



AGENDA PACKET

**ORGANIZATIONAL MEETING OF THE CITY COUNCIL
TUESDAY, JANUARY 03, 2023 7:00 PM**

**EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149**



AGENDA

ORGANIZATIONAL MEETING OF THE CITY COUNCIL TUESDAY, JANUARY 03, 2023 7:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR
EVERETT, MA 02149

ROLL CALL

PLEDGE OF ALLEGIANCE

NEW BUSINESS

1. C0001-23 Order/s/ Councilor John F. Hanlon, as Senior Member

To adopt the 2022 rules of the City Council as the rules of the City Council for the year 2023

2. C0002-23 Order/s/ Councilor John F. Hanlon, as Senior Member

To elect a President of the City Council for the year 2023

3. C0003-23 Order/s/ Newly Elected President

That the newly elected President of the City Council appoint three members of the City Council to serve as messengers to notify His Honor the Mayor of their organization

ADJOURNMENT

www.cityofeverett.com

(All agendas and reports can be obtained on City of Everett Website)

Respectfully submitted:

Michael J. Mangan

Legislative Aide
Everett City Council Office



C0001-23

To: Mayor and City Council

From: Councilor John F. Hanlon

Date: January 3, 2023

Agenda Item:

To adopt the 2022 rules of the City Council as the rules of the City Council for the year 2023

Background and Explanation:

Attachments:

CITY OF EVERETT, MASSACHUSETTS



CITY COUNCIL RULES

Last Revised: May 2022

CITY COUNCIL RULES

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DEFINITIONS

When used in this document, the following words, terms and phrases shall have the meanings ascribed by them in these definitions, except where the context clearly indicates a different meaning:

- A. **Charter:** The City of Everett Home Rule Charter, 2011, including all amendments thereto subsequently adopted.
- B. **City:** The city of Everett, Massachusetts.
- C. **City council:** The duly elected, 11-member city council of the city of Everett, Massachusetts.
- D. **CMR:** The Code of Massachusetts Regulations, as codified and published on January 1, 1978, and including all amendments thereto subsequently adopted.
- E. **Committee:** Any standing committee or special committee of the city council.
- F. **Committee member:** A member of the city council appointed to be a member of any of the committees of the city council.
- G. **Formal session:** A meeting or series of meetings, called and posted in accordance with Massachusetts General law, for the transaction of city business.
- H. **Legislative session:** The two-year term in which the city council members serve, once elected by the voters of Everett
- I. **Maintenance request:** A request from a city council member(s) to a specific city department and/or the mayor's office for the specific repair, replacement or maintenance of pavement, sidewalks, traffic signals, signage, playground equipment or another similar request.
- J. **Majority vote:** A vote of more than half of those city council members or those city council committee members present and voting thereon.
- K. **Massachusetts open meeting law:** MGL, Chapter 30A, Sections 18 .to 25, inclusive.
- L. **Measure:** Any order, ordinance, petition, resolution or vote to be considered by the city council.
- M. **Member:** A duly elected or appointed member of the city council.
- N. **MGL:** The General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- O. **Ordinance:** A law of the city prescribed by the city council, designed for the permanent regulation of any matter within the jurisdiction of the city council. All ordinances require the approval of the mayor or may also be in force in accordance with the other provisions of Section 3-6 of the charter.
- P. **President:** The president of the city council.
- Q. **Presiding officer:**
 1. At a session of the full city council, the permanent or acting president of the city council.
 2. At a city council committee meeting, the permanent, acting or appointed chairman of such committee.

CITY COUNCIL RULES

- R. Revised Ordinances:** The "Revised Ordinances of the City of Everett, Massachusetts, 2007", including all amendments thereto subsequently adopted.
- S. Rules:** These rules of the city council of the city of Everett, Massachusetts, including all amendments thereto subsequently adopted.
- T. Senior member:** The member of the city council with the most seniority.
- U. Seniority:** The ranking of members of the city council by the total years of current continuous service on the current and previous versions of the city council and age. The seniority of members shall be determined in the following manner:
1. The member who currently has the longest period of current continuous service on the current and previous versions of the city council.
 2. If such periods of current continuous service are identical, the member who is most senior in age.
- V. Special committee:** A temporary committee of the city council, established in accordance with Rule 38 of these rules.
- W. Standing committee:** A permanent committee of the city council, established in accordance with Rule 37 of these rules.

RULES OF CONSTRUCTION

- A. Number and Gender**
1. Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular.
 2. Words importing the masculine gender shall include the feminine gender.
- B. References to MGL, CMR, Charter, Revised Ordinances**
- All specific references to MGL, CMR, the Charter and the Revised Ordinances are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or re-codification of such statutes enacted or adopted subsequent to the original adoption of these rules.
- C. Computation of Time**
1. When computing time in days under these rules:
 - a. The day of the act or event after which the designated period of time begins to run shall not be included.
 - b. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday.
 - c. If the period of time designated is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall not be included; when the period of time designated is seven (7) days or more, every day shall be counted.
 2. When computing time in hours under these rules, every hour shall be counted.

CITY COUNCIL RULES

ORGANIZATION

RULE 1: **Officers of the city council; terms of office.**

Charter references

Section 2-2: President;

Section 2-8: Appointments of the city council;

Section 10-5(c): Certain laws recognized and retained with respect to incumbents

- A.** The officers of the city council shall be:
1. The president of the city council;
 2. The clerk of committees;
 3. The city clerk/clerk of the city council
 4. The assistant city clerk; and
 5. The legislative aide
- B.** The term of office for each of the officers of the city council is specified by the Charter if not addressed within the City Charter then by the Legislative code.

RULE 2: **Elections; appointments; temporary appointments.**

- A.** The election or appointment of all officers of the city council shall be held by placing a separate order on the business agenda to fill each such office whenever it is required. Officers of the city council shall be elected/appointed in accordance with the following procedure:
1. A motion shall be made and seconded to open nominations for such city council office.
 2. In order to be eligible for election/appointment, a candidate must have their name placed in nomination on the ballot and the nomination must have received a second. Any candidate for a city council office shall meet all requirements of the office in accordance with all applicable provisions of the Charter and the Revised Ordinances in order to be nominated. Nomination speeches shall be limited to a maximum of five (5) minutes per candidate.
 3. After all nominations for such city council office have been completed, a motion shall be made and seconded to close nominations for such office.
 4. A vote to fill such city council office shall be taken by the calling of the role. When their name is called by the clerk of the city council, each member present shall vote either by stating the name of a candidate currently on the ballot or by abstaining.
 5. Any candidate receiving six (6) or more votes shall be elected/appointed to such city council office.
 6. If there was only one candidate for such city council office and they did not receive the required six (6) votes, a motion shall be made, seconded and voted upon favorably to table the order until the next regularly scheduled meeting of the city council, at which time, this entire election/appointment procedure shall be restarted from the beginning.

RULE 2:

CITY COUNCIL RULES

(Continued)

7. If there were two or more candidates for such city council office and none received the required six (6) votes, the two or more candidates receiving the most votes shall move on to the next ballot. All other candidates shall be eliminated from the ballot.
8. In the event that no candidate for such city council office has received the required six (6) votes and a ballot remains to be voted upon, such ballot shall be voted on in accordance with Rule 2.A.4 and the result of said vote shall be evaluated in accordance with Rules 2.A.5, 2.A.6 and 2.A.7.
9. After at least five (5) ballots for such city council office have been voted on at a single formal session of the city council without a candidate for such office being elected or appointed, a motion may be made to table the order until the next regularly scheduled city council meeting. If such motion is seconded and approved by a roll call majority vote, the order shall be tabled until the next regularly scheduled meeting of the city council where voting on such order shall resume in accordance with Rule 2.A.8.

