



**CITY OF MELROSE**  
**SPECIAL COMMITTEE - RULES OF ORDER CITY COUNCIL**  
**AGENDA • FEBRUARY 3, 2021**

Web-based remote meeting  
, Melrose, MA 02176

Regular Meeting

6:00 PM

## I. CALL TO ORDER

Shawn M. MacMaster	Chair
Jack Eccles	Vice Chair
Jeff McNaught	
Mark Garipay	
Robb Stewart	
Christopher Cinella	President, ex officio

### ***Remote Meeting Information***

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, sec 18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Rules of Order Committee will be conducted via remote participation to the greatest extent possible. We will post an audio or video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Melrose website and on MMTV/ mmtv3.org.

## II. PUBLIC COMMENT

## III. SCOPE OF WORK

### ***Process and Procedure***

## IV. RULES OF ORDER

### ***Discussion of rules of order (including changes and proposed new) and vote***

*REDLINE VERSION as discussed by the Rules of Order Special Committee*  
*Proposed New Rules: 7A, 55, 56, 57, 58*

**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 followed: (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 the such meeting shall be held on the following Monday; and (3) when said Monday a meeting falls on a holiday, the such meeting shall be held on the Tuesday, following such holiday.

#### **QUORUM**

**Rule 2** A majority of the Council or any Committee thereof 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 scheduled hour, to which the Council stands adjourned, call the members to order and, on the appearance of a quorum;, proceed to 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, shall call the Council to order and preside over meetings until the President resumes the Chair. 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 When two or more members have the same seniority, lots 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 shall who the presiding officer will be. call the Council to order. 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 any member 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 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 pPro tTempore 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 and the Clerk of Committees as employees of the Council; these two roles shall report directly to the Council President.

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**CITY CLERK AND ASSISTANT CITY CLERK**

**Rule 8** The City Clerk or Assistant City Clerk shall keep a written record minutes of the proceedings of the City Council which shall, at the meeting of said Council 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. and shall, for the time being, have charge of such papers. The City Clerk shall perform such duties in connection with the transaction of business during the sessions of the City Council as the President deems necessary. may deem best for expediting the business of said Council.

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 City 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 c Pre-Meeting Calendar published agenda 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,; which calendar shall include a statement of any orders with respect to for which notice of a motion to reconsider may have has 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 ssuch cCalendar shall be mailed or delivered electronically transmitted to each member of the Council at least forty-eight (48) hours prior to said meeting. After receipt by the City 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 Council as seasonably as may be before the hour at which such meeting is called.

Agendas and corresponding agenda packets for all committee meetings and Orders of the Day for full Council meetings shall be posted to the public forty-eight seventy-two (4872) hours before that a meeting is called to order, excluding Saturdays, Sundays, and legal holidays,;.. aAgendas may, however, be 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 Massachusetts Open Meeting Law. Notice of emergency meetings must be posted as soon as reasonably possible prior to the a meeting. Notices must be posted in a manner that is accessible to disabled persons to the extent required by federal and state law. In addition, the IT Department The City Clerk or the Clerk of Committees shall post all meeting agendas on to the city website,; and Aall agendas shall be posted in the same location as meeting notices.

**Comment [rs1]:** Sub-rule to indicate president will approve agenda

Any member who wishes to remove an Order from committee for consideration by the full Council shall notify the City Clerk on or before the deadline specified in Rule 32, and the City Clerk shall place the Order on the Orders of the Day for the next regularly scheduled Council 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 Council, the Order shall be referred back to committee.

ShallWhen a committee fails to issue a report on an Order within forty-five (45) days after the Order is referred to that committee, the Clerk of Committees shall notify the City Clerk of said order such and the City Clerk shall place said Order on the Orders of the Day for the next regularly scheduled Council meeting.

Whenever any oOrder, ordinance or resolution adopted by the Council at any meeting has not been returned by the Mayor within ten (10) days and is thereby in force enacted, as provided pursuant to by Section 3.7 of the City Charter, there shall be included in said the cCalendar of new business for the first for the next meeting of the Council next following the expiration of such ten (10) day period shall include a statement as to that such order, ordinance, or resolution setting forth that the same has become law by has taken effect by operation of law. limitation.

