given matter had been defined in an arbitrary way; moreover, the cap failed to recognize the nuances of a deliberative public process, having a stifling effect on Councilors, especially the sponsors of an order. This rule sets parameters for how much time a member can occupy when speaking on a particular matter, while accounting for the different stages of a matter under examination and allotting appropriate time for each stage. It also affords the President the flexibility to grant a member additional time, when leave has been requested by that member.

### **Rule 28**

**Commentary:** This rule delineates and streamlines the structure of supervision as it relates to the Clerk of Committees.

### **Rule 32**

**Commentary:** This rule is meant to compel the administration to provide the City Council with

all documents and other materials related to an order filed by the Mayor at least 48-hours' in advance of a meeting. Recognizing that no Councilor should be forced to proceed on a matter for which they have not been given adequate time to prepare, a minority of Councilors may vote to postpone the consideration of a matter by invocation of this rule.

### **Rule 35**

**Commentary:** This amended rules prevents the fast-tracking of legislative matters by ensuring that a final vote does not occur by the full Council on the same evening that a matter is voted out of Committee. The intent of this rule is that pending legislation remains in the public eye for a longer period of time. With a showing of good cause, however, any Councilor may move to pull a matter from Committee on the same evening when it was voted out of Committee. This provision accounts for items that may be time sensitive in nature.

### **Rule 48**

**Commentary:** The selection of a President is more than a procedural exercise determining the leadership of the Council. As the City Charter designates the President to assume the duties of Mayor during the Mayor's temporary absence, as well as to fill the unexpired term of the Mayor should the Mayor resign or no longer be able to execute the duties of the office, choosing a President must be a transparent and deliberative public process. Any Councilor seeking the presidency should have to state their interest at an earlier public meeting and, after being duly nominated at caucus, be required to state publicly the reasons for their candidacy before any vote occurs.

### **Rule 55**

**Commentary:** For any matter voted out of Committee on the Thursday preceding the Monday meeting of the full Council, that matter should, in the spirit of transparency, be added to Monday's meeting agenda that next business day. Failure to provide notice of a matter scheduled for a final vote is an opaque, administrative practice that only works to discourage access and participation by the public. This amended rule is an antidote to that.

### **Rule 56**

**Commentary:** This rule makes clear that any written or electronic correspondence submitted by a member of the public in connection with a matter pending before the council be automatically attached to the order and included in the meeting agenda packet, without requiring a vote of the Council. It further recognizes that the public has the right to know when correspondence connected to any matter under consideration has been directed to the Council, and how such correspondence may or may not influence decisions made by the body.

### **Rule 57**

**Commentary:** The intent of this rule is to create a centralized, on-line location so that the public can easily access and review all legislative matters disposed in a given year, whether in committee or by the full Council. A clearinghouse of this kind offers the public unfettered

access to the legislative voting record, avoiding the unnecessary and cumbersome process of the public having to navigate IQM2 to peruse meeting minutes in order to determine the outcome of a vote.

**Rule 58**

**Commentary:** This rule establishes protocols governing how business will be conducted during virtual meetings of the City Council or a committee thereof.