B. If, for any reason, any office of the city council becomes vacant, the nomination and election procedure in Rule 2.A will be used to fill such vacancy. Such vacancies shall be filled at the first meeting of the city council possible with respect to any applicable provisions of the Revised Ordinances and the Massachusetts Open Meeting Law. Any vacancy in any office of the city council shall only be filled for the remainder of the unexpired term.

C. Temporary appointments

1. In the case of a delay in the filling of any appointed office of the city council, the city council may choose to make a temporary appointment to such office.
2. All temporary appointees of the city council shall be subject to the same limitations regarding the exercise of powers and length of appointment as are temporary appointees of the mayor.

Charter reference – Section 3-4: Temporary appointments to city offices
3. All temporary appointees shall hold such office until the permanent appointee for such office is chosen and qualified or their temporary appointment expires.
4. In the case of a delay in the appointment to the office of the city clerk, the city council may decide to make a temporary appointment to the office of the clerk of the city council without also necessarily conferring a temporary appointment to the office of the city clerk on said appointee.

CITY COUNCIL RULES

RULE 2: **(Continued)**

5. In the case of the absence of the clerk of the city council from a formal session of the city council or the clerk of committees from any committee meeting, a temporary clerk shall be appointed for the duration of the current meeting. Such temporary appointments shall be made by making and seconding a motion to accept a suitable person as temporary clerk of the body. Unless the result is in doubt, a favorable voice vote shall be sufficient to approve such motion.
6. Temporary appointments of the city council for any duration longer than a meeting shall use the nomination and election procedure in Rule 2.A. The extension of an existing temporary appointment of the city council shall be accomplished by placing an order on the business agenda to extend such appointment and acting on it like any other order.

RULE 3: Seating of members, others.

- A. The seats of the members other than the president shall be chosen by matter of seniority at the next formal session following the inaugural.
- B. Unless a vacancy occurs on the city council, all members shall retain their chosen seats for the remainder of their term of office.
- C. If a city council seat becomes vacant at any time during the city council's term of office, seating arrangements may be changed, as a matter of seniority, by choosing to move a vacant seat.
- D. No person except a member of the body meeting shall be permitted inside the rail of the council chamber or to occupy the seat of a member, without permission from the presiding officer, when said room is being used as part of the city government meeting chamber.

CITY COUNCIL RULES

FORMAL SESSIONS

RULE 4: **Formal sessions; scheduling, notification.**

- A. The scheduling and notification of all formal sessions of the city council shall be in accordance with the applicable provisions of the Massachusetts open meeting law, including the posting of the business agendas of all such sessions.
- B. An electronic copy of the business agenda of all such formal sessions shall be made available to be posted on the city's web site.
- C. Regular meetings of the city council shall be held in accordance with the provisions of Section 1A-1 of the Revised Ordinances.
- D. Special meetings of the city council shall be held as needed. The scheduling and notification of such meetings shall also be in accordance with the provisions of Rule 7.3 and either Section 2-6(c) (ii) or Section 3-5(b) of the Charter. Such special meetings shall not be scheduled as to conflict with any previously scheduled committee meeting.
- E. Joint meetings of the city council and the school committee shall be held as needed or required. The scheduling and notification of such joint meetings shall be in accordance with the provisions of Rule 7.4.
- F. Except with the approval of the president, no formal session, regular or special, shall be scheduled prior to 6:00 P.M.
- G. In no event shall a meeting of the city council extend beyond 10 P.M. unless 2/3 of the council present vote in the affirmative. Votes will then be taken hourly.
(C0378-22)

RULE 5: **Call to order; absence of the president.**

- A. The presiding officer shall take the chair at the hour appointed for a formal session and shall immediately call such session to order.
- B. In the absence of the president, the most senior member present shall preside until a president pro-tempore shall be chosen by a plurality vote.

RULE 6: **Determination of quorum; record of attendance.**

- A. Formal sessions shall be called to order by the calling of the roll to determine the presence of a quorum.
- B. The presence of a majority of the entire membership of the body shall constitute a quorum for the transaction of business.
- C. A record of said roll call shall be kept in the city clerk's office which shall be available for inspection by the public at all times.

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RULE 7: **Meetings.**

RULE 7.1: **Regular meeting; business agenda, deadline, placement.**

- A. All papers addressed to the city council for a regular meeting shall be presented by the president or by a member.
- B. The sponsor(s) of each measure submitted for inclusion on the business agenda shall provide a brief description of the measure. Such descriptions need not set out the specific action or alternatives which will be considered by the city council but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the business agenda.
- C. All such papers for a regular meeting shall be presented to a city council legislative aide before the hour of 5:00 P.M. of the Wednesday preceding a regular meeting. If such Wednesday falls on a holiday, such deadline shall be pushed back to 5:00 P.M. of the Tuesday preceding a regular meeting.
(C0423-20)
- D. A city council legislative aide shall prepare a business agenda of said business for each regular meeting.
- E. All measures to be included on the business agenda shall be placed on the agenda in the order in which they are received within the proper category on the business agenda, pursuant to Rule 7.2.
- F. A city council legislative aide shall cause such business agenda and associated materials to be delivered to all members of the city council, the city clerk, the mayor and the city solicitor, no later than forty-eight (48) hours preceding the regular meeting in such manner as the president may direct.
- G. No business shall be submitted under suspension without the approval of the president and pursuant to the Massachusetts open meeting law.

RULE 7.2: **Regular meeting; order of business.**

At every regular meeting of the city council, the order of business shall be as follows:

- A. Roll Call
- B. Pledge of Allegiance
- C. Presentation of petitions, memorials, and remonstrance's
- D. Public Hearings (if posted)
- E. Public Participation
- F. Approval of the minutes of the previous meeting
- G. Communications from His Honor the Mayor
- H. Communications and Reports from City Officers and Department Heads
- I. Committee Reports
- J. Unfinished Business
- K. New Business
- L. Maintenance Requests

CITY COUNCIL RULES

RULE 7.3: **Special meeting; notification.**

Charter references

Section 2-6(c)(ii): Special meetings of the city council;

Section 3-5(b): Special Meetings of the City Council

- A. Whenever a special meeting of the city council shall be called, a written notice signed by the mayor, the president or five (5) councilors or more, as prescribed by the City Charter, who called for such meeting shall be filed with the city clerk.
- B. Such notice shall state the date and hour of the meeting and the purpose for which such meeting is called.
- C. A copy of such notice shall be served upon each member, the mayor and the city solicitor, either in person or by notice left at their place of residence and posted in accordance with Massachusetts Open Meeting Law.
- D. No other business than the subject matter for which said special meeting was called shall be discussed or added to the special meeting business agenda.