Following each meeting of the CouncilWithin forty-eight (48) hours after adjournment of a Council meeting, the City Clerk shall prepare a bPost-Meeting Bulletin containing a statement of all orders referred to committees, whether standing or special;. said bulletin to be in such form that aAll 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 further day date certain, and of 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 mMotion to rReconsider a vote passed by the Council at any meeting, such bBulletin for said meeting shall include a statement to that effect. with respect to such vote. There shall also be noted upon said bBulletin a statement as to the action taken by the Council on which a Motion to Reconsider was filed. on all matters considered at such meeting. Bulletins shall be delivered transmitted electronically to the members within forty-eight seventy-two (4872) 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.

**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 While speaking, members shall at all times avoid personalities; and no member in debate shall directly or indirectly impute to impugn another member or to any other members any conduct or conduct themselves motive in a manner unworthy or unbecoming a member of a City Councilor. 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 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 Council 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 Council, nor more than once if any other member, who has not previously spoken, desires to speak. A Councilor or any combination of Councilors who file an order shall be given up to fifteen (15) minutes in total to introduce any order. No member shall occupy more than five minutes in total while When a matter is being debated, no member may occupy more than five (5) minutes for each point under debate, nor shall he/she 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. speaking on any question where debate is unlimited.

When a city official or other person appears before the Council or committee thereof, an individual Councilor shall not occupy more than twenty-five (25) fifteen (15) minutes when asking questions of dialogue with the attendee. If a Councilor, however, requires additional time for questions, he/she 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 his/her discretion, may designate the City Clerk or Clerk of Committees to monitor the time provisions of this rule.

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 Council, any member must thereupon stop speaking until the Council 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 When a question is put forward, every member present, except the President, present when a question is put forward 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 his/her 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; 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 City Clerk's desk while a roll call is in progress.

No member shall handle any electronic device, other than one that may be necessary for Council business, during a meeting of the Council or committee thereof. 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 not or leave their places on a Motion to Adjourn adjournment until the presiding officer shall have has declared the Council adjourned.

**Rule 19** Every member shall take notice of the day and hour to which the Council may stands adjourned. **Formatted:** Font: (Default) Times New Roman, 12 pt **Formatted:** Indent: Left: 0.25"

**Rule 20** The President shall appoint voting members to each Standing Committee, one of whom shall serve as Chairperson, The President shall annually, at the first meeting in January, appoint members announce to the Chairpersons and voting members appointed to all Standing Committees for that calendar year of the City Council,

and tThe President shall be serve as 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 an ex-officio member of all standing committees. the Appropriations Committee or when he/she is required to make a quorum.

All members of the Melrose City Council shall be considered as members of each of the Council's Standing Committees. The President shall name those members of each committee, to include its Chairperson; who are authorized to vote on matters while pending in committee; all other members of each committee are not but shall not be authorized to vote on such pending matters while pending in committee unless assigned as a voting member of that Committee. A quorum of the a committee shall be determined on the basis of the 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 speakdeliberate; 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 an order that appears before a committee. The sponsor(s) of an order shall always be recognized first by the Chairperson for the purposes of introducing an order.

The following Standing Committees are hereby established:

#### COMMITTEES

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

Finance (11 members~~five~~ (5) voting members ) to include accounts and surety bonds, election matters, print and supplies, and City Council purchases.

Health, Education and Welfare (11 members~~five~~ (5) voting members) to include public schools, public library and veteran's services.

Legal and Legislative Matters (11 members ~~five~~ (5) voting members) to include rules, legislative matters and claims.

Protection and License (11 members~~five~~ (5) voting members) to include the Police and Fire Departments, Emergency Management, and licenses.

Public Service (11 members~~five~~ (5) voting members) to include Ppublic grounds and buildings.

Public Works (11 members~~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. and, iIn the case of his/herthe 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 cCommittee and act as Chairperson; and i. If, for any reason, any committee shall not havehas not assembled within three (3) weeks from the reference to it of any of matters pertaining thereto such committee,

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 City Council.**

**Comment [O2]:** Added above to "Finance" section.

- **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, nor the appointment of a new Chair one 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, then 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 he/she gave up the chair is no longer before the Committee.

