

Municipal Council
Workshop on Rules and Procedures
Wednesday, February 4, 2004
Town Hall Auditorium
7:15 p.m.

President McMilleon passed out a list of the Council/budget liaison assignments.

****Send Michael Basque** a note that the Council wants to have an orientation on the budget process and to discuss how to implement the liaison assignments working with the different departments they are assigned to. (give him a copy of the list)

Councilor Connolly-King: I would like to see the public comment rule tweaked. I believe there was a change made with the last Council and would like to see it go back to how it was prior to the last Council. It is rule 5H, Addressing the Council. "Other than a public hearing and during public comment, no one except the Mayor, a member of the Municipal Council, a Town Officer, Department Head, member of a multiple member body or town employee shall be permitted to address the Council. That has been standard the past Council and prior to that. It is my understanding that in the Council prior, a person could come to the Council and speak during public comment to any item except for an item that was up for a public hearing. That is what I would like to change. Now that the public hearings are now going with the Finance Committee, people come to the Council after the public hearing has already taken place. They come when it is the time that the Council is supposed to be deliberating and they want to get up and speak. According to the way that Public Comment is written in Rule 5F; *time allowed for public comment will be at the discretion of the chair. For the most part public comment will be limited to 3 minutes for each individual speaking on items not on the agenda.* I would like to see that to read that *they are invited to speak on items that are not up for a public hearing.* So that when they come to a meeting they can have their 3 minutes to get up to say what they have to say even though the item is on the agenda that night. What happened all through the last Council is people did get up to speak and I think it was very disruptive to the meeting to have that happen. This way, in order to make the meeting more orderly and not to get sidetracked and also allow people to have their say which I think is critical, if we can change that so that if an item has already gone to the Finance Committee for a public hearing and comes back to the Municipal Council for our deliberation, someone can come that evening and have their say.

Mrs. Kitchin stated that they should be careful of wording and take into consideration first readings. Pubic comment should not be allowed at a first reading.

Councilor McMilleon: We could say, *individuals speaking on items not on the Council agenda for the first time or....*

Councilor Connolly-King: My intent is that it is tough since that change. I hear from a lot of people that they don't quite understand. Before, all public hearings took place at

the Council meetings. People sometimes when it comes back, they didn't realize that it went to committee for a public hearing and they feel they need to speak. I feel that we should allow them the opportunity to speak. That being said I also feel that at times it has been very disruptive to even watch a Council meeting when it has been open to the floor. I feel if we can offer people the opportunity to speak in a more orderly fashion, that it does everybody a service because it gives everyone an opportunity to speak and then the Council has that space to deliberations without people jumping in.

Councilor Chandler: If they don't speak at the Council meeting when would they speak?

Councilor Connolly-King: Regarding financial matters, the public hearing takes place in the Finance Committee not at the Council. So what has happened is when the matter has had the public hearing and the public hearing has been closed and then the matter is then referred back to the Council and we are here for a vote, people come to speak on the matter. According to this, they cannot speak at public comment.

Councilor Lawrence: If you are going to bring it back to the Council meeting then we should just not have the public hearing at the Finance Committee.

Councilor Connolly-King: I don't feel that I am bringing it back, I feel that it is just giving them the opportunity to speak.

Councilor Lawrence: They have the opportunity. In my opinion, the meetings are advertised, same as Council meetings, agendas are out, people know that this is the way things are done.

Councilor McMilleon: We have Finance Committee and we have a public hearing for all financial issues. So, if people are interested in any items that are referred to the Finance Committee, they could come to these meetings like we had earlier and make comments. When we come back as a Council, in our formal meetings, we are not holding another hearing on a finance matter. I think all Ann is saying, is that during the Public Comment portion at the beginning of the meeting, if there is someone out there that wants to make a comment about something that is on the agenda that doesn't have a public hearing, which would be all of the finance things, they can.

Councilor Pinierio: But, only at that point right?

Councilor Connolly-King: Right. That is why we open up the public comment. That is why we open up the public comment to say this is your time to get up and say what you need to say. It is three minutes, and you say what you need to say.

Councilor Benson: I think that all that we need to do is say any items that are not first readings on the agenda and not having a public hearing.

Councilor McMilleon: I think what happens is we have an item on our formal meeting of the Council. We open up the hearing. It gives the public the opportunity to make a comment. We take all those comments, comments and question from the Council or department heads, we close the hearing. We come back into our formal meeting, we are going down our list to pass those items and on frequent occasions members of the public want to speak on that issue. They have already had time to do that. It is time for the Council to do their deliberations. It is very disruptive.

Councilor Chandler: I suggest that at public comment we list the items for people to speak on.

Councilor Connolly-King: I think it is a matter of educating the public as to what their rights are as a citizen to speak before the Council. I think it is best to leave it simple and say that every citizen in Amesbury is entitled to come up at the Public Comment session and have your three minutes to the town. I think the fewer constraints we put on that the simpler it would be.