RULE 7.4: **School committee joint meeting; notification; presiding officer.**

- A. Annually, pursuant to Section 6-2 of the Charter, the mayor shall call a joint meeting of the city council and the school committee, to include the superintendent of schools, before the commencement of the budget process to review the financial condition of the city.
- B. Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill the vacancy in the manner provided in Section 4-6(a) of the Charter, the president shall, pursuant to Section 4-6(b) of the Charter, call a joint meeting of the city council and the school committee to act to fill the vacancy.
- C. Notification of such joint meetings shall follow the notification provisions of Rule 7.3 with the addition of a copy of such notice also being served on each member of the school committee, in the same manner prescribed for city council members, and the superintendent of schools, the city clerk and the city solicitor.
- D. The president shall be the presiding officer of such joint meeting. In the absence of the president, the most senior member of the city council present shall be the presiding officer.
- E. No other business than the subject matter for which said joint meeting was called shall be discussed or added to the joint meeting business agenda.

CITY COUNCIL RULES

RULE 7.5: **Executive session.**

State law reference - Meeting of public body in executive session, MGL Chapter 30A, Section 21.

- A. The city council or any committee thereof shall only lawfully meet in executive session for one or more of the purposes enumerated in the Massachusetts open meeting law. If any member questions the validity of the reason for the body to enter into executive session, the matter shall be tabled without need for a vote until a legal opinion of the city solicitor's office is obtained.
- B. The rules that govern any executive session of the city council or any committee thereof shall be as prescribed by the Massachusetts open meeting law.
- C. No part of this rule shall be suspended.

RULE 7.6 **Remote video conference meetings; conduct and decorum.**

(C0096-21)

Remote video conferencing meetings will only be allowed during declared state of emergencies with the approval of the president and with the following decorum requirements be adhered to:

- A. Members shall conduct themselves with the same level of attention and professionalism as if physically present at a meeting in the council chamber.
- B. Arrange your device so that you and your camera are stationary during the meeting to avoid any distracting movement.
- C. Background should be appropriate.
- D. Physical presence on camera is required for attendance and active participation.
- E. Proper attire for all remote meetings shall be business casual or city council apparel that has been provided to members.
- F. Microphone must be muted when not speaking to help eliminate feedback and background noise.
- G. Avoid interrupting or speaking over others when they are speaking.
- H. Address the chair if you wish to speak by physically raising your hand, using the "raise hand" feature that is available in the participant panel, or some other respectful manner to get the attention of the chair.
- I. Eliminate any distracting noises (tv, music, others talking) in the background, especially when your microphone is on.
- J. Be attentive and keep your cell phone on silent.
- K. Smoking and the consumption of food or alcohol while on camera are prohibited.
- L. If a member goes off camera or takes a telephone call, the camera must be shut off to avoid distracting other members.
- M. Participating in video remote meetings while driving or while performing any activity that requires undivided attention is prohibited.
- N. During executive sessions, each member must:

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1. Keep their camera on at all times;
2. At the outset, certify that there are no unauthorized persons present, listening or participating in any way; and
3. Ensure that provisions 2 and 3 are maintained for the entirety of the executive session.

RULE 8: **Reading of the business agenda, papers; courtesies.**

- A. All items on the business agenda shall be read by the clerk of the city council as they appear on the business agenda. This portion of this rule shall not be suspended.
- B. If a request is made by any member to read any or all papers associated with a business agenda item, such papers associated with the agenda items shall be read by the clerk of the city council barring any objections.
- C. All agenda items and associated papers, when requested, shall be read in the order in which they appear on the business agenda, with due courtesy extended to invited guests, department heads and elected officials. A sign-in sheet shall be used to manage the order in which such due courtesy is extended.
- D. New Business
(C0285-19)
 1. Only the lead sponsor presenting a new piece of business placed on the city council agenda under “New Business” shall be allowed to discuss the item if the sponsor has requested referral to a committee or to postpone.
 2. In such an event, after the lead sponsor has spoken, the city council shall:
 - i. Vote to postpone the item; or
 - ii. Refer the item to the appropriate committee.
 3. The item remains open for discussion to the entire body if:
 - i. The request is for favorable action,
 - ii. The request is for referral to a department for action to be taken,
 - iii. The chair decides that the item requires immediate attention; or
 - iv. The item is declared an emergency measure.
- E. Upon the completion of reading, by the clerk of the city council, an item from the city council agenda at meeting of the city council, said item shall be considered to be before the city council for the purpose of debate and/or a vote.
(C0286-19)

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RULE 9: **Measures; expressions of action.**

The expressions of action for the various types of measures that may appear on a city council business agenda are as follows:

A. Orders

1. The form of expression for everything by way of command shall be an order.
2. The enacting style for all proposed orders shall be “Be it ordered by the City Council of the City of Everett, as follows”.

B. Ordinances

1. The form of expression for all proposed laws of the city, revisions to existing laws of the city or repeals of existing laws of the city shall be an ordinance.
2. The enacting style for all proposed ordinances shall be “Be it ordained by the City Council of the City of Everett, as follows”.
3. Further details for the required formatting of all proposed ordinances shall be found in Sections 1-4 and 1-12 of the Revised Ordinances.

C. Resolutions

The form of expression for any request or anything expressing opinions, principles, facts or purposes shall be a resolution.

The enacting style for all proposed resolutions shall be “Be it resolved by the City Council of the City of Everett, as follows”.

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RULE 10: **Public participation.**

- A.** Each formal session of the city council shall include a period of public participation not to exceed thirty (30) minutes. If the public participation period reaches its allotted time limit, the current speaker will be notified by the chair and they will be allowed to complete their remarks. Before a motion to close public participation is made, any councilor may make a motion to extend the public participation period. However, if extended, public participation must be tabled until after the completion of all other city business on the meeting's agenda and will only be removed from the table prior to the adjournment of the meeting.
(C0240-22, C0348-22)
- B.** Types of Public Participation Allowed at Different Meeting Types
1. At regular meetings of the city council, the subject matter of public participation shall not be limited to the items before the city council at the present meeting. However, public participation shall be split into two separate sections.
 1. The first section of public participation shall be limited to those speakers wishing to speak on items that appear on that meeting's agenda. Those speakers shall be heard first.
 2. The second section of public participation, called general public participation, shall include speakers who wish to speak on items that do not appear on that meeting's agenda.
 1. The topics for discussion under this general public participation shall be limited to those items within the city council's scope of authority.
 2. Comments and complaints regarding city council members or city personnel are prohibited unless those comments and complaints concern matters within the city council's scope of authority.
- (C0348-22)
2. At any special meeting of the city council, the subject matter of public participation shall be limited to the subject matter of the present special meeting.
- C.** For the purpose of this rule, the term "public" shall be construed to mean any member of the public at large and not limited as to restrict any individual from participation.
- D.** Prior to the start of the formal session of the city council, each member of the public wishing to speak during public participation shall sign-in using the correct sign-in sheet for the topic(s) upon which they wish to speak.
1. Both sign-in sheets shall require the speaker's name and address.
 2. The sign-in sheet for items that appear on the agenda shall require the agenda item number(s) or a brief description of the agenda item(s) on which the speaker wishes to speak.

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3. The sign-in sheet for topics that do not appear on the agenda shall require a brief description of the topic(s) on which the speaker wishes to speak.
4. If a speaker wishes to speak on both items that appear on the agenda and on other topics, they should sign-in on both public participation sign-in sheets.