- **Rule 21DC** 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 any the preceding meeting. that was earlier opened and recessed, but not adjourned.

#### 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 Council or and members of the public. He/she shall prepare all reports of committees for presentation to the City 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.

**Rule 23** The Chairperson of Each standing committee shall, in all cases of original reference on a petition or request for legislation, insure that the parties so requesting makers of any legislative order have proper notice of all related hearings. Orders pending in committee shall not be disposed of at the committee level without the maker(s) of the order being present and available to vote on the matter. 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 cCommittee. 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 City Council and any member dissents from the report, the name of such dissenting member shall be printed on the cCalendar followed by the word "dissents"; provided a statement is filed, as a minority report, by such dissenting member or

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members, containing the reasons therefore for, with the Clerk of Committees, which statement shall accompany the report of the cCommittee and shall be read by the President.

**Rule 25** All committees shall be appointed by the President, unless otherwise provided. Special committees of the Council shall consist of three members, unless otherwise ordered. 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.

**Comment [O3]:** Redundant with Rule 20.

**Rule 26** 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. They shall not sit during sessions of the Council without special leave.

#### COMMITTEE OF THE WHOLE

**Rule 27** When the Council a Committee determines to go into a cCommittee of the wWhole, the cChairperson shall be appointed by the President.

**Rule 28** The Rules of the Council shall be observed in a cCommittee of the wWhole, 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 Council the order of business shall be as follows:

1. Call to Order
2. Reading of the mMinutes -- Each Member shall be provided with a An electronic copy of the minutes of 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 IT Department City Clerk to be posted on the city website within twenty-four (24) hours after the minutes are accepted by the full Council.
2. Public Comment
3. Public Hearings
4. Communication from the Mayor and oOther cCity oOfficials
5. Presentation of Legislative Matters
6. New Business
7. Old Business
8. Calendar
9. Orders from Committee
10. Reports under Rule 53
7. Consideration of the orders of the day in which unfinished business of the preceding meeting shall take precedence.

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 **City Council** or any standing committee **thereof of the City Council thereof**, shall allow up to **ten (10)seven (7) minutes per person** for public comment prior to the reading of “COMMUNICATIONS FROM THE MAYOR AND OTHER CITY OFFICIALS.” **Public comment shall be permitted only for residents of Melrose and/or Melrose property owners unless the Chairperson rules otherwise. Before addressing the Council, speakers shall, on the record, identify the street on which they live or on which they own property. The m**

**Comment [rs4]:** Councilors MacMaster and Stewart dissent from proposed language

**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. It shall be at the discretion of the President or Chairperson of any standing committee to reduce the allotted grant additional up to ten (10) minutes per person for public comment at any meeting.**

**This rule shall only be suspended by unanimous consent of the members.**

**Rule 30** All **papers orders before the Council** shall be presented by the President or **a member in his/her place presiding officer**; 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 Council shall otherwise direct.

**Rule 31** All appointments made by the Mayor, subject to the confirmation of the **City 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.

#### **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 **City Council**, must be in the hands of the **City Clerk** no later than noon on **Wednesday Tuesday** prior to each regular meeting. **The City Clerk shall confirm the receipt of all legislative filings by notifying the maker of an order via e-mail at the time of receipt.** Reports of committees must be filed with the Clerk at the same time.

**Any written document in support of an order filed by the Mayor, including documents prepared by a department head or other city employee after the filing of said order, shall be transmitted electronically to the Council or committee thereof at least forty-eight (48) hours in advance of the meeting at which the order is scheduled to be heard. Upon invocation of this rule by any Councilor, and the subsequent affirmative vote of not less than four (4) Councilors, or the affirmative vote of not less than two (2) 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.**

Whenever any **bill, oOrder, Ordinance, pPetition, memorial or remonstrance or Resolution** 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. 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 Council, appear upon any order based thereon which may be enacted by said Council.

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**Rule 32A** No order containing a Resolution shall be accepted by the City Clerk and placed upon the agenda for a meeting of the City Council unless a copy of the text of the Resolution is filed with the Order, and the honoree(s), if any, confirm their attendance at the time the resolution is introduced.