Councilor Benson: I think it is very important for people to realize that we are expanding here if we do this. We are expanding people's right to speak before the Council. We are not taking anything away. It is already when we are on an agenda item and it is not a public hearing, the way the rules read, the public is not allowed to speak. The Council has let them however and whether we do that or not is the discretion of the Council. Changing this rule really isn't related to that. This is just more of an expansion. I just want people to realize that.

Councilor McMilleon: There will be issues too that are fairly controversial issues that the Council has historically opened it back up to the public.

****Councilor Woodson:** Let's make this change to 5F. *For the most part, public comment will be limited to three (3) minutes for each individual speaking on items that are not first readings or on the agenda for public hearing that night.*

Councilor Larnard: Are we expanding or shifting? If it went to a Finance meeting for a public hearing and then it came back to the Council, couldn't they have spoken on it when it came up on the agenda?

Councilor McMilleon: Not by the rules, but we have been allowing it. What we would like them to do is make their comments on that agenda item during public comment period. That is all we are saying.

Councilor Connolly-King: I question then what is rule 5H? It clearly states what the conditions are for people to speak at a Council meeting. It doesn't say that it is left up to the discretion.

President McMilleon: Parliamentary procedure calls for a vote to waive the rules and to go out of session in order to let someone speak on an item that has come back for a second reading from the Finance Committee. We haven't been doing that.

Councilor Connolly-King: I would like us to follow that decorum. I feel the meetings get very chaotic and very out of order and the whole point for bringing this up is to figure out a way to tighten things up but at the same time ensure that the public gets to say what they need to say. I would not like to see if we amend the public comment piece and then keep continually opening up the meeting. That defeats the whole purpose of trying to stop the whole chaos that sometimes comes with the meetings.

President McMilleon: If we go out of session, it will have to be the consensus of the Council.

There was discussion with Mr. Greaney to explain that his rights to speak were not being taken away that they were trying to create order to the meetings.

President McMilleon: We can try this and see what happens. It is not etched in stone. We can try to make it clear to the public and see how it works. If we have problems, we can change it again.

Councilor Woodson: Are we going to be pressuring people in public comment to speak on agenda items. We are making this rule, what is our course of action on the first meeting?

Councilor McMilleon: I will just make it clear on what the process is.

Councilor Connolly-King: I would like to see a form outlying the order of the meeting next to the public comment forms.

****Mrs. Kitchin:** We could just put it right on the public comment form.

****President McMilleon:** How about if we go through and make the changes and we get a summary for our next meeting and we can just vote on them at that time.

Mrs. Kitchin: I would like to ask for a couple of clarifications on 5E Order of Business. Since we don't use Old Business and we don't do third readings anymore, even though you went over it last year and said leave it in case, you have never done it. If we can just clean that up by putting second readings and public hearings and doing away with the wording so it is a little cleaner.

****President McMilleon: So just take the Old Business and Third reading out and so #7, make it second reading and public hearing.**

****Mrs. Kitchin:** I have also had numerous requests about **#9 where it corresponds to Mayor's Appointments**. Because the last Council requested that these people come to

the Council meetings, they have had to sit here through all of the public comments. Perhaps if we **put it after Licenses and Permits**, these people won't have to sit here for hours.

****Councilor Lawrence: Rule 11, Standing Committee**, I was wondering if we could change the make up of the committee to add another resident. **Change it to 3 Councilors and 3 Residents.**

****President McMilleon:** Rule 11A Finance Committee, it says the Chief Financial Officer shall cause to be prepared a financial analysis on any measure involving town funds submitted to the Council by the Executive branch before the committee on appropriations shall hear the matter. The financial analysis shall indicate the amount of public money which will be required to be expended to carry out the provision of the proposed legislation together with an estimate of costs of operation and maintenance for the first year if a new project is involved. The financial analysis shall also include a recommendation as to where the funds necessary to accomplish the goal of the proposed legislation shall come from as well as an estimate of what effect its passage would have on the tax rate. I don't want to change this, I think it is great but I think we need to start using it, or applying it. So, when we have issues that come before the Council and we refer them to the Finance Committee, we should also request of the CFO to come in with this information on these items when it comes back to us for the committee meeting.

****Councilor Benson: When you speak to the CFO about Rule 11 could you also speak with him about Article 7?** There are a lot of good things we should be doing in Article 7 of the Town Bylaws.

Councilor Lawrence: Rule 5C, Introduction of Council Business, second paragraph, "every measure or non measure appearing on the council agenda shall if appropriate be accompanied by the approximate amount of cost involved and other background information prior to being placed on the agenda." I don't want things coming on our agenda without any background information. We get items from the Mayor's office and there is no information. It comes on the agenda and there is no back up information. I don't want the Council President or the Clerk to accept it unless it comes in with background information.

****President McMilleon: We will put a letter together to the Mayor in reference to 5C.**

Councilor Connolly-King: Back to 11A are we going to routinely attach that piece that we want that information on everything that is sent?

****Councilor Woodsom: (11A) I would like to see a standard form that they attach. I will discuss that with him. I am sure it is not a big deal for him to do that.**

Mr. John Maynard: A standard form is okay but if you don't ask the right questions, you will not get the answers.