(C0348-22)

- E.** Each member of the public shall be limited to no more than two (2) minutes of participation without unanimous consent of the members present. Large groups should designate a spokesperson to speak on a particular issue.
- F.** This rule does not limit or replace the provisions of Rule 16, which remains in full effect.
- G.** Participants shall address all comments to the president.
- H.** Participants shall not promote or oppose any candidate running for office.
- I.** Participants shall not use public participation for political purposes.
- J.** Participants shall not advertise for commercial purposes or private gain.
- K.** Participants shall not make personal attacks on or make any accusatory statements against any city council members or other elected or appointed city officials.
- L.** Comments and complaints regarding city council members or city personnel are prohibited unless those comments and complaints concern matters within the scope of the city council authority.
(C0348-22)
- M.** With the president as the sole judge, any participant who during the agenda only section of public participation speaks on matters that are not on the meeting's agenda will receive one (1) verbal warning of such and will be asked to add their name to the sign-in sheet for the other section of public participation. With the president's sole judge, if the participant continues to speak off the allowed subject matter, they will be asked to immediately cease their comments and return to the audience.
(C0348-22)
- N.** Anyone making out of order comments or acting in an unruly manner shall be subject to removal from the meeting.
- O.** This rule shall be posted in the chambers for public viewing and understanding of rules.

CITY COUNCIL RULES

RULE 11: Ordinances, orders and or communications from the mayor or administrative officers.

- A. For every ordinance, order and communication to the city council submitted by the office of the mayor, chief financial officer, the mayor's chief of staff and / or the city solicitor shall be submitted to the city clerk or the city council's legislative aide or their designee a copy of the same, such ordinance, order or communication shall be given to each city council member.
 - 1. For regular meetings, such copy shall be received by each member no less than forty-eight (48) hours before the regular meeting of the city council at which it will be considered.
 - 2. For special meetings, such copy shall be received by each member along with the notification of such special meeting.
- B. Each such ordinance, order or communication shall be accompanied by an explanation on the subject matter.

RULE 11A: Presentations.

- A. Anyone wishing to make a presentation to the city council shall provide a paper copy of such presentation to each member of the city council prior to the meeting at which such presentation shall be made.
 - 1. For presentation to be made at regular meetings, said copy shall be provided to each member no less than forty-eight (48) hours before the regular meeting of the city council at which such presentation shall be made.
 - 2. For special meetings, said copy shall be provided to each member, no less than 48 hours before the special meeting along with the notification for the special meeting of the city council at which such presentation shall be made.

RULE 12: Ordinances; zoning proposals.

At the first reading of a proposed ordinance to amend the city's zoning ordinances, such ordinance shall be referred to the planning board.

State law reference - Adoption or change of zoning ordinances or by-laws; procedure, MGL Chapter 40A, Section 5.

CITY COUNCIL RULES

RULE 13: **Ordinances and orders of a financial nature.**

- A. At the first reading of an annual appropriation order, such order shall be referred to the city council's committee on budget without engaging in any debate. Such motion may be expanded to invite department heads and others to the committee on budget's hearings and/or to request any required additional information. This portion of this rule shall not be suspended.
- B. At the first reading of an order to transfer funds, such order shall be referred to the city council's committee on ways & means without engaging in any debate.
- C. At the first reading of an order to authorize a loan, such order shall be referred to the city council's committee on ways & means without engaging in any debate.
- D. An order for the disposal of assets, whether by trade-in, auction, direct sale or any other means, shall be accompanied by a copy of the department head's request describing the reasons for the disposal of such assets. At the first reading of any such disposal orders not in compliance with the first sentence of this Rule, such order shall be referred to the city council's committee on ways & means without engaging in any debate.
- E. At the first reading of a proposed ordinance of a financial nature, such ordinance shall be referred to the city council's committee on ways & means without engaging in any debate.

RULE 14: **Measures under suspension.**

- A. No measure shall be added to the business agenda under suspension unless it is determined by the city council president, that the matter is of an "emergency", sudden, generally unexpected occurrence or set of circumstances demanding immediate action, pursuant to Massachusetts Open Meeting Law.
- B. No part of this rule shall be suspended.

RULE 15: **In-depth subject matters.**

- A. When the presiding officer determines that a measure to be considered by the city council, including all proposed new ordinances or any extensive modifications to an existing ordinance, shall require in-depth research, prolonged discussion or further information, he may stop debate and request a motion to refer the measure to an appropriate committee, which, once seconded, will not be debatable.
 - 1. When committees are proposed, they shall be put in the following order:
 - i. A standing committee of the city council.
 - ii. A special committee of the city council.
 - 2. Referral to the proposed committee shall require a majority vote.
- B. No part of this rule shall be suspended.

CITY COUNCIL RULES

RULE 16: **Public discussion.**

Any subject matter of sufficient importance pending before a formal session which warrants the expression of the views of citizens shall be, by majority vote, referred to a subsequent special meeting or a committee meeting for the purpose of opening said meeting to a duly advertised public discussion and pursuant to the Massachusetts open meeting law.

RULE 17: **Resolutions; maintenance requests.**

- A. All maintenance requests shall have been first reported to the appropriate city department(s) and/or the mayor's office prior to appearing on the business agenda.
- B. After a reasonable amount of time, if such maintenance requests have not been completed or acceptable responses on such requests have not been received, the city council sponsor(s) may opt to have such requests added to the agenda for the next regular meeting of the city council.
- C. Without the prior approval of the president, uncompleted maintenance requests shall only appear on a city council business agenda in the Maintenance Requests portion of the agenda.
- D. The business agenda will include a brief description of each maintenance request and shall include the department(s) and/or person(s) to which the sponsor(s) would have such request referred.
- E. The only discussion allowed on any item in the Maintenance Request portion of the agenda will be to allow the sponsor(s), or their designee if they are not present, to:
 - 1. Amend the item to make any obvious and necessary corrections; or
 - 2. Refer the item back to sponsor without further discussion.
- F. All of the items in the Maintenance Requests portion of the business agenda shall be voted on collectively. If passed, the various items shall be referred to their respective departments for a timely response.
- G. No part of this rule shall be suspended.

RULE 18: **Resolutions requiring an expression of sentiment.**

- A. All resolutions requesting an expression of sentiment from the city council regarding state, federal or national interests, and requiring the same to be forwarded to proper agencies, shall be first referred, without debate, to the committee on legislative affairs & elections for its evaluation and recommendation.
- B. This rule may be suspended by a 2/3 vote of the entire city council.

CITY COUNCIL RULES

RULE 19: Measures; absence of sponsor.

- A. In the event that the sponsoring member of any measure is not present at the first reading of such measure, the presiding officer shall instruct the clerk of the city council to postpone said measure until the next regular meeting, except wherein the sponsor has requested another member to act on their behalf.
- B. Absence of the member from the second reading of such measure, without requesting another member to act on their behalf, shall cause the presiding officer to instruct the clerk of the city council to return the measure back to sponsor.

RULE 20: Mayoral appointments.

Charter reference – Section 2-10: City Council confirmation of certain appointments

- A. With the exception of public safety (police and fire) appointments that require city council approval, at the first reading of an order for a mayoral appointment requiring city council confirmation, such order shall be referred to the city council committee charged with legislative oversight of the appointee's department, board or commission.
- B. Said committee shall meet, discuss the appointment and report their recommendation back to the full city council, at their next regular meeting.

RULE 21: Previous question.

When the previous question is ordered, the vote shall be taken, without debate, upon all pending amendments, and finally upon the main motion.

RULE 22: Previous question; incidental questions of order.

All incidental questions of order arising after a motion is made for the previous question shall be decided by the presiding officer without debate, except to an appeal and on such an appeal, no member shall speak more than once without a two-thirds vote of the city council.