**Rule 33** Ordinances of the city and associated amendments thereto shall be established only by a two-thirds (2/3) vote of all the members of the City Council, to be taken by a *Vivca Voce votethe 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 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 asked forrequested. , in which event itIn 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 committee on FinanceFinance Committee. The committee 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 passageing of any ordinance, oOrder, Ordinance, Petition, or rResolution, it 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, unless there is objection on the part of not less than five (5) Councilors. When an Order, Ordinance, Petition, or Resolution 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., to be ruled upon by the President, before a second shall be entertained. After a determination of good cause has been made by the Presidentsecond to the motion has been made, the motion to pull from committee shall require a two thirds (2/3) viva vocesimple majority vote. It shall be the duty of the President to ask if there is objection before consideration. If not less than five (5) Councilors 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 35A** When an order 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 order has been finally 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 order not finally acted upon by the Council or the appropriate committee within one (1) year of said order being filed, shall be considered null and void and shall be removed from the files calendar 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 City Council meeting, standing committee thereof, or a public hearing, a non-member speaker may speak no more than ten (10) minutes unless he obtains the consent of the City Council or standing committee thereof, nor may he/she 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 Viva Voce vote shall be taken upon request of five (5) or more councilors by yeas and nays when five members of the Council so request.

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

**Comment [rs5]:** Has 'question' been defined in the context of debateable item? i.e. is this an ordinance, order or resolution?

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

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;

Viva Voce Vote 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 (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 journal 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.

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

**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, but, 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 all the members of the City Council. No notice of a motion to reconsider may be filed with respect to any ordinance, Order, Ordinance, Petition, or Resolution, or vote acted upon at the final meeting of the term to which the members of any Council may have been elected.

**Comment [rs6]:** Struck all members in the case where less than the full council is present but a quorum has been established.

**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?" and it shall be deemed to be decided in the affirmative unless a majority of the votes are given to the contrary.

#### 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 FOR NOMINATION OF PRESIDENT

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**Rule 48** The City Council 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 Ccaucus herein provided shall be sent to each member qualified to vote therein not less than four (4) days before the date thereof. Such cCaucus shall be held in the Council Chamber; shall be called to order by the City Clerk 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 cCaucus shall be posted, and the cCaucus 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 made by a vViva vVoce vote, each member present answering to his/her name when called by the City Clerk or other proper officer, stating the name of the person for whom he/she votes, or that he/she declines 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.

Notice of the caucus shall be posted and the caucus shall be held in public session. A candidate 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.

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

**Rule 49** These Any rules 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. they may be

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 no longer not be divided into time periods for proponents and opponents to speak.

**Rule 52** In the event the City 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 are placement is being sought. **Formatted:** Left

- 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 [introduction intent](#) and [current](#) resume [when contacting to](#) the Clerk of Committees.
  - 3. Applicants who have complied with [paragraph 2](#)[Rule 52, Section 2](#) above shall be invited to a meeting of the [full Council Appropriations Committee](#), 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 his/her name placed in nomination and must receive a second.
  - 6. The voting shall be public with each member of the [City Council](#) stating the name of the Applicant for whom he or she is 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 [a](#)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 [City full Council](#).
- Rule 53** Whenever the President, or a member of the [City Council](#) appointed by the President or Mayor to serve on a committee, commission, [Ccouncil, board](#) or other working group, attends a meeting of such committee, commission, [Ccouncil, board](#) or other working group, that member shall report back [to the full City Council](#) at the next regular meeting of the Council as to the actions taken on all matters on the agenda of said [body, committee, commission, Council or other working group](#).
- 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 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 three (3) candidates for consideration by the full [City Council](#).
- Rule 55** [When a standing committee votes to move forward any Order, Ordinance, Petition, or Resolution 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.](#)

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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 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, and Resolutions 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 order; 2) the order number; 3) the name of the Councilor who sponsored the order; 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.

Version 2 - 2/2/21 Proposed changes and newly proposed rules - redlined version

Rules of Order as adopted January 2021

## **V. ADJOURNMENT**

## **VI. COMMUNICATIONS**