President McMilleon: I think 5C in addition to 11A is very specific. If we get that kind of information for every financial issue that comes before us that will be significant.

****Councilor Connolly-King:** Can we check on the status of the Audit Report? That has to be ready.

Mrs. Kitchin: We will ask him.

Councilor Connolly-King: Do we get a financial forecast?

Councilor Benson: I spoke with the Mayor last week and I spoke about the financial forecast and the CIP and a lot of the things that are in Article 7 and he said the deadline is February 28, and they are planning on doing it this year.

Councilor Chandler: Newburyport is asking their departments to come in with emergency budgets with -2.5%, -5% and -10%, have we asked the Mayor to do that? Is that our job to ask that?

President McMilleon: No. That is why I think it is important for us to get together with Mike Basque for the workshop. The budget process has started but we are not in it that deeply yet. If that is something that we would like to see, that would be the time to bring it up to might and he can communicate with the Department Heads to do that.

Mrs. Kitchin: There is a staff meeting on Friday; I will have Chris take the list to the meeting.

****President McMilleon:** I have a couple of things and I don't have all of the information but I will get the details. These are rules that we can always come back to so if I can get this information to you by the time we have our next meeting then you can consider them. We don't have to change these rules at this time but I would like you to consider them. **Rule 6D Previous question** which is really another way of saying moving the question. The way it reads now is; *"The previous question shall be put as follows; I call the previous question or I move the question. All further amendments or debate on the main question shall be suspended until the previous question has been decided by a 2/3 vote.* We haven't been doing that. What we do in our meeting or what we have been doing for the last two years is if we have a debate about an issue and then someone says I move the question.

Councilor Connolly-King: To move the question is just saying can I call a vote?

President McMilleon: Exactly, it means all debate stops, no more discussion; you have to take a vote on it.

Mrs. Kitchin: If you have already made a motion and it is seconded then it goes into discussion and it gets out of control...

****President McMilleon:** Right, the discussion gets out of control and a member of the Council feels okay we have discussed this to death I move the question. What we have been doing is if that issue has a motion and is seconded we then vote on the issue that we have been debating. Really what we want to do is vote on whether we want to move the question or not. The other thing that is a problem with this one is it calls for a 2/3 vote. If you look at all parliamentary procedures, you really should have no side rule on your deliberative body that requires more than a majority vote. We do. We have a 2/3 vote required on that. There is a whole rationale as to why you do that because it is really majority rules. It is the same thing with 6F which is reconsideration. I don't have a problem with reconsideration but we do have a motion to consider requires a 2/3 vote. Think about it, **I will get the exact quotes from Mason's** to give to you to look over and consider and if you want to we can change it. Certainly as a minimum what we need to do is if there is a motion to move the question, I will ask for a vote on that motion. If it passes and we will go by this rule 2/3, if it passes then we will vote on the issue that we will be debating.

Councilor Headley: When the charter was formed we didn't use Mason's, we used Robert's rules. I think that is where a lot of things changed. Mason's is very different than Robert's rules.

President McMilleon: Just a procedural request, when I am reading the agenda item that is coming up and asking for a vote on it, it would be very helpful if you would make your motion and be recognized by the chair and then who ever is going to second it, just give a couple of seconds before you do so that you can be recognized also.

Councilor Connolly-King: When we refer something to the Finance Committee especially if it is a public hearing that at that time it is being referred as a public hearing just to get that knowledge out there so that people are aware they can come and speak.

Mrs. Kitchin: Also clarification on anything that is referred to committee, last year we had an issue as far as things being referred to a committee, whether they be left in committee or coming back to a Council meeting. When you have something that you are referring, for instance on your next agenda, you have three or four items that are to be referred to Ordinance Committee as well as the Planning Board. You cannot take a vote until the Planning Board has had their public hearing. So basically, what has always been done as a rule is you refer it to Planning Board, refer it to Ordinance and make a motion to bring it back to you next Council meeting for your public hearing. So that way we have time to publish it.

Councilor McMilleon: So you are just saying refer it to Ordinance and Planning but also set up your public hearing.

Mrs. Kitchin: Yes. If it doesn't take place or you don't have your information from Ordinance or Planning you can continue it or table it until you get that but you have already published the public hearing.

Councilor Lawrence: Does that have anything to do with that rule that is in rules and procedures about on a separate sheet of paper things that are still in committee or if they have come out.

Mrs. Kitchin: Yes. It has never been done that way and it makes it very difficult, things die that way.

Councilor McMilleon: If we had not heard from the Planning Board yet we would obviously want to wait. We don't use the term table the measure. We can table it. It just means that it is sitting in committee.

Mrs. Kitchin: We can do a referral page to the agenda specifically for what is left in committee.

Councilor Lawrence: It is under Rule 14D if you want to look it up, Summary of Items before Council Committees.

****Mrs. Kitchin:** One last thing on **Rule 6J** the word **writing** needs to be added.

Meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Sharon Dunning
Principle Clerk