CITY COUNCIL RULES

RULE 23: **Reconsideration.**

- A. After a vote for its final passage, every measure shall remain in the possession of the clerk of the city council until 12 P.M. of the second weekday (holiday excepted) after the day of the formal session at which the measure was considered for final passage unless a motion for reconsideration of such measure was already filed and acted upon at said formal session.
- B. During the time period that the clerk of the city council retains possession of a measure, any member who voted on the prevailing side for said measure may file a notice for reconsideration of said measure. Such notice for reconsideration shall be placed on the business agenda of the next regularly scheduled formal session of the city council. The member(s) filing a notice of reconsideration may withdraw the same at any time prior to its being read and acted upon in the order of business.
- C. Once any time period for reconsideration has expired and no notice for the reconsideration for such measure has been filed, an adopted measure shall be considered as having passed out of the custody of the city council and such measure shall then be sent, if necessary, to the mayor for executive action.
- D. This rule does not apply if a motion for reconsideration is made and acted upon at a formal session.
- E. Because enrollment is not considered to be final passage of an ordinance and due to the need to promptly advertise all enrolled ordinances, no motion for the reconsideration of an enrolled ordinance shall be in order after the adjournment of the formal session at which said ordinance was enrolled.

RULE 24: **Reconsideration; debate limited.**

Debate on the motion for reconsideration shall be limited to thirty minutes, in total, and no member shall speak more than three (3) minutes.

RULE 25: **Division of a question.**

Any member may require a division of a question when the sense of it will permit.

RULE 26: **Rule of necessity.**

State Ethics Commission advisory – The Rule of Necessity, Advisory 05-05.

- A. In accordance with Rule 36, a member may be required to remove themselves from participation in all discussions, deliberations and votes on certain measures before the city council or any of its sub-committees. This may lead to the lack of a quorum, especially when multiple members have to remove themselves from such participation on the same measure. In certain situations, the rule of necessity may be used to allow those members to participate in all discussions, deliberations and votes on such measures in order to allow the city council to act on such matters.
- B. The rule of necessity shall only be used as a last resort and upon advice from the city solicitor's office.
- C. No part of this rule shall be suspended.

CITY COUNCIL RULES

RULE 26A: **Voting; orders and ordinances**

- A. Before a formal session where proposed orders and ordinances are to be considered, the actual sponsor(s) of such measures shall insure that a current copy of such orders and ordinances, in a proper, word processing format, is distributed to each member for their consideration, in accordance with Rule 7.1.F.
- B. Every proposed ordinance shall be in the form specified in Section 1.4(a) of the Revised Ordinances before any vote for its enrollment is held so that, if enrolled, such ordinance can be promptly and duly advertised in accordance with Section 1.4.5 of the Revised Ordinances. If such ordinance is not in its required form, any vote for its enrollment shall be tabled until the next regular meeting where the provisions of this rule shall also apply.
- C. If a current copy of any proposed order or ordinance was not received in accordance with Rule 7.1.F, any vote for final passage on such measure shall be postponed until the next regular meeting where the provisions of this rule shall also apply.
- D. If any proposed order or ordinance is amended after it has been distributed to each member, upon the motion of any member, an amended copy of such measure, in a proper, word processing format, shall be distributed to each member present prior to any vote on such measure.
- E. All orders and ordinances shall be voted on by the calling of the roll, except if the subject matter is referred or postponed.
- F. No part of this rule shall be suspended.

RULE 27: **Voting; roll call vote.**

- A. A motion that any pending vote shall be taken by a roll call shall be in order at any time, without debate, and shall be passed by the assent of two of the members present and voting.

RULE 28: **Voting; verification of voice vote by roll call.**

- A. After the announcement of a vote not taken by roll call, a motion for verification thereof by roll call shall be in order; and shall be passed by the assent of two of the members present and voting.
- B. No debate of the motion or the original question shall be permitted.

RULE 29: **Recess.**

The presiding officer may, at any time, declare a recess for not more than ten minutes, and such action shall not be subjected to appeal, nor shall any motions apply thereto.

CITY COUNCIL RULES

RULE 29A: Postponement.

When a motion to postpone has been voted on and passed, the measure shall be postponed for not more than two regular formal meetings. If the measure is not taken up at the third regular formal meeting it shall immediately be referred to the appropriate committee.

CITY COUNCIL RULES

CITY COUNCIL PRESIDENT

RULE 30: **Duties and responsibilities.**

A. Presiding officer

The president shall preside at all formal sessions of the city council.

B. Committee appointments

1. With the exception of the committee on the budget, the president shall appoint members to fill the seats on all standing committees of the city council and any special committees of the city council.
2. The president shall appoint the members of all standing committees on or before February 1st of each year; the president shall appoint the members of any special committees on an as needed basis.
3. The president shall be a non-voting, ex-officio member of all committees of the city council that they are otherwise not appointed to, except as provided by Rule 42.

C. Assignment of the chair

The president may temporarily assign another member to the chair at any time. If the president decides to participate in debate, he must first relinquish the chair and shall not resume the chair while the same question is pending. Thereafter, the president shall be entitled to resume the chair. In no event shall such assignment continue beyond adjournment.

D. Voting by the president

The president may vote on all measures which are put to a vote, but if the President chooses not to vote for a measure, he must leave the Council Chambers during voting of that measure, (in accordance with Robert's Rules).

E. Prohibition: smoking, beverages, food

The president shall prohibit smoking, vaping and the consumption of food in the council chambers.

F. Resolutions of condolences and citations

The president shall approve the issuance of resolutions of condolences and citations by any member.

G. Control of council premises

The president shall exercise control of all the premises occupied by the city council, consisting of the Peter J. McCarren City Council Chambers, the city council office, and the John Ciol Committee Room, including ante rooms. The approval of the president shall be required for the use of the city council's premises and such use shall be restricted to public use.

H. Employment of staff

The president shall employ such personnel, as may be necessary, to conduct the business of the city council, and shall cause to be placed in the city council annual budget sums sufficient for this purpose.

RULE 30:
(Continued)

CITY COUNCIL RULES

- I. Office supplies: ordering and purchase**
The president or his designee shall order the purchase of all office supplies and equipment as are necessary and incidental for the proper functioning of the membership and shall sign all warrants authorizing payments thereof.
- J. Annual appropriation requests**
The president shall submit, annually, a city council appropriation request (budget) to the office of the mayor to pay all salaries and expenses of the city council deemed necessary for the prudent and efficient operation of the city council.
- K. Display of political signs**
The president shall prohibit the display of political signs of any description from the city council chambers.
- L. Routine matters**
In accordance with Section 2-9 (a) of the Charter, prior to each formal session of the city council, the president shall determine which measures appearing on a city council business agenda for the first time are routine matters and on which a final vote may occur.
Any member objecting to a measure being determined as routine may do so by charter objection as described in Section 2-9 (c) of the Charter.
- M. Conduct of members/guests in the council chamber**
The president shall ensure that members and guests maintain proper decorum and ensure members follow the council rules while in the council chamber.
- N.** No part of this rule shall be suspended.

CLERK OF THE CITY COUNCIL

RULE 31: **Duties and responsibilities.**

The clerk of the city council shall:

- A.** Act as clerk at all formal sessions of the city council.
- B.** Keep a record of all acts, votes and proceedings of the same.
- C.** Cause all subject matters of record to be cross-indexed.
- D.** Have the care and custody of all papers belonging to the city council, in such manner as prescribed by law.
- E.** Retain in their possession all papers until the right to file a notice of reconsideration has expired.

CITY COUNCIL RULES

CONDUCT OF MEMBERS

RULE 32: **Rules violations.**

All violations of rules and all questions of conduct of members and employees of the city council shall be referred by order of the city council to its committee on legislative affairs & elections.

RULE 33: **Five minute rule; recognition.**

- A. Except when otherwise provided, no member shall speak for more than five minutes on a single measure during the debate of the members on said measure. The time spent responding to a member's inquiry shall not be counted towards the five (5) minutes. The president or clerk shall monitor the time a member speaks.
- B. No member shall be recognized to speak a second time during the debate of the members on said measure if another member, who has not spoken during the debate of the members on said measure, seeks recognition.

RULE 34: **Rules of address; contempt citation.**

- A. No member shall be recognized when away from their desk.
- B. Every member seeking to speak shall, upon recognition, address the chair.
- C. In speaking, members shall:
 1. Refer to other members and officials by respectful designation only.
 2. Confine their comments to the question.
 3. Not use unbecoming, abusive, or non-parliamentary language.
- D. No member, in debate or otherwise, shall make charges reflecting on the character of another member or guest.
- E. Any member or guest aggrieved by such actions may, through the chair, demand an apology or may submit a written complaint to the city council's committee on legislative affairs & elections for their review and action.
- F. No member of the city council shall issue official statements on behalf of the City of Everett. No member of the city council shall issue any official statement on behalf of the city council without approval from the council president

RULE 35: **Proper attire.**

The proper attire for all formal sessions of the city council shall be business attire. Proper attire for committee meetings shall be business casual and casual for working sessions of the city council.

CITY COUNCIL RULES

RULE 36: Conflict of interest.

State law reference - Conduct of Public Officials and Employees, MGL Chapter 268A

- A.** Unless the rule of necessity has been invoked in accordance with Rule 26, when a member has a financial or other private interest, direct or indirect, in a measure before the city council or any of its sub-committees, said member shall remove themselves from the council chambers and abstain from any participation in all discussions, deliberations or votes on such measure to avoid even the appearance of any impropriety in the proper discharge of said member's official duties.
- B.** No part of this rule shall be suspended.

CITY COUNCIL RULES

COMMITTEES OF THE CITY COUNCIL

RULE 37: **Standing committees.**

The following committees shall be the standing committees of the city council:

Committee on budget – consisting of the entire membership of the city council, to which, the department estimates and recommendations by the mayor as it relates to the annual appropriation orders shall be referred.

Committee on ways & means – consisting of four (4) councilors, to which, measures concerning the treasurer/collector's department, auditor's department, purchasing agent's department, retirement board and may consider all other fiscal measures with the exception of the annual appropriation orders, shall be responsible for examining all bills/invoices charged to the various city and school accounts in addition to approving salary rolls not assigned to an administrative board or to a department head and shall examine and approve of all printing measures of the city council, including the Municipal Register.

Committee on community & business development and utilities – consisting of four (4) councilors, to which, all measures relating to the board of appeals, board of assessors, planning board, engineering department, building department, economic and community development matters, all measures which require the approval of the city council pursuant to MGL and the Revised Ordinances for the locations of poles, or other apparatus for the transmission of electricity, cable or telephone, and the issuance of a permit or license to any person, corporation, partnership, trust or other entity upon an application being filed with the city clerk that requires approval of the city council may be referred. All petitions for new licenses that require city council approval must be referred to this committee for a recommended action before being the petition can be approved or denied by the city council.

Committee on government operations, public safety & public service – consisting of four (4) councilors, to which, all measures concerning the police department, fire department, E911, traffic commission, board of health, council on aging, city services, wire department, water department, stadium commission, recreation department, Everett Housing Authority, Parlin and Shute libraries, ecological affairs, Glenwood Cemetery trustees, and any and all supplies used by any department of the city, and any properties owned, controlled, in custody of, and in which the city may have an interest. The committee may also consider any other matters regarding the safety, welfare and convenience of the public.

Committee on legislative affairs & elections – consisting of four (4) councilors, to which, all measures concerning the city, county, state and federal bodies, regarding any legislation; and any ordinances, rules and legislative affairs of the city, measures relating to elections or petitions for legislation, and to which, all violations of rules and all questions of conduct of members and employees of the city council shall be referred. Said committee shall consider and have authority to report to the city council any recommendations regarding any infringement of the rules and all questions of conduct of members, officers and employees referred to it.

CITY COUNCIL RULES

RULE 37:
(Continued)

If after investigation, the committee determines that there has been a violation of the rules, or other misconduct, the committee shall file a recommendation for disciplinary action, including but not limited to in the case of a member: reprimand, censure, or removal from committee chairmanship or other position of authority; in the case of an employee: reprimand, suspension or termination. Said report shall not prevent the city council from taking any other action as it shall deem advisable and appropriate. Nothing in this rule shall be construed to require the disclosure of any allegation that the committee deems frivolous or without merit.

If the committee receives a sworn written complaint, evidence or order from the city council involving a member of the committee, such member shall remove themselves from the committee's deliberations on that measure.

At least three members shall sign all recommendations and reports of the committee. The committee may at any time recommend to the entire city council, changes in the rules of conduct for the city council or ordinances relating thereto.

RULE 38: **Special committees.**

- A.** A special committee of the city council to address a specific task may be created on an as-needed basis. Such special committees shall be established by a majority vote of the city council.
- B.** A special committee of the city council shall consist of a minimum of three (3) but not more than four (4) members unless otherwise ordered by the city council. The members of all such special committee; shall be appointed by the president.
- C.** Upon the successful completion of the specific task for which a special committee was created, the chairman of the special committee shall so state the same to the city council, and upon their agreement, the special committee shall cease to exist.

RULE 39: **Committee appointments; vacancies.**

- A.** Members shall be appointed to the committees of the city council in accordance with Rule 30(B) of these Rules.
- B.** All vacancies on committees shall be filled in the manner of the original appointment prior to the next meeting of the committee. Committee members so appointed to fill a committee vacancy shall take rank according to the date of their appointment, unless otherwise designated by the president.

CITY COUNCIL RULES**RULE 40: Committee chairman.**

- A. The first named member of a committee shall serve as chairman, unless otherwise provided for by these rules.
- B. In the absence of the chairman, the next named member of the committee present shall serve as chairman.
- C. The president shall be notified by the members of a committee of any requests for the permanent change of the chairman of such committee.
- D. The chairman shall preside at all sessions of the committee and shall exercise control of all the premises occupied by the committee.

RULE 41: Scheduling of committee meetings, notifications.

- A. The chairman of a committee shall schedule the meetings of their committee, in conjunction with the clerk of committees, in accordance with all applicable rules and regulations, either at their discretion or upon the written demand of a majority of their committee members.
- B. Committee meetings shall not be scheduled at times reserved for regular meetings of the city council.
- C. No committee meeting shall be scheduled prior to 6:00 P.M., except with the approval of the president.
- D. The scheduling and notification of all committee meetings of the city council shall be in accordance with the applicable provisions of the Massachusetts open meeting law, including the posting of the business agendas of all such meetings. Committee meetings shall not be called together in less than forty-eight (48) hours from the time the meeting notices are mailed or dispatched by special messenger to the city council members.
- E. All members of the city council shall be notified of the dates and times of every committee meeting of the city council by the city council office.
- F. All members of the city council shall receive a copy of the business agenda of each committee meeting and a copy of all related materials, with the exception of the materials to be reviewed for the approval of bills and accounts.
- G. An electronic copy of the business agenda of all such meetings shall be made available to be posted on the city's web site.
- H. On failure of the chairman to convene a committee meeting after the written demand thereof, a majority of the members of the committee may call a meeting with due notice to the members of the city council. The committee is then in legal session and, if a quorum is present, it can transact business.

CITY COUNCIL RULES

RULE 42: **Quorum; absences of members.**

- A. A quorum for a committee meeting shall consist of a majority of the entire membership of that committee. If necessary, the president's attendance at a committee meeting, as an ex-officio member, can be utilized to establish and/or maintain a quorum. In such an event, the president shall have all voting and debating rights afforded to a committee member.
- B. The absence of a committee member from two successive, duly called meetings of a committee, except for reasons of illness or other reasonable circumstances proved to the satisfaction of the president of the city council, may be deemed a resignation from that committee on the part of said member.
- C. The clerk of committees shall report at each meeting of the city council all resignations due to the preceding clause.

RULE 43: **Attendance of sponsor and invited guests; seating.**

A. Attendance of sponsor

- 1. The sponsor of any measure referred to a committee may, but shall not be required to, attend meetings of such committee where said measure shall be considered unless they are:
 - i) A member of such committee; or
 - ii) Requested to do by such committee.
- 2. If, in the opinion of the committee, a measure has been submitted to it without sufficient information for the committee to properly act on said measure, the committee may recommend further time be granted on said measure and the committee shall invite the sponsor to appear at the next meeting of such committee.
- 3. If the sponsor does not appear at a committee meeting after having been requested to do so, the committee chairman shall instruct the clerk of committees to return the subject matter back to sponsor unless the committee has received prior notification from the sponsor that they will be unable to attend such meeting and that they would like to reschedule the measure for a subsequent meeting.

B. Attendance of invited guests

- 1. If an invited guest does not appear at a committee meeting after having been requested to do so, the committee chairman may instruct the clerk of committees to return the subject matter back to sponsor unless the committee has received prior notification from the invited guest that they will be unable to attend such meeting and that they would like to reschedule the measure for a subsequent meeting.
- 2. A committee may allow an invited guest to send their designee to represent them at such committee meetings. However, all committees shall reserve the right to request that a specific individual appear before them.

CITY COUNCIL RULES

- C. No person except a member of the committee in session shall be permitted inside the rail of the council chamber during such session without an invitation from the committee to participate in the debate of a particular measure.

RULE 44: Voting.

In all such meetings of a committee, at the request of any committee member, any vote of the committee shall be taken by roll call vote and recorded accordingly.

RULE 45: Committee reports.

- A. All reports, minutes and other papers to be submitted by a committee to the city council shall be in writing.
- B. No recommendation of any committee of the city council shall be submitted to the city council unless approved by a majority vote at a duly notified meeting of such committee. However, this shall not debar a dissenting minority from also submitting a recommendation to the city council. When submitted to the city council, such minority report shall take its place along with the majority report.
- C. Any report containing any recommendation other than “leave to withdraw”, “inexpedient to take further action” or reference to another board or committee, shall be accompanied by ordinance, order or resolve embodying such recommendation and such measure shall be acted upon separately by the city council.

RULE 46: Limit on time for committees to issue reports.

- A. A measure referred to a committee by the city council shall remain in that committee until the committee issues a final report on said measure or until the expiration of three (3) committee meetings or eight (8) weeks from the date of such referral, whichever is greater.
- B. If at the end of three (3) meetings, a committee will be unable to issue a final report on any measure, the committee shall refer the measure back to the city council with a request to grant further time.
- C. If any measure remains in committee for more than three committee meetings or eight (8) weeks, whichever is greater, without a request to grant further time and the clerk of committees shall notify the clerk of the city council. The clerk of the city council shall then report on the business agenda of the next regularly scheduled formal session all such measures and give the name(s) of the committee(s) to which such measures were referred.

RULE 47: Committee records.

A record of all committee proceedings shall be created and organized by the clerk of committees and be kept on file in the offices of the city council and city clerk.

CITY COUNCIL RULES

RULE 48: End of year/carryover.

- A. All matters in committee at the end of the year in the years ending in even numbers shall automatically remain in committee and be referred to the same committee in the following year.
- B. All matters in committee at the end of the year ending in odd numbers shall expire.

COMMITTEE OF THE WHOLE

RULE 49: Assignment of the chair.

When the city council shall determine to go into a committee of the whole, the president shall preside over the same. In the president's absence the member with the most seniority shall preside.

RULE 50: Rules of proceedings.

The rules of proceedings of the city council shall be observed in all committees inclusive of the committee of the whole, so far as they are applicable.

CITY COUNCIL RULES

GENERAL

RULE 51: **Public hearings.**

- A. At all public hearings, if the petitioner or their representative fails to be present:
 1. That part of the hearing shall be immediately closed and postponed to the next regular meeting without further public notice.
 2. The petitioner, prior to the next regular meeting, may file a request for “leave to withdraw without prejudice”.
- B. Any petitioner given leave to withdraw without prejudice may re-apply after the expiration of six (6) months from the granting of the withdrawal without prejudice.
- C. Any petitioner denied a petition or license may not re-apply for the same petition or license until the expiration of one (1) year from the date of the denial.
- D. A public hearing shall be videotaped by ECTV and such recordings shall be kept in the custody of ECTV in accordance with applicable laws.

RULE 52: **Electronic devices; prohibitions.**

- A. During any formal meeting of the city council or any committee thereof, the use of electronic devices by members shall be limited to activities that are pertinent to such meeting. The use of cell phones is prohibited except in the case of an emergency
- B. All members and guests entering the meeting location of any formal session of the city council or any committee thereof shall set all of their electronic devices which emit audible sounds to the off or “silent” position. Such electronic devices include, but are not limited to, cellular phones, pagers, PDA’s and two-way radios, tablets, computers, etc. Anyone not in compliance with this rule may be asked to leave the meeting location.

RULE 53: **Filling of councilor vacancies; nomination; election.**

If a vacancy occurs in the office of city councilor, the nomination and election procedure in Rule 2.A shall be used in the filling of such vacancy with respect to the applicable provisions of the Charter.

Charter reference – Section 2-11: Filling of vacancies

CITY COUNCIL RULES

RULE 54: Expenses for members; reimbursement.

A. Generally

1. Subject to appropriation and approval by the president, each member shall be entitled to the reimbursement of actual and necessary expenses incurred in the performance of their official duties.
2. Members shall not be entitled to excluded expenses as defined by this rule.

B. Definitions

1. Actual and necessary expenses – shall include but not be limited to the following expenses:
 - a. Travel – vehicle use to and from official, government sponsored events and activities that take place outside of the city; parking; airline or rail tickets; hotel accommodations; and automobile rental if associated with out-of-state travel.
 - i. Accommodations for out-of-state travel under this section must receive prior approval from the president.
 - ii. Vehicle use under this section will be reimbursed in accordance with mileage use values established by the United States Internal Revenue Service.
 - b. Conference fees – fees associated with the member’s attendance at a conference or summit relating to the member’s official government duties.
 - c. Meals – reasonable food costs for member, excluding guests, incurred during travel as defined in subsection (a). Amount to be reimbursed under this subsection shall not exceed the *per diem* amounts as established by the United States General Services Administration (GSA).
 - d. Phone – each member shall be entitled to a fifty dollar (\$50.00) monthly reimbursement for the use of personal phones and phone lines in the course of their official duties.
 - e. Internet – each member shall be entitled to a twenty-five dollar (\$25.00) monthly reimbursement for the use of home internet in the course of their official duties.
2. Excluded expenses – shall include, but not be limited to the following expenses: alcohol; tobacco; any expenses outside of the member’s official duties or in furtherance of a political purpose; contributions or donations to charitable organizations; donations to political candidates or committees; office supplies that cannot be obtained from the city council office; gifts; meals for non-members of the city council; advertisements containing the name and/or likeness of members of the city council outside of those required by law or used for a clear, articulated public purpose; and those expenses determined by the president to be extravagant,

CITY COUNCIL RULES**RULE 54:**
(Continued)

excessive or not incurred in the performance of the member's official duties.

C. Procedure

1. Once appropriated, the amount established by the city council to be expended for expenses under this rule shall be equally divided by the number of members; no member shall be entitled to an amount in excess of the amount determined by this subsection or an amount in excess of any other member.
2. Unused funds at the end of the fiscal year shall be returned by the city council in accordance with municipal finance laws.
3. Members shall account for all actual and necessary expenses on an individual basis and submit for approval by the president on a monthly basis. All expenses sought for reimbursement must be accompanied with appropriate documentation substantiating the expense to the member.
4. No member shall submit more than one report of expenses to the president each month.
5. Once approved by the president, a check will be issued to the member in accordance with applicable laws.

RULE 55: Robert's Rules of Order.

- A. In all matters of parliamentary procedure not covered in the preceding rules, Robert's Rule of Order shall be the standard for the guidance of the city council.
- B. No part of this rule shall be suspended.

CITY COUNCIL RULES**RULE 56: Amendment, repeal or suspension of these rules.**

- A.** All orders and motions to amend, repeal or suspend any rule of the city council shall include the specific rule number to be amended, repealed or suspended.
- B.** All orders and motions to suspend any rule of the city council shall include an indication of how long said suspension shall last.
- C.** Any rule or any portion of a rule of the city council specifying that it cannot be suspended shall not be suspended. In order to remove such restriction, the rule would have to be amended to remove such restriction.
- D.** **Orders**
 - 1. To amend or repeal any rule of the city council or to suspend any rule of the city council outside of the current meeting, an order shall be placed on the business agenda.
 - 2. At the first reading of an order to amend or repeal any rule of the city council, such order shall be referred to either the committee on legislative affairs & elections or the next regular meeting of the city council.
 - 3. An order to amend or repeal any rule of the city council shall require a two-thirds vote of the full city council.
 - 4. An order to suspend rules shall require a simple majority vote.
- E.** **Motions**
 - 1. A motion to suspend any rule of the city council for a period of time no longer than the adjournment of the current formal session shall be in order at any time during such formal session.
 - 2. Once made and duly seconded, such motion to suspend any rule of the city council shall require a simple majority vote of the members present and voting thereon.
- F.** No part of this rule shall be suspended.

CITY COUNCIL RULES

REVISION HISTORY

- 01/14 – Initial adoption of rules for the new city council.
- 02/14 – Amend Rule 17 so that maintenance requests do not have to be reported to the mayor’s office before they can appear on the agenda and the worksheet items are referred to their respective departments. (C0004-14)
- 02/14 – Amend Rule 7.5 so that it does not imply that the approval of the city solicitor’s office is required before an executive session may be entered into; however, the advice of the city solicitor’s office shall be sought if any member questions the validity of the reason for entering into such executive session. (C0003-14)
- 04/14 – Added Rule 80 - Expenses for members; reimbursement. (C0030-14)
- 05/14 – Added Rule 11A – Require paper copies of presentations to the city council to be distributed to each member prior to the meeting at which such presentation shall be made. (C0153-12)
- Amend Rule 23 – Update the reconsideration rule so that it more accurately describes the process and, specifically, as the rule now applies to enrolled ordinances. (C0166-14)
- Add Rule 26A - Add new rule which specifies requirements to be met when considering the approval of all orders and ordinances. (C0167-14)
- Amend Rule 27 – Delete the requirement that all orders and ordinances require a roll call vote as that requirement was moved to the new Rule 26A. (C0167-14)
- Amend Rule 30 – Update the president’s responsibilities to include reviewing of the business agenda to determine which newly added measures are to be considered routine matters. (C0154-14)
- Amend Rule 46 – Update the committee process so that measures can remain in committee for up to six weeks without further city council approval. (C0155-14)
- 10/14 – Amend Rule 4 – Prohibit the scheduling of formal sessions of the city council prior to 6:00 P.M. except with the approval of the president. Prohibit the scheduling of special formal sessions at the same time as previously scheduled committee meetings. (C0254-14)
- Amend Rule 41 – Prohibit the scheduling of committee meetings of the city council prior to 6:00 P.M., except with the approval of the president. (C0254-14)
- 01/15 – Amend Rule 37 – Reduce the membership of committees from five to four members to limit the possibility of being in conflict with the open meeting law due to the number of city council members participating in the committee meeting at any one time. (C0023-15)
- 02/15 – Amend Rule 42 – Allow the president's attendance at a committee meeting as an ex-officio member to be utilized to establish and/or maintain a quorum. (C0026-15)
- 06/16 – Amend Rule 42 – When the president's attendance at a committee meeting, as an ex-officio member, is utilized to establish and/or maintain a quorum, they shall have all voting and debating rights afforded to a committee member. (C0308-16)
- 02/17 – Amend Rule 37 – Establish a city council public utilities committee. (C0026-17)
- 12/18 – Update City Council Rules. (C0054-18)
- 10/19 – Amend Rule 8 – Add subsection D. - Limitations on the discussion of new business (C0285-19)
- 10/19 – Amend Rule 8 – Add subsection E. - Completion of reading places a measure before the city council for debate and/or vote (C0286-19)

CITY COUNCIL RULES

- 12/20 – Amend Rule 7.1(C) – Change the submission deadline for items to be included on a regular meeting agenda from Thursday at 11:00 AM to Wednesday at 5:00 PM (C0423-20)
- 03/21 – Add Rule 7.6 – Add Remote video conference meetings rule; conduct and decorum. (C0096-21)
- 05/22 - Amend Rule 10 - Extend the allowable time for public participation and allow it to be tabled for discussion after the initial period has reached its allowable time limit (C0240-22)
- 09/22 – Amend Rule 10 – Split Public Participation into 2 sessions, agenda items and non-agenda items , Increase public participation period to 30 minutes (C0348-22)
- 09/22 – Add Rule 4(g) - In no event shall a meeting of the city council extend beyond 10 P.M. unless 2/3 of the council present vote in the affirmative. Votes will then be taken hourly. (C0378-22)



C0002-23

To: Mayor and City Council
From: Councilor John F. Hanlon
Date: January 3, 2023

Agenda Item:

To elect a President of the City Council for the year 2023

Background and Explanation:

Attachments:



C0003-23

To: Mayor and City Council

From: Councilor John F. Hanlon

Date: January 3, 2023

Agenda Item:

That the newly elected President of the City Council appoint three members of the City Council to serve as messengers to notify His Honor the Mayor of their organization

Background and Explanation:

Attachments: