



**Amesbury City Council  
Twelfth Session  
Rules and Procedures  
2020**

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## **RULE 1 - COUNCIL OFFICERS**

### ***RULE 1A – Election of Officers***

The first City Council meeting in January of each new term shall be an organizational meeting. Following a regular election and after a majority of the Councilors-Elect have been sworn, they shall be called to order by the City Clerk, or in absence of the City Clerk, by the present councilor, senior in years of service, who shall preside. The City Council shall then elect, from its membership, by roll call vote, a President. Five votes shall be necessary for election.

Upon election, the new President shall preside, calling for the election of a Vice-president. The procedure used for election will be the same as that for electing the President.

Time should be allotted for nomination speeches, which would be limited to five (5) minutes per candidate per office. Voting will be done by roll call. Each councilor shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.

Following the election of officers at its organizational meeting, the Council shall adopt the Rules and Procedures for the conduct of its affairs for the ensuing legislative session.

No other business shall be in order until the City Council has thus organized.

### ***RULE 1B – Vacancy in Council Officer Position***

In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President.

If a vacancy occurs in the office of Vice President, the Council shall elect a new Vice President from among its members before 30 days have passed.

No office of the Council shall remain vacant for more than 30 days.

### ***RULE 1C – Council President***

The President shall serve as ex-officio member of all Council Committees.

The President may also be designated by the Council to be its representative to all City boards and commissions. The President may delegate that responsibility in whole or in part to any member or members of the Council, subject to the approval of the Council in accordance with Rule 11D.

The President shall abide by the applicable duties detailed in Rule 2.

### ***RULE 1D – Council Vice-President***

In the absence of the Council President, the Vice President shall take on the duties and responsibilities of the President.

The Vice President shall abide by the applicable duties detailed in Rule 2.

## **RULE 2 - THE DUTIES OF THE COUNCIL OFFICERS**

The President of the City Council shall preside at the meetings of the City Council. The Presiding Officer has the same powers as any other member of the Council to vote upon all measures coming before it, to offer resolutions and to discuss questions. The Presiding Officer will perform those duties that are consistent with the office and those required by law, state regulations, City Charter, Ordinances, and the Councils Rules and Procedures.

### ***RULE 2A – City Council President: Duties During Meetings***

The Presiding Officer shall take the chair at the hour at which the Council is to meet, and call the members to order.

Announce the business to come before the Council in its proper order.

Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference.

The Presiding Officer shall preserve order and decorum and may speak to points of order in preference to other members.

Answer all parliamentary inquires.

The Presiding Officer may state facts and give opinions upon questions of order without leaving the chair. When the Presiding Officer exercises the right to debate, the gavel shall be passed to the Vice President for the duration of the debate on that matter. In the event that the Vice President is absent or chooses to debate, the Clerk of the Council shall designate a Presiding chair in accordance with RULE 6M ROLL CALL "Rotation:".

Put motions to a vote, stating definitely and clearly the vote and result thereof.

### ***RULE 2B – City Council President: Duties in General***

The Presiding Officer shall sign all instruments, acts, orders, proclamations, resolutions, necessary to carry out the state requirements and the express will of the Ceouncil.

Confer with the Mayor on crucial matters that may occur between Council meetings.

Appoint committees and sub-committees subject to Ceouncil approval.

Call special meetings of the Council as found necessary.

To ensure that 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, the Council President will approve the agenda prior to its distribution to the Council, or public.

Be public spokesman for the Council at all times except as this responsibility is specifically delegated to others.

Prepare the annual report of the Council, for inclusion in the City's annual report. The report shall summarize the activities of the Council for the prior fiscal year. Final submission of the report will be contingent upon review and approval of the entire Council.

The Presiding Officer may take action in the name of the Council, as if the full Council had approved, on administrative matters where an emergency situation requires such action to protect the health, welfare and property of the residents of the City. Such action shall be considered temporary until the next meeting of the Council, regular or special, at which time said action shall be subject to ratification by the Council. In the event the Council fails to ratify the Presiding Officer's action, the approval shall be deemed to have terminated.

#### ***RULE 2C – City Council Vice-President: Duties in General***

The Vice President shall be responsible to ensure that the minutes of all Council Meetings and Sub-Committee Meetings are properly recorded and filed.

The Vice President shall identify the designated recorder of minutes for the City Council and its sub-committees. Minutes and record keeping are detailed in Rule 10.

The Vice President shall be responsible for reading all written correspondence at Council meetings.

### **RULE 3 - COUNCILORS**

Because all powers of the City Council derived from the Massachusetts General Laws, the City Charter and City Ordinances are granted in terms of action as a group, members of the City Council have authority only when acting as a City Council or sub-committee thereof legally in session.

The City Council will not be bound in any way by any statement or action on the part of an individual member except when such statement or action is a result of specific instructions of the City Council.

No member of the City Council, including the Presiding Officer, shall exercise authority outside of meetings nor exercise any administrative responsibility with respect to the City unless such authority has been specifically delegated to him by statute or by vote of the City Council.

The duties and obligations of the individual City Council member may be as defined in Part III, Section 3 of the Amesbury Home Rule Charter.

## **RULE 4 - COUNCIL RULES AND PROCEDURES**

Amendments and changes to adopted Rules and Procedures is solely the responsibility of the City Council. Such actions require an affirmative vote of two-thirds of the members of the City Council present when such action has been scheduled.

To permit time for study of all new rules or amendments to rules, and to provide an opportunity for interested parties to react, proposed rules or amendments will be presented as an agenda item to the City Council in the following sequences:

1. **Information:** Information about proposed rules or amendments shall be distributed with the agenda.
2. **First Reading:** Proposed rule and amendments to rules are read into the record without debate. Council President refers proposed rules and amendments to the Council Rules & Procedures Committee to study and make recommendations
3. **Study/Recommendation:** The Council Rules & Procedures Committee meets to discuss rules change and makes recommendations in form of a written report to the Council.
4. **Second Reading:** There will be a second reading, discussion, followed by adoption or rejection. Amendments to the rule(s) at the Second Reading stage will not require repetition of the sequence, unless the City Council directs.

The City Council may dispense with the above sequence to meet emergency conditions, as defined in Section 3-7(a) (reference Addendum E) of the Charter. Rules will be effective upon the date set by the City Council. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new rule prior to its implementation.

### ***RULE 4A – Suspension of Rules***

Any Councilor asking for suspension of a Council rule shall identify that rule which he seeks to suspend. No Council rule shall be suspended unless at least two-thirds of the Council Members present consent thereto. No suspension shall be allowed on any rule which prohibits suspension or requires a specific Council vote of more than two-thirds of the Council Members present.

## **RULE 5 - MEETINGS**

Meetings will be called to order by the Presiding official, where that official is the Council President, or Vice President. In the absence of both, the Clerk of the Council shall call the meeting to order and the first order of business will be to elect a President Pro-Tempore

### ***RULE 5A – Meeting Definitions***

Regular meetings of the City Council shall be held at a time and place defined by the calendar published under Rule 5, and shall abide by Section 3-5(c) (reference Addendum F) of the Charter.

Special meetings of the City Council may be held on the call of the President of the City Council, or on the call of any three (3) or more members, by written notice, or on the call of the Mayor as defined in Section 2-7(b) (reference Addendum G) of the Charter. Said notice will include relevant agenda items and pertinent of documents pertaining to those items which will be delivered to the City Clerk and to each Councilor's residence at least forty-eight hours in advance of the time set.

Executive Session may be entered only after the Council has first convened in open session for which notice has been appropriately posted. The Presiding Officer cites the reason for going into executive session and calls for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate an executive session. Refer to Addendum A (MGL Chapter 30A Section 20) for purposes warranting Executive Session.

#### **RULE 5B – Meeting Schedule**

The time and place of regular meetings shall be published in January, for the upcoming calendar year.

If a regular meeting date falls on a solemn or legal holiday, the president shall reschedule such meeting to the Tuesday of the following week.

#### **RULE 5C – Introduction of Council Business**

No measure or non-measure shall be received or acted upon unless introduced by a member of the Council, the Mayor, or by petition as provided by the Amesbury Home Rule Charter.

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.

**MEASURES:** All matters to come before the Council which are inherently legislative in nature, including ordinances, charter amendments, free petitions, appropriations, loan orders, lease approvals, acceptance of statutes, petitions to the General Court, tax classification votes, contract approvals or property transactions (real and personal). Refer to the Amesbury Home Rule Charter, Section 3-7 (reference Addendum E), for details on how measures are to be handled, and with what exceptions apply

**NON-MEASURES:** Non-Measures shall include all matters to come before the Council which are not specified to be measures such as any matter which is executive, administrative or ministerial, or quasi-judicial, including, without limitation, appointments, resolutions, proclamations, and the issuance of licenses.

#### **RULE 5D – Filing Deadlines for Regular Meetings**

Any item of business to be presented to the City Council at its regular meeting for action shall be submitted in writing to the Clerk of the Council no later than close of business 12:00 PM, eight calendar days preceding the regular council meeting. ~~Twelve (12) complete copies must be submitted with the original, in order for it to be accepted.~~ The Council President may in case of necessity, approve any additional items for inclusion in the agenda after said deadline.

Agenda items received after the deadline for a regular meeting shall not be accepted by the Clerk of the Council for the meeting in question but shall be received for the next regular meeting.

All new business shall be introduced to the City Council at a regularly scheduled meeting

The Council President shall determine placement of business on the Council agenda, or other appropriate disposition.

The Council agenda, including the Mayor's communication(s) to the Council, if any, complete with documentation shall be delivered to the City Councilors no later than 48 hours prior to the regular meeting of the Council.

**RULE 5E – Order of Business (amended 12/13/11)**

At every regular meeting of the City Council, the order of business shall be as follows:

1. Call To Order
2. Pledge of Allegiance
3. Roll Call
4. Act on Minutes
5. Mayoral Appointments
6. Licenses and Permits
7. Correspondence
  - a. President/Vice President Communications
  - b. Communication from Mayor, other Elected Officials, Boards and Commissions
  - c. Council Communications, Announcements and Committee Reports
  - d. Department Presentations
  - e.e. Review of Old/Outstanding Business
8. Public Comment
9. Council Response to Public Comment
10. Second Readings
  - a. Public Hearings
11. First Readings (new business)
12. Adjournment

After 10:30 P.M., any remaining agenda item will be brought forward at the Council's discretion.

**RULE 5F – Public Comment And Council Response**

At each regular meeting of the Council there shall be a period set aside for public comment. Public Comment gives the general public the opportunity to speak openly and candidly to their elected officials on any subject that is not scheduled for a public hearing, at that meeting.

Any member of the public desiring to address the Council during that portion of the meeting reserved for Public Comment, shall notify the Chair by completing the Addendum N public comment/public hearing speaker request form. Upon completion it will be given to the Clerk and then to the President of the Council.

Each person on the public comment docket shall be recognized by the chair, and shall state his/her name, address and City of residence and then identify the subject they wish to speak for the record. Any person who is employed by or otherwise related to another interested party in any matter under discussion at a Council meeting shall disclose the fact of his employment or relationship before speaking thereon.

Each person will be allowed to speak for a maximum of 3 minutes on any matter or subject they so wish, with extended time left to the discretion of the chair. The rules of decorum in Rule 15 shall be observed at all times.

All remarks and questions shall be addressed to the Council as a whole through the chair and not to any member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the Presiding Officer.

Each Councilor will be allowed to speak up to 1 minute per comment subject. All remarks and questions shall be addressed to the Council President and not to the person who delivered the public comment. No person other than members of the Council shall enter into discussion either directly or through a member of the Council without permission of the Presiding Officer. Councilor Response to Public Comment shall identify the person who delivered the comment and their specific response.

~~The rules of decorum contained in Rule 15 shall be observed at all times.~~

#### ***RULE 5G – Written Communications to Council***

Persons who wish to address an issue on the agenda for the official record may submit written material to the City Council in lieu of or in addition to speaking under the Public Hearings or Public Comments sections of the meeting. Such written correspondence should be forwarded so as to be received by the City Clerk by noon the Friday before the regular Council meeting. The City Clerk will ensure that the correspondence is distributed to all Council members prior to the Council meeting, and that a note indicating the author and subject of such receipt of said correspondence is reflected in the meeting minutes.

#### ***RULE 5H – Addressing the Council***

Other than a public hearing and during public comments, no one except the Mayor, a member of the City Council, ~~and~~ a City Officer, a Department Head, a member of a multiple-member body or a City employee shall be permitted to address the council, unless so directed by the Presiding Officer.

## **RULE 6 - PARLIAMENTARY GUIDELINES**

In all matters of parliamentary procedure not provided for in Massachusetts General Laws (MGL), the Amesbury Home Rule Charter, by ordinance, or by rules set forth within this document, the Presiding Officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order. In determining any parliamentary question, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Robert's Rules of Order, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.

### ***RULE 6A – Quorum***

Five members of the City Council shall constitute a quorum.

### ***RULE 6B – Order of Speaking***

Council members will be called upon to speak in the order outlined in RULE 6M – Roll Call, sub-heading Rotation. Each Council member will be individually recognized and given an equal opportunity of a maximum of five minutes to ask questions and/or make statements.

Only after each member, choosing to speak has spoken then members may be called, in the same Rotation, to speak a Second time. Members speaking a second time will again be limited to a maximum of five minutes to ask questions and/or make statements. Subsequent rotation shall be at the discretion of the presiding officer.

Members may not yield their speaking time to other members.

### ***RULE 6C – Order of Motions***

When a motion is under debate, the chair shall receive no motion except the following (in order of preference):

1. To adjourn
2. To take a recess
3. To lay on the table
4. For previous question (move the question)
5. To limit or extend limits of debate
6. To postpone to certain date
7. To refer
8. To amend
9. To postpone indefinitely
10. Leave to withdraw

### ***RULE 6D – Previous Question (Move the Question)***

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 two-thirds vote.

**RULE 6E – Referral to Committee**

When a matter before the Council relates to a subject for which the council has established an advisory committee, such matter shall, upon motion and a majority vote of the Council, be referred to such committee to be examined and reported on.

Any matter may be referred to a committee, commission, board, or City official for advice sought by the City Council. Such City official, committee, commission, or board may be under the jurisdiction of the executive branch (i.e. a City Committee), an existing City Council advisory committee, or a City Council ad-hoc committee.

**RULE 6F – Reconsideration**

At any meeting where a vote has been taken, it shall be in order for any councilor who voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the council. The vote for reconsideration shall be open to debate. A motion to reconsider requires a two-thirds vote.

**RULE 6G - Appeal**

Any member of the City Council may appeal the decision of the Presiding Officer, by motion. No other business shall be in order until the question of the appeal is decided. No debate shall be permitted upon the question of appeal.

Questions of order subject to appeal to the Council, by any motion regularly seconded, shall be put as follows: "Shall the decision of the chair stand as the judgment of the Council?"

The vote upon the question of appeal from the ruling of the Presiding Officer shall be by roll call. The decision of the Presiding Officer shall stand unless a majority of the votes are to the contrary. The Presiding Officer shall be allowed to vote on any question of appeal.

**RULE 6H - Recess**

The Presiding Officer may at any time, during the debate and otherwise, declare a recess for not more than ten minutes and such action shall not be subject to appeal nor shall any motions apply thereto.

**RULE 6I – Debate**

The motion to adjourn, the motion to lay upon the table or take from the table, for the previous question shall be decided without debate.

Any member of the Council may bring a properly agendized matter of business before the Council by making a motion; for which a second shall be required. When two or more members request the floor at the same time, the Presiding Officer shall name the member who shall first be heard. The Presiding Officer shall open the matter for debate offering the first opportunity to debate to the moving party, thereafter, member shall be called as outlined in Rule 6B.

Once the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed, unless the Council overrules the Presiding Officer by a majority vote.

#### **RULE 6J – *Matters Reduced to Writing***

Any substitute motion or amendment shall be in writing when the Presiding Officer, any member of the Council, or the Clerk of the Council so requests. ~~so directs or any member so request. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes~~

#### **RULE 6K - *Votes***

All action taken by the City Council requiring a vote will be by a majority unless otherwise provided for in Massachusetts General Laws (MGL), the Amesbury Home Rule Charter, by ordinance, or by rules set forth within this document.

#### **RULE 6L – *Tally of Votes***

All votes shall be declared by the Presiding Officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the chair, without further debate upon the question, shall require a roll call vote. No decision shall be declared unless a quorum of the Council shall have voted. ~~The Presiding Officer shall vote on all matters that come before the Council.~~

#### **RULE 6M – *Roll Call***

All final votes on measures shall be by roll call. On all other matters requiring a vote, a roll call may be requested by any councilor. Every councilor present when the question is put shall vote yes, no, abstention, or pass. If a councilor passes, his or her name will be called again at the end of the vote for his/her vote. A "pass" vote, if not changed, will be recorded as abstention for the roll call record. Prior to the announcement of the roll call vote, any councilor may have his/her name called again to record him/her differently.

**Rotation:** The order of the roll call voting shall be alphabetical, and rotated monthly, except that the Presiding Officer shall always vote last. This procedure of rotation shall also apply to the temporary filling of vacancies in council-Council officer's positions.

#### **RULE 6N – *Division of Question***

Any member may call for the division of a question.

#### **RULE 6O – *Objections and Ppostponement of Votes.***

Per Charter Section 3-7(c), on the first occasion that the question on adoption of a measure is put to the Ceity Ceouncil, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the Ceity Ceouncil whether regular or special. If more than one member shall object, such postponement shall be until the next regular meeting. For an emergency measure to be postponed at least three members must object, in which case such postponement shall be until the next regular meeting. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

### **RULE 7 - REJECTED MEASURES or FINAL REJECTION**

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing, unless resubmission is approved by a majority vote of the Council.

**RULE 8 - APPOINTMENTS TO FILL VACANCIES ON ELECTED BOARDS, COMMITTEES AND COMMISSIONS**

Vacancies shall be filed as provided for in section 4-7 (reference Addendum H) of the Amesbury Home Rule Charter:

In the event there is not a candidate, who received the minimum number of votes as stipulated by Section 4-7 (reference Addendum H) of the Amesbury Home Rule Charter, interested in filling the position at the time of the joint meeting between the City Council and the Elected Board, Committee or Commission on which there is a vacancy to be filled, the process for filling such vacancy shall be essentially as follows:

The City Clerk shall publicize vacancies at least 30 days prior to the date, time and place at which the meeting to fill the vacancy will be held. Such notice of vacancies shall also include the deadline including date, and hour until which applications will be accepted.

Any registered voter in the community shall be eligible to fill an application of interest in the position, with the City Clerk.

Applications shall be accepted until 10:00 a.m. on the Friday prior to the Council Meeting. Copies of the application shall be made available to all Councilors and members of the Board, Committee or Commission on which there is a vacancy to be filled.

At the time of a properly called meeting, the City Clerk will call the Role of the City Council and the Board, Committee or Commission on which there is a vacancy to be filled.

The Council President shall then open the floor to nominations from either Councilors or members of the Board, Committee or Commission on which there is a vacancy to be filled.

- a) Nominations will be made and seconded.
- b) Nominations shall then be closed.
- c) Time should be allotted for nomination speeches which would be limited to five minutes per candidate per office.
- d) Voting will be done by roll call. Each person voting shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.
- e) As soon as one candidate receives a majority the President of the Council shall announce the winner and the vacancy shall be deemed filled.

- f) In the event there is a tie vote, the Chair, Vice-Chair or most senior member present (in that order) of the elected board, committee or commission may cast a second vote breaking the tie vote and filling the vacancy.
- g) The individual filling the vacancy shall be considered to be a candidate-elect until duly sworn by the City Clerk.

In the event there is more than one vacancy to be filled the process shall be repeated until all vacancies are filled.

In the event there are only enough candidates to fill the vacancies, the President of the Council may entertain a voice vote of unanimous consent to fill said vacancy.

**RULE 9 - QUESTION IN POSSESSION OF COUNCIL**

After a measure or non-measure is stated or read by the Presiding Officer, at its first reading it shall be deemed to be in possession of the Council and shall be disposed. However, the sponsor may withdraw it by a majority vote of the Council at any time before decision or amendment.

**RULE 10 - RECORD KEEPING**

Unless otherwise provided by the Vice President of the City Council, the City Clerk, or an approved delegate, shall be the clerk at regular meetings of the Council and its sub-committee meetings.

Said clerk shall keep a record of its proceedings and perform such duties as may be assigned by the Amesbury Home Rule Charter, by ordinance, or other Council vote.

The Clerk of the Council shall give notice of all meetings of the City Council and its sub-committees by transmitting a copy of the meeting agenda to its members and posting meeting notices for the public. Said Clerk of the Council shall coordinate with the responsible party(s) to make sure that all regular meetings of the City Council are videotaped or audio taped.

A transcription of a regular meeting, public hearing or debate, or any portion thereof may be requested through the Clerk of the Council, who shall arrange for the preparation of requested transcripts from tape recordings of meetings, hearings or debates.

***RULE 10A – MEETING MINUTES OF THE CITY COUNCIL OR ITS SUB-COMMITTEES***

The minutes of a meeting constitute the legal written record of actions taken; therefore, the designated clerk of the Council, or sub-committee, will be responsible for reporting all actions taken in the following manner:

Minutes will include:

1. A statement on the nature of the meeting (regular or special), the time, the place, and the approval of the last minutes of the last regular and each subsequent special meeting.
2. Names of the members present or absent, annotated as to arrival and departure times, if during the meeting.
3. A complete record of official actions taken relative to agenda items, on recommendations, on communications, and on all business transacted. Resolutions and motions will be given in their exact wording, accompanied by the names of members moving and seconding, and a record of the results of the vote. Reports and documents relating to a formal motion may be omitted if they are referred to and identified by title and date.
4. Notation of formal adjournment.

Copies of the minutes will be sent to all members at least 48 hours in advance of the meeting at which the minutes are to be approved. The minutes will be moved and voted as printed.

The approved minutes will become permanent records of the City Council. Minutes of public meetings and minutes of Executive Sessions that have been declassified will be in the custody of the City Clerk who will make them available to interested citizens upon request. The official minutes book record shall not be removed from the City Clerk's office except by vote of the City Council and shall be present at all City Council meetings. Copies of minutes shall also be made available at the Amesbury Public Library.

## **RULE 11 - COUNCIL COMMITTEES**

After the **annual organizational meeting (as outlined in Rule 1A)** of the Council, the President, subject to approval by the Council, will appoint members to all **Council** committees.

All City Councilors are free to sit on all committees as non-voting participants and ask questions.

No policy or standing committee shall be discharged of a matter pending before that committee unless a majority of the Council consents thereto.

Subsequent paragraphs of this Rule define the roles and responsibilities of the City Council Committees. Appointment and membership to those committees are defined in Addendum L.

### **RULE 11A - STANDING COMMITTEES**

**Standing Committees:** Finance Committee, Audit and Oversight Committee, Ordinance Committee, Joint Education Committee and Committee on Council Rules & Procedures

Standing Committees are permanent committees within the Council Rules and Procedures and are without an expiration date. These committees are the committees that ensure that the fundamental responsibilities of the Council are addressed. All matters of business shall be referred for study and recommendation before action by the City Council.

**RULE 11A-1: Finance**

The Finance Committee shall be a committee of the whole, with a chairman and vice chairman to be selected by the committee. The President of the Council is not eligible to serve as the chair.

All matters of finance would go to this committee, with all recommendations sent back to the Council for final action.

The committee shall have the responsibility to review measures that would involve any expenditure of City funds i.e. appropriations, bonds, insurance, transfers, salaries and wages. The committee shall also review the Mayor's Capital Improvement Plan (CIP).

The committee shall conduct hearingsmeetings, which are open to public comment, on all measures put before it and make written recommendation to the City Council before the Council holds a public hearing and votes on the matter. ~~A request will be made to the cable company for the finance committee meetings to be televised.~~

The committee duties and responsibilities are as stated below. The committee will also follow the Parameters and Guidelines stated in Rule 11D.

***MEASURES:***

~~The Chief Financial Officer shall cause to be prepared a Financial Analysis on the measure, The Financial Analysis shall indicate the amount of public money which will be required to be expended to carry out the provisions of the proposed legislation, together with an estimate of the cost 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 affect its passage would have on the tax rate.~~

~~Any application for Federal or State Funds, submitted to the City Council shall be accompanied, where applicable, by a document, prepared by the department, board or commission, submitting said application.~~

~~The aforementioned document shall contain a thirty-six (36) month projection of any operating, staffing, or maintenance costs of any facility or service provided for in said application. Said document shall also include a summary of any requirements of the application for the funds under which conditions the City may have to return said funds.~~

***FEES:***

The Finance Committee shall annually review the fee schedule of each City Department.

The Committee shall cause a summary of all fees to be printed by department as an appendix to the Annual Report Titled City of Amesbury Fees for the Fiscal Year of July 1, " to June 30," . All changes from year to year shall be clearly denoted with as a footnote, which shall include the date of change and brief reasoning behind it.

Every five years the committee shall survey other communities in the geographic region and like communities throughout the Commonwealth to determine comparability of fee schedules.

Any changes in fees will be implemented on July 1st. However, fees can be changed at other times during the year if information is received indicating an emergency need for the change.

#### **RULE 11A-2: Audit & Oversight Committee**

The committee will be comprised of three Councilors. This committee shall have the responsibility of Section 5-5 of the Amesbury Home Rule Charter.

*\*The City Council shall provide for an annual audit of the books and accounts of the City and the School Department to be made by a certified public accountant, or firm of certified public accountants who shall have no personal interest, direct or indirect in the fiscal affairs of the City government. The City Council shall publish in at least one newspaper of general circulation in the City a notice stating the availability of the final audit report for public inspection.*

The committee shall be responsible for the selection and hiring of the audit team. The committee shall review the audit and its findings and shall follow the guidelines of Management Audits herein enclosed:

#### **Guidelines for Management Audits:**

(a) **In General** - A complete management audit of each City Department and the School Department shall be made at the discretion of the City Council in order to accomplish the following purposes:

- (i) Identify any areas which hinder or prevent the City agency from performing its assigned responsibilities, goals or objectives and to offer suggestions for the removal of such obstacles and to suggest ways in which the responsibilities, goals or objectives might better be met.
- (ii) To evaluate the adequacy of management practices being utilized in the agency with respect to fiscal controls and use of available personnel and equipment.
- (iii) To suggest specific ways and means by which the functions and services of the agency might be improved.

(b) **Elements to be considered** -- Each such management audit shall include, but need not be limited to a consideration of the following:

- (i) Organization, staffing and man-power
- (ii) Adequacy of financial controls
- (iii) Facilities and equipment

- (iv) Goal setting, long and short range
- (v) Procurement practices
- (vi) Overtime Policies
- (vii) Cost comparisons with other Cities and comparable private enterprises activities.

**(c) Organization or reports** -- Each management audit shall consist of the following parts:

- (i) Introduction -- A brief explanation of methods used.
- (ii) Scope -- A statement of the extent of the examination made.
- (iii) Major Contacts -- A listing of the names of all persons interviewed in the conduct of the audit and an outline of the procedures used.
- (iv) Findings -- Details of the practices found during the audit, which in the opinion of the audit team, require modifications or other change in order to strengthen and improve the agency and its performance.
- (v) Recommendations -- Specific suggestions for action either by the agency through changes in its own internal policies or requiring action by the City Council, based on specific findings made.

**RULE 11A-3: Ordinance**

This committee will be comprised of three Councilors and two citizens. The duties and responsibilities of the committee are as stated below. The committee will also follow the Parameters and Guidelines stated in Rule 11D.

The Council shall refer matters relating to the adoption, amendment, or deletion of any City ordinance, petitions for acts of special Legislation or Charter revisions and City By-laws and petitions, for Zoning Ordinance Amendments, and permits issued by the City council, and shall have responsibility to review and make recommendations on every measure the effect of which is more than of temporary significance and involves any other unit of government: (i.e., County Government, State Government, or Federal Government).

This committee shall make recommendations to all matters pertaining to elections not otherwise governed by MGL.

**RULE 11A-4: Joint Education Committee**

Objective: To facilitate a better understanding of the mission of the Amesbury Public School by providing a venue for dialogue between the Amesbury City Council and the Amesbury School Committee.

Representatives from each of these bodies as well as the Superintendent of Schools shall meet at least quarterly to become better informed about topics such as:

- Challenges the district may be facing
- Current and future educational programming
- Budget and financial updates
- Strategic planning process and progress
- Major leadership changes
- Capital/facilities needs of the schools

As well as to provide members with a venue to ask questions in order to better understand the above and the mission of the Amesbury Public Schools in general.

Membership: The subcommittee should be comprised of three members of the Amesbury School Committee and three members of the Amesbury City Council. There shall be a lead School Committee member and a lead City Council member who will work with the Superintendent of Schools to determine agendas and meeting times. The lead School Committee member and the lead Council member shall report to the full respective committees.

**RULE 11A-5: Committee on Council Rules & Procedures**

This committee shall be comprised of three Councilors. The committee will also follow the Parameters and Guidelines stated in Rule 11D.

The committee shall make recommendations on any proposed changes to the City Council Rules and Procedures.

**RULE 11B - POLICY COMMITTEES, COUNCIL REPRESENTATION ON CITY COMMITTEES AND COUNCIL LIAISONS**

**Policy Committees:** *None*

**Council Representation on City Committees:** *Traffic and Transportation, Master Plan Implementation Committee, School ~~Building Space~~ Committee, Energy Committee and Open Space, Natural Resources and Trails Committee.*

**Council Liaisons:** *Amesbury Chamber of Commerce*

**RULE 11B-1: Policy Committees**

Policy committees are created to address specific areas of City policy. They are not essential to the running of the Council, and as such need to be periodically reviewed, and reestablished. Policy committees should be given an expiration date i.e. six months, one year, three years and be renewable by a vote of the Council.

The duties and responsibilities of the committees are as described in their enabling legislation and in these rules as may be amended from time to time, however, are not limited to only these areas. The committee will also follow the Parameters and Guidelines stated in Rule 11D.

**RULE 11B-2: Council Representation on City Committees**

Legislative representatives will be appointed by the Council President, as requested, for the following City Committees, as well as any City Committee organized within this legislative session:

*Traffic and Transportation, Master Plan Implementation Committee, Energy Committee, School Space Committee and Open Space, Natural Resources and Trails Committee.*

**RULE 11B-3 – Council Liaisons**

A legislative Liaison will be appointed by the Council President, as requested, to the following organizations:

*Amesbury Chamber of Commerce*

**RULE 11C - AD-HOC COMMITTEES**

"Ad-Hoc" committees are appointed by the Council President for a specific purpose, for a limited period of time. The committees shall dissolve upon discharge of their duties.

The President of the City Council may designate such ad-hoc committees comprised of Councilors and/or registered voters in the City of Amesbury, as is deemed necessary.

An ad-hoc committee will be dissolved upon completion of its assignment or it may be dissolved by a vote of the Council at any time. The committee will also follow the Parameters and Guidelines stated in Rule 11D.

**RULE 11D - COMMITTEE PARAMETERS AND GUIDELINES**

All Committees shall be advisory to the Council and shall take no actions that bind the Council.

Committees shall follow a schedule of meetings to be coordinated through the Clerk of the Council who will notify the Council President and post as required with the City Clerk.

The organization meeting of all committees shall be called by the City Clerk, at which time the committee shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, City agencies, other government agencies, and the general public. A clerk shall be appointed, by the City Council Vice President, to record the minutes. The President and Vice President of the Council shall not serve as a chairperson of any committee.

Committees shall have access to the Clerk of the Council under the direction of the Council officers.

Committees shall work through their chair to have access to City agencies/departments or the school department, respectively, in order to avoid duplication of effort.

Meetings of committees may be called by the chairperson or upon the written request of two members of the committee

Committees have the right and obligation to be creative, offer majority and minority opinions, produce documents, communicate and participate with City departments/agencies, other government agencies and the general public, subject to the rules and procedures of the City Council, Amesbury Home Rule Charter, MGL, or otherwise voted by the City Council.

All committees will be evaluated annually at which time a decision will be made by the City Council to continue, disband, or change the entity.

All appointments to Council Committees may be renewable annually at the Council's reorganization meeting. Existing Committee members may be given priority if members desire re-appointment. Committees will re-organize at their first meeting of the calendar year.

### **RULE 12 - COUNCIL VACANCY**

A Vacancy on the Council and/or vacancy of an office on the Council shall be filled in accordance with Amesbury Home Rule Charter Section 3-4 (reference Addendum J), and Council Rule 3.

In the event there is not a candidate, who received the minimum number of votes as stipulated by Section 3-4 (reference Addendum J) of the Amesbury Home Rule Charter, interested in filling the position, the process for filling such vacancy shall be essentially as follows:

The City Clerk shall publicize vacancies at least 30 days prior to the date, time and place at which the meeting to fill the vacancy will be held. Such notice of vacancies shall also include the deadline including date, and hour until which applications will be accepted.

Any registered voter from among the voters entitled to vote for such office shall be eligible to fill an application of interest in the position, with the City Clerk.

Applications shall be accepted until 4:00 p.m. on the Wednesday prior to the Council Meeting. Copies of the application shall be made available to all.

At the time of a properly called meeting, the City Clerk will call the Roll of the City Council.

- a) The Presiding Officer shall present the names of the eligible applicants for the office.
- b) Time shall be allotted for candidate speeches limited to five minutes per candidate per office.
- c) Members of the public eligible to vote for such office may make comment about candidates for up to 3 minutes and may present other materials such as signature lists which may support their position.
- d) Time shall be allocated for direct questions and responses from Council members to applicants for no more than three minutes for each Councilor per applicant.
- e) Nominations will be made and need not be seconded.
- f) Nominations shall then be closed.
- g) The Presiding Officer shall then open the floor to nominations from Councilors.

- h) Voting will be done by roll call. Each person voting shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate(s) receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.
- i) As soon as one candidate receives a majority the Presiding Officer of the Council shall announce the winner and the vacancy shall be deemed filled.
- j) In the event there is a tie vote, the Presiding Officer may cast a second vote breaking the tie vote and filling the vacancy.
- k) The individual filling the vacancy shall be considered to be a candidate-elect until duly sworn by the City Clerk.

In the event there is more than one vacancy to be filled the process shall be repeated until all vacancies are filled.

In the event there are only enough candidates to fill the vacancies, the President of the Council may entertain a voice vote of unanimous consent to fill said vacancy.

### **RULE 13 - INQUIRIES AND INVESTIGATIONS**

Section 3-8 (reference Addendum K) of the Charter gives the City Council the authority to conduct inquiries or investigations.

#### ***INQUIRIES:***

An inquiry may be called for by a majority vote of those present at a regular council meeting or a subcommittee of the City Council, pursuant to Section 3-8 (reference Addendum K) of the Charter. An inquiry shall be to the City officer, employee or member of a board, commission or committee, if it concerns areas under their authority, and specific questions asked shall be answered in a report within two days. The Council may require such persons as mentioned in Section 3-8 (reference Addendum K) to appear to give information or make a report within ~~two~~ **five business** days. In either case, a report may be considered final by the Council or the Council may call for further information so that its questions may be answered.

#### ***INVESTIGATIONS:***

If the person(s) requested to make a report shall fail to do so; or if the Council finds that there has been unsatisfactory resolution of allegations of serious misconduct on the part of any City officer, board, or commission or its members; or if the Council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize an investigation to proceed.

2. The Council may, by an affirmative vote of the full Council, establish a three-person committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the subcommittee's work, subject to review at the request of the subcommittee. If the subcommittee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council.
3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasi-judicial in nature. If the investigative committee is quasi-judicial in nature, it shall proceed substantially along the lines of an informal adversarial proceeding, including the right on behalf of any person who is the subject of the investigation to be represented by counsel and to confront and cross-examine witnesses. In such proceedings, witnesses shall be sworn, but the strict rules of evidence shall not apply. If the Council determines that the investigation is legislative in nature, the foregoing need not apply.
4. The Council may, consistent with existing ordinances and the Administrative Code, request the services of an independent attorney and/or other individuals qualified to conduct such an investigation who shall be engaged for the purposes of the inquiry or investigation, subject to approval by a majority of the full Council.
5. Funds for the employment of an independent attorney shall come from the Council's budget.
6. All meetings of the Council or its subcommittees shall be held in accordance with the Open Meeting Law, MGL, Chapter 39, Section 23B.(reference Addendum A)
7. Preparation and serving of all subpoenas and letters of notice to witnesses and/or subjects of discussion shall be included in the duties of the legal counsel employed by the City Council, or any other qualified individual authorized by the Council or Council subcommittee.
8. The proceedings of the meetings shall be recorded and transcribed verbatim and provided to the full Council along with a copy of subcommittee findings. Transcripts of meetings held in open session shall be made readily available to the public in a timely fashion.
9. The subcommittee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The full Council will make the final determination and shall take any action it deems necessary, consistent with Massachusetts General Laws, the City Charter, City Ordinances, the Councils Rules and Procedures, the City's Administrative Code, collective bargaining agreements and personnel system.

#### **RULE 14 - AGENDA ITEMS**

The following agenda items may be acted upon at a first reading:

Appointments, Proclamations, Resolution, and other non-measures.

The following agenda items require assignment to a committee, and recommendation by the committees to the full Council:

*Appropriation Orders; Free Petitions; Amendments to General and Zoning Ordinances, as well as Administrative Code and other Rules of the City of Amesbury, Loan*

*Authorizations; Supplemental Appropriations; Transfer Orders and other measures; and changes to Council Rules and Procedures.*

No debate shall take place at the introduction of any item requiring additional reading(s).

***RULE 14A – Description of Agenda Items***

All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description 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 agenda.

***RULE 14B – Sponsor of Agenda Items***

All items on the agenda shall also specify the individual who placed it on the agenda (i.e. Mayor, Mayor by request; Councilor, Councilor by request; Citizen Petition).

***RULE 14C – Numbering of Agenda Items***

All matters to come before the Council shall be numbered by the City Clerk at the time they are filed in the Clerk's Office. Each item shall be numbered sequentially beginning with the first item filed in a calendar year, i.e. 2006-xxx, where xxx is a sequenced number starting from 002; sequence number 001 will be reserved for the next fiscal year operating budget.

***RULE 14D – Summary of Items before Council Committees***

As part of the agenda at the request of the City Council for each meeting on a separate sheet in a suitable format, there shall be a list of all orders, documents, reports, and communications which have been referred to a Council committee for a report or action, along with the date submitted to the committees.

These items are not to be placed on a council agenda until the subcommittee has acted on the matter, or per Rule 11 the Council votes to discharge it from the committee.

**RULE 15 - DECORUM**

Members of the City Council shall conduct themselves in an orderly and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the City Council is maintained at all times. Members of the Council shall maintain a polite, respectfully and courteous manner when addressing one another, City staff and members of the public during meetings.

It shall be the duty of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed.

***RULE 15A – Decorum of Council Members***

- 1) Councilors should request the floor of the Presiding Officer before speaking.

- 2) A Councilor who is speaking shall attempt to avoid repetition and shall endeavor to limit comments to the subject matter at hand. Councilors should endeavor to express views without engaging in lengthy debates.
- 3) When a Councilor is speaking, other Councilors shall not interrupt or otherwise disturb the speaker, except by rising to a point of order, to a point of personal privilege, to a question of parliamentary procedure, or to doubt the presence of a quorum.
- 4) Councilors, upon recognition by the Presiding Officer, may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak
- 5) Councilors shall not engage the person addressing the Council in a dialogue with the City Council or Council Staff, but shall confine communication to a question and answer format conducted through the Presiding Officer.
- 6) If a member of the audience has addressed the Council on matters which are not on the agenda, Councilors shall refrain from extended discussions of the matter. If a Councilor so wishes, the Councilor may, during the Councilor Comments portion of the meeting ask that the matter be placed on the next agenda.
- 7) No member in debate shall mention another member by name but may describe him or her by such designation as may be intelligible and respectful.
- 8) A member may rise to a point of personal privilege by leave of the Presiding Officer, but, shall not discuss pending questions and shall confine his or her remarks to statements which have been made regarding his rights, reputation, or conduct in his capacity as a City Councilor.
- 9) A member may rise to ask questions of parliamentary inquiry by leave of the Presiding Officer, but, shall not discuss pending questions.
- 10) When a member is ruled out of order, he or she will immediately take his seat, unless permitted to explain, and the Council, if appealed to, shall decide on the case without debate, and if the decision is against the member, he shall not be permitted to speak.
- 11) The members of the Council shall not leave their place on adjournment until the Presiding Officer declares the Council adjourned.
- 12) When two or more members rise at the same time, the Presiding Officer shall name the member who is to speak first.

**RULE 15B – Decorum of City Employees**

City employees shall not engage in public dialogue or debate with members of the public during public meetings. When addressed by the Council, staff shall respond in a polite and respectful manner.

**RULE 15C – Decorum of the Public**

- a. **Members of the Audience.** Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting unfeasible. A member of the audience repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

**b. Persons Addressing the City Council**

1. Any persons wishing to speak during the Public Comments portion of the meeting or on a Public Hearing item shall notify the Presiding Officer prior to the calling of the Public Comment of Public Hearing portion of the agenda.
2. No person shall address the City Council without first being recognized by the Presiding Officer.
3. Each person addressing the City Council shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

**RULE 15D – *Decorum Enforcement***

Violations of the rules of decorum shall be dealt with as follows:

1. **Warning.** The Presiding Officer shall request that a person who is violating the rules of decorum cease such conduct. If after receiving a warning from the Presiding Officer, the person persists in the violation, the Presiding Officer shall order the person to leave the City Council meeting. If the person does not leave the meeting, the Presiding Officer may order any law enforcement officer who is on duty at the City Council meeting as sergeant-at-arms to remove the person from the City Council chambers.
2. **Removal.** Any law enforcement officer who is serving as sergeant-at-arms at the City Council meeting shall carry out the orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the Presiding Officer, it shall be the duty of the sergeant-at-arms to remove from the City Council meeting any person who is disturbing the proceedings of the City Council.
3. **Resisting Removal.** Any person who resists removal by the sergeant-at-arms may be charged with a violation of the rules of order and decorum as well as any other applicable ordinance or law.
4. **Motion to Enforce.** If the Presiding Officer of the City Council fails to enforce the rules of order and decorum set forth above, any member of the City Council may move to require the Presiding Officer to do so, and an affirmative vote of the majority of the City Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City Council, the majority may designate another member of the City Council to act as Presiding Officer for the purpose of enforcing the rules of order and decorum established above.

The Presiding Officer may delegate enforcement authority for meeting decorum to the sergeant-at-arms at the beginning of each meeting. In such cases, the sergeant-at-arms shall enforce the provisions of this section unless overruled by a majority vote of the Council.

## **RULE 16 - LICENSES**

All applicants for licenses, permits, etc., requiring certified notification of abutters or a Legal Notice are responsible for publication and payment of such notices.

## **RULE 17 - EXPENSE REIMBURSEMENTS**

Councilors and council staff, who incur expenses in carrying out their authorized duties, may be reimbursed by the City. When travel by a personally-owned vehicle is required, mileage payment will be made at the rate currently approved by the Chief Financial Officer for other City employees.

A properly completed voucher must be submitted to the City Clerk with any supporting receipts required by the Chief Financial Officer for other City employees.

The voucher will then be forwarded to the City Accountant's Office, after having been signed by the City Clerk.

## **RULE 18 - TIE VOTES**

In the event there is a tie vote on a matter before the Council, the Presiding Officer may cast a vote to break the tie only in such instances where the Presiding Officer did not vote on the measure at the time the tie resulted. In no instances shall the Presiding Officer vote more than once on any particular measure **as defined in Rule 5C**.

## **RULE 19 - LEGISLATIVE ENACTING STYLE**

**“Any measure appropriating money shall be filed as an Order. All measures appropriating money shall include the following provision, or equivalent language:**

**Any monies remaining in this appropriation, which are not expended for the purposes specified, shall be returned to the General Fund, Enterprise Fund or otherwise originating fund and shall not be expended without further appropriation.”**

### **ORDINANCE:**

Any measure passed by the City Council, the effect of which is of more than temporary significance, shall be entitled **ORDINANCE**, and the enacting style shall be, *“Be it Ordained by the City Council of the City of Amesbury....”*

### **RESOLUTION:**

Any proposal or proposition seeking Council endorsement of a particular action or the option of the Council shall be entitled a **RESOLUTION** and the enacting style shall be *“Resolved”*.

**REQUEST:**

Any invitation to any person to appear before the City Council or one of its committees, or any request for written material shall be entitled a **REQUEST** and the enacting style shall be, "*You are requested by the City Council of the City of Amesbury...*"

**ORDER:**

Any measure by which the City Council expresses anything by command shall be entitled, **ORDER** and the enacting style shall be "*Ordered*".

Every proposed ordinance, resolution or order shall be reduced to writing and signed by the member or members presenting the same. Every request shall be reduced to writing and shall include an explanation of the matter to be discussed including the questions, if any, and shall be signed by the members or members presenting.

All measures, resolutions and orders shall be submitted essentially in the format as provided in Addendum B of these Rules. The City Clerk may reject any measures, resolutions and orders not properly submitted.

**RULE 20 - ELECTRONIC MESSAGING POLICY** Revised 6/9/09

It shall be the policy of the City Council and its Committees that when communicating among a quorum via electronic messaging services including but not limited to electronic mail (e-mail), Internet web forums, and Internet chat rooms ("electronic messaging"), use of such electronic messaging shall be limited to ministerial purposes such as requesting or distributing any materials or public records containing objective information, including but not limited to reports, meeting minutes, meeting agendas, decisions, rulings, contracts and legislative proposals and for other purely ministerial purposes such as but not limited to providing agenda items and related background materials, providing notification of meeting times or meeting dates, or engaging in similar non-deliberative actions. Communications, involving discussion or exchanging of views, between and among a quorum of the Council or between and among a quorum of any Council Committee shall not be permitted. Materials that describe or discuss arguments for or against any matter of public policy shall not be considered "materials or public records containing objective information", and shall not be sent by any Councilor or any Council committee member to any quorum or more than a quorum of the Council or committee members.

## Addendums

Addendums are attached as additional information or reference. They are attached to give Councilors a quick reference, typically to other governing documents. The material is useful for discussion, and points of order, however if questioned, an official copy of the source document will have to be referred to. Whereas addendums are for reference, they do not fall under the directions of Rule 4.

**Addendum A**  
**"Purposes Warranting Executive Session"**  
**(Addendum A is attached as reference material only)**

**Addendum A, General Laws: Chapter 30A, Section 20**

**Section 20. Meetings of a Public Body to be Open to the Public; Notice of Meeting; Remote Participation; Recording and Transmission of Meeting; Removal of Persons for Disruption of Proceedings**

(a) Except as provided in section 21, all meetings of a public body shall be open to the public.

(b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

(c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.

For meetings of a regional or district public body, notice shall be filed and posted in each city or town within the region or district in the manner prescribed for local public bodies. For meetings of a regional school district, the secretary of the regional school district committee shall be considered to be its clerk and shall file notice with the clerk of each city or town within such district and shall post the notice in the manner prescribed for local public bodies. For meetings of a county public body, notice shall be filed in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose.

For meetings of a state public body, notice shall be filed with the attorney general by posting on a website in accordance with procedures established for this purpose and a duplicate copy of the notice shall be filed with the regulations division of the state secretary's office.

The attorney general shall have the authority to prescribe or approve alternative methods of notice where the attorney general determines such alternative will afford more effective notice to the public.

(d) The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the

body, including the chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.

(e) A local commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If a local commission on disability is authorized to utilize remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law.

(f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

(g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

## **Section 21. Executive Sessions**

(a) A public body may meet in executive session only for the following purposes:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
  - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
  - (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy

supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

1. the body has first convened in an open session pursuant to section 21;
2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. accurate records of the executive session shall be maintained pursuant to section 23.

**Addendum B**  
**"Legislative Submittal Format"**

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***The body of the submittal must follow the guidelines set in Rule 19; Legislative Enacting Style. All attachments should be identified in writing as part of the body.***

**Addendum C**  
**"Removal from an Open Meeting"**  
**(Addendum C is attached as reference material only)**

**MGL Chapter 30A, Section 20(f) Regulation of participation by public in open meetings**

- (f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

**Addendum D**  
**"Amesbury Home Rule Charter: Section 3-3"**  
**(Addendum D is attached as reference material only)**

**Section 3-3 General Powers and Duties**

Except as otherwise provided by general law or by this Charter, all powers of the City shall be vested in the City Council, which shall provide for their exercise and for the performance of all duties and obligations imposed on the City by law.

**Addendum E**  
**"Amesbury Home Rule Charter: Section 3-7"**  
**(Addendum E is attached as reference material only)**

**Section 3-7 Measures; Emergency Measures; Objection; Publication of Measures**

**(a) In General**

No measure shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property or other matters not admitting of delay. Except as otherwise provided by this charter, every adopted measure shall become effective at the expiration of fifteen days after adoption or at any later date specified therein. Measures not subject to referendum shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with this charter, or as provided in the initiative and referendum procedures.

**(b) Emergency Measures**

An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble that declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the City Council. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by the laws of the Commonwealth, no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. An emergency measure shall become effective upon adoption or at such later time as it may specify.

**(c) Objection**

On the first occasion that the question on adoption of a measure is put to the City Council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the City Council whether regular or special. If more than one member shall object, such postponement shall be until the next regular meeting. For an emergency measure to be postponed at least three members must object, in which case such postponement shall be until the next regular meeting. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

**(d) Publication of Measures**

Upon final passage, notice of the subject matter of every ordinance, appropriation order, or loan authorization shall be published in at least one newspaper of general circulation within the City and posted on the City bulletin board. Any such publication notice required shall state the title of the finally enacted ordinance or ordinances, appropriation order, or loan

authorization, and the times and places at which copies of such measures may be obtained or reviewed by the public. Copies shall be permanently filed at the public library and with the city clerk. The City Council shall annually prepare a document describing the actions of the council in the preceding fiscal year which shall include the text of every ordinance, appropriation order, or loan authorization, which will also be filed at the public library and with the city clerk..

*(b) In General*  
No measure shall be passed finally on the date on which it is introduced, except in an emergency measure involving the health or safety of the people or their property, except in matters not involving the health or safety of the people, except as otherwise provided by the charter, every ordinance shall become effective at the expiration of fifteen days after adoption or at any later date specified therein. Measures not subject to referendum shall become effective upon adoption. The ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum provisions.

*(c) Emergency Measures*  
An emergency measure shall be introduced in the form and manner provided for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements that the emergency clause declaring that an emergency exists and describing its nature and extent in clear and specific terms. A preamble may describe and define the emergency, shall be separately worded and shall require the affirmative vote of two-thirds of the City Council. An emergency measure may be passed with or without amendment or rejection at the meeting at which it is introduced. No measure having a general or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by the law of the Commonwealth or such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published or published for other advanced purposes. An emergency measure shall become effective upon adoption or at such later time as it may specify.

*(d) Objections*  
On the first occasion after the passage or adoption of a measure is put to the City Council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the City Council, whether regular or special. If more than one member shall object, such postponement shall be until the next regular meeting for an emergency measure to be postponed at least three calendar months after, in which case such postponement shall be until the next regular meeting. This procedure shall not be used again more than once for any measure notwithstanding any amendment to the current ordinance.

*(e) Publication of Measures*  
Every ordinance, appropriation order or other measure shall be published in accordance with the provisions of the charter and the City and placed on the City bulletin board. Any such publication notice signed shall state the title of the measure, a correct reference to the ordinance, appropriation order, or other measure.

**Addendum F**  
**"Amesbury Home Rule Charter: Section 3-5(c)"**  
**(Addendum F is attached as reference material only)**

**Section 3-5 Exercise of Powers; Quorum; Rules of Procedure**

**(c) Rules of Procedure**

The city council shall within the first four months of taking office and from time to time thereafter establish and adopt written rules for its proceedings and make public those proposed rules thirty days before adoption. Prior to adoption of proposed rules, the city council shall operate under the previously adopted rules. Regular meetings of the city council shall be held at a time and place fixed by ordinance but shall be not less frequent than once monthly. However, the council president may suspend meetings during the month of July or August. Special meetings of the city council may be held on the call of the mayor, the council president, or on the call of any three members, by written notice delivered to the city clerk at least forty-eight hours in advance of the time set. Except as otherwise authorized by the laws of the Commonwealth all sessions of the city council shall be open to the public and an agenda of any regular or special city council meeting shall be posted in the office of the city clerk and on the city bulletin board at least forty-eight hours prior to any such meeting. Such posting shall not preclude the city council from the introduction of additional agenda items as allowed by the city council's rules of procedure. Every matter coming before the city council for action shall be put to a vote, the result of which shall be duly recorded. All city council votes on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the city council shall be kept by the clerk of the city council and shall be open to inspection by the public as required by law. The rules of procedures of the city council shall provide for a period of public comment at regularly scheduled meetings of the city council. Any members of the city council or the mayor may submit an item or measure to the city council for consideration.

**Addendum G**  
**"Amesbury Home Rule Charter: Section 2-7(b)"**  
**(Addendum G is attached as reference material only)**

**Section 2-7 Communications to the City Council; Special Meetings of the City Council**

**(b) Call for Special Meetings of the City Council**

The mayor may at any time, call a special meeting of the city council by causing a notice of such meeting specifying the matters which the mayor desires to be considered to be left at the usual place of residence or business of each council person, or given to such councilors in hand. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight hours in advance of the time set for such meeting and shall specify the purpose or purposes for which the meeting is to be held.

**Addendum H**  
**"Amesbury Home Rule Charter: Section 4-7"**  
**(Addendum H is attached as reference material only)**

**Section 4-7 Vacancy in Elected Offices Other Than the Mayor and City Council**

If a vacancy occurs in the membership of the school committee, planning board, board of library trustees, or housing authority, whether by failure to elect or otherwise, the remaining members of said board or committee shall notify the president of the city council who will declare such vacancy to exist. The council president shall, within thirty days following the date such vacancy is declared to exist, call a joint meeting of the city council and the remaining members of the board or committee on which such vacancy exists for the purpose of filling said vacancy. At any such joint meeting a majority of those present and voting shall choose the unelected candidate who received the highest number of votes, if any, at the last regular city election immediately preceding the date of the vacancy for the seat declared vacant, provided however, that the unelected candidate shall have received at least thirty (30) percent of the total votes casts for that office. Should more than one unelected candidate meet the criterion as described above, the vote of the affected board or committee and the council shall include all such candidates.

If there is no eligible candidate for said office, or the said candidate declines to be sworn to office within ten days, or has removed from the city, or is otherwise unable to serve, the city council and such other board or committee will choose from among the voters entitled to vote for such office. Said vacancy shall be posted for a minimum of thirty days, and the council and the affected board shall meet at a special council meeting called for the purpose or at a regularly scheduled council meeting where such candidates will be granted equal time to speak. At the same meeting, or the next following meeting, the council and the affected board shall vote to fill the vacancy from among the announced candidates. The council and the affected board or committee shall act in this matter as a committee of the whole, requiring a majority vote of the full council membership and remaining members of the affected board or committee, to choose the candidate to fill the vacancy.

Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. If a vacancy is filled under this section, the term of office of which shall continue beyond the next regular election, the person chosen to fill said vacancy shall only serve until such next regular election. At such regular election the voters shall fill the unexpired balance of the term of office.

Should the remaining members of the school committee, planning board, board of library trustees or housing authority fail to declare a vacancy, the city council shall be the sole judge of whether a vacancy exists in the office of any elected office under this section and may declare any such elected office vacant by a majority vote of the council.

**Addendum I**  
**"Amesbury Home Rule Charter: Section 5-5"**  
**(Addendum I is attached as reference material only)**

**Section 5-5 Annual Audit**

The City council shall provide for an annual audit of the books and accounts of the city and the school department to be made by a certified public accountant, or firm of certified public accountants who shall have no personal interest, direct or indirect in the fiscal affairs of the city government. The city council shall publish in at least one newspaper of general circulation in the City a notice stating the availability of the final audit report for public inspection.

**Addendum J**  
**"Amesbury Home Rule Charter: Section 3-4"**  
**(Addendum J is attached as reference material only)**

**Section 3-4 Filling of Vacancies**

If a vacancy occurs in the office of city councilor, whether by failure to elect or otherwise, The vacancy shall be filled by the unelected candidate receiving the highest votes in the same election, if any, provided that the candidate received at least thirty percent of the vote for that office. Said candidate shall be notified by the city clerk of the vacancy, and if the candidate declines to be sworn into office within ten days, has moved from the city, or is otherwise unable to serve, the council shall choose a successor to fill the vacancy from among the voters entitled to vote for such office. Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held within 120 days following the date the vacancy is declared to exist. The city council shall be the sole judge of whether a vacancy shall exist in the office of city councilors and may declare an office vacant by a majority vote of the council.

**Addendum K**  
**"Amesbury Home Rule Charter: Section 3-9"**  
**(Addendum K is attached as reference material only)**

**Section 3-8 Inquiries and Investigations**

The city council may require the mayor or any city officer or employee or member of an appointed board, commission or committee to appear before it or a subcommittee of the city council, and give such information as the city council may require in relation to the office or position held by or administered by such person, its function, and performance. The city council shall give at least five days written notice of the scope of the inquiry, which is to be made to any person the city council shall require to appear before it under this section.

The city council may make investigations into the affairs of the city and into the conduct of any city agency. For this purpose the city council may subpoena witnesses, administer oaths and require the mayor, any city officer or employee or a member of an appointed board, commission or committee to appear before the city council or its subcommittee and produce such evidence as requested by the city council.

**Addendum L**  
**"Twelfth Session City Council Committee Appointments"**

The Twelfth Session City Council members:

- |                                 |                                    |
|---------------------------------|------------------------------------|
| <u>1) Steven J. Stanganelli</u> | <u>At-Large</u>                    |
| <u>2) Adrienne Lennon</u>       | <u>At-Large</u>                    |
| <u>3) Scott Mandeville</u>      | <u>At-Large</u>                    |
| <u>4) Pamela Gilday</u>         | <u>District 1</u>                  |
| <u>5) Anthony Rinaldi</u>       | <u>District 2</u>                  |
| <u>6) Matthew Einson</u>        | <u>District 3 – President</u>      |
| <u>7) Nicholas Wheeler</u>      | <u>District 4 – Vice-President</u> |
| <u>8) Timothy Kisieleski</u>    | <u>District 5</u>                  |
| <u>9) Michael Hogg</u>          | <u>District 6</u>                  |

**Standing Committee on Finance - The Committee shall be a committee of the whole**

- |                                 |                                |
|---------------------------------|--------------------------------|
| <u>1) Councilor Stanganelli</u> | <u>6) Councilor Einson</u>     |
| <u>2) Councilor Lennon</u>      | <u>7) Councilor Wheeler</u>    |
| <u>3) Councilor Mandeville</u>  | <u>8) Councilor Kisieleski</u> |
| <u>4) Councilor Gilday</u>      | <u>9) Councilor Hogg</u>       |
| <u>5) Councilor Rinaldi</u>     |                                |

**Standing Committee on Ordinance - The Committee shall have 5 members**

- 1) Councilor Rinaldi
- 2) Councilor Mandeville
- 3) Councilor Lennon
- 4) Leonard W. Johnson
- 5) Bethany Raffa

**Standing Committee on Audit and Oversight - The Committee shall have 3 members**

- 1) Councilor Stanganelli
- 2) Councilor Hogg
- 3) Councilor Rinaldi

**Standing Committee on Joint Education**

- |                                 |                                   |
|---------------------------------|-----------------------------------|
| <u>1) Councilor Kisieleski</u>  | <u>4) School Committee member</u> |
| <u>2) Councilor Stanganelli</u> | <u>5) School Committee member</u> |
| <u>3) Councilor Gilday</u>      | <u>6) School Committee member</u> |

**Standing Committee on Rules and Procedures**

- 1) Councilor Lennon
- 2) Councilor Mandeville
- 3) Councilor Wheeler

**City Council Representation on Traffic and Transportation**

Councilor Einson

**City Council Representation on Master Plan Implementation Committee**

Councilor Wheeler

**City Council Representation on Energy Committee**

- 1) Councilor Rinaldi
- 2) Councilor Gilday

**City Council Representation on School Space Committee/Public Building and Infrastructure**

- 1) Councilor Wheeler
- 2) Councilor Kisieleski

**City Council Representation on Open Space, Natural Resources and Trails Committee**

- 1) Councilor Lennon
- 2) Councilor Wheeler

**City Council Liaison to Amesbury Chamber of Commerce**

Councilor Gilday

**CDBG Planning Advisory Liaison**

Councilor Gilday

**Ordinance Review – Per Charter Section 9-7**

To Be Determined

**Addendum L**  
**"Eleventh Session City Council Committee Appointments"**

The Eleventh Session City Council members:

- |                          |              |             |
|--------------------------|--------------|-------------|
| — Christian R. Scorzoni  | — At Large   | — President |
| 1. Donna M. McClure      | — At Large   |             |
| 1. Steven J. Stanganelli | — At Large   |             |
| 1. Pamela Gilday         | — District 1 |             |
| 1. Mary Louise Bartley   | — District 2 |             |
| 1. Matthew Einson        | — District 3 |             |
| 1. Nicholas Wheeler      | — District 4 |             |
| 1. Joseph McMilleon      | — District 5 |             |
| 1. Richard Marggraf      | — District 6 |             |

**Standing Committee On Finance:** The Committee shall be a committee of the whole

- |                          |   |                        |
|--------------------------|---|------------------------|
| 1) Councilor Scorzoni    | — | 6) Councilor Einson    |
| 2) Councilor McClure     | — | 7) Councilor Wheeler   |
| 3) Councilor Stanganelli | — | 8) Councilor McMilleon |
| 4) Councilor Gilday      | — | 9) Councilor Marggraf  |
| 5) Councilor Bartley     | — |                        |

**Standing Committee On Ordinance:** The Committee shall have 5 members

- |                                  |   |                               |
|----------------------------------|---|-------------------------------|
| 1) Councilor Mary Louise Bartley | — | 2) Councilor Richard Marggraf |
| 3) Councilor Nicholas Wheeler    | — | 4) Leonard W. Johnson         |
| 5) Bethany Raffa                 | — |                               |

**Standing Committee on Audit and Oversight:** The Committee shall have 3 members

- |                        |   |                       |
|------------------------|---|-----------------------|
| 1) Councilor McMilleon | — | 2) Councilor Marggraf |
| 3) Councilor Bartley   | — |                       |

**Standing Committee on Joint Education Committee**

- |                            |   |                            |
|----------------------------|---|----------------------------|
| 1) Councilor McMilleon     | — | 2) Councilor Stanganelli   |
| 3) Councilor Gilday        | — | 4) School Committee member |
| 5) School Committee member | — | 6) School Committee member |

**Standing Committee on Rules and Procedures**

- |                        |   |                       |
|------------------------|---|-----------------------|
| 1) Councilor Bartley   | — | 2) Councilor Marggraf |
| 3) Councilor McMilleon | — |                       |

**City Council Representation on Traffic and Transportation**

1) Councilor Einson

**City Council Representation on Master Plan Implementation Committee**

Councilor Marggraf

**City Council Representation on Energy Committee**

1) Councilor McMilleon ————— 2) Councilor Gilday  
3) Councilor Stanganelli

**City Council Representation on School Space Committee**

Councilor Wheeler

**City Council Representation on Open Space, Natural Resources and Trails Committee**

1) Councilor Gilday ————— 2) Councilor Wheeler

**City Council Liaison to Amesbury Chamber of Commerce**

1) Councilor Stanganelli

## Addendum M

### Purpose of Public Hearings

In order to ascertain the will of the people to carry out the provisions of Massachusetts General Laws, the City Charter, ordinances and regulations City boards may be required to hold public hearings.

Hearings are not intended to a popular referendum for determining the will of the public present. They do not relieve the duly constituted City officials from their duty to make objective decisions based on the facts presented.

Public hearings are designed to provide a forum for the presentation of factual information, which is pertinent to the officials' decision process. They are not a debate on the merits of the matter. They should always be conducted in a professional manner based on fact not the personalities involved.

Properly noticed public hearings should be conducted in essentially the following manner. Boards may choose to make minor amendments to these procedures (such as time of speaking)

#### ***Notice of Public Hearings:***

Notice of Public Hearings should be published in the local newspaper not less than seven nor more than fourteen days prior to the hearing, depending upon the subject matter; (City boards should reference the appropriate statutes or local laws for additional guidelines). The notice shall contain the date, time and place of the hearing and shall specify the purpose of the hearing.

#### ***Time for Consideration:***

Hearings and Matters noticed to be heard by a City board shall commence no earlier than the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

#### ***Continuance of Hearings:***

Any hearing being held, noticed, or ordered to be held by a City board may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided for under their appropriate Massachusetts General Law or City Ordinances.

#### ***Conduct of Hearings:***

When a matter for public hearing comes before a City board, the Presiding Officer shall open the public hearing and:

1. Call for a report on noticing from the board clerk/secretary. The report on noticing shall contain the name of the newspaper in which the notice was printed, the date on which it was printed and the language describing the matter.
2. Call for a report on written communications received by the clerk/secretary pertaining to the item being heard;
3. Request that staff present the staff report and any other relevant evidence. Presentation of the staff report prior to the formal opening of the Public Hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the Public Hearing.
4. The Presiding Officer shall then recognize the proponents or appellants, who shall be permitted five (5) minutes to present evidence related to the matter under consideration.
5. The Presiding Officer shall then recognize the opponents or defendants, who shall be permitted five (5) minutes to present evidence related to the matter under consideration.
6. The Presiding Officer shall then recognize members of the public who have completed a speaker's request slip for the matter and have submitted their request slip to the clerk/secretary. No person may speak without first being recognized by the Presiding Officer. The Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected persons. Comments from the public shall be limited to two (2) minutes per speaker for Public Hearings, unless the board affirmatively decides otherwise (written evidence, of any length may also be submitted).
7. Following public comments, the proponents/opponents (appellant/defendant) may present a wrap-up or rebuttal statement, not to exceed two (2) minutes in length.
8. The Presiding Officer shall then close the public testimony portion of the Public Hearing. Board

members may still, however, ask questions of staff or members of the public.

**Closing and Re-Opening the hearing:**

Upon conclusion of presentations and immediately prior to a motion on the matter, the Presiding Officer shall formally close the public hearing. Upon formally closing the public hearing, no additional public testimony shall be solicited or received without reopening the hearing. The hearing may not be reopened unless it is determined that no one in the audience has left the room since closure of the hearing. In the event the Presiding Officer is unable to make that finding, the hearing may not be reopened unless it is re-noticed for a future meeting.

**Evidence:**

All persons interested in the matter being heard by a City board shall be entitled to submit written evidence or remarks, as well as other graphic evidence. The board clerk/secretary as part of the official record shall retain all such evidence presented. Prior to declaring the public hearing open, the Presiding

Officer may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker.

**Deliberation:**

Upon completion of the public hearing the board may immediately take up the matter for debate and action or may postpone such debate and action until a later debate in order to provide members and opportunity to review testimony and written evidence.

**Role of Board Members:**

Members of the board who wish to ask questions of the speakers or of each other during the Public Hearing may do so. Members should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Members should avoid debate and expressions of personal opinion until after the close of the public testimony portion of the Public Hearing.

**Addendum N**

***Public Comment / Public Hearing Speaker's Request Form***

In order to be recognized to speak on any matter you must complete all sections of this form.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone ( ) \_\_\_\_\_

Matter(s) on which you would like to speak: \_\_\_\_\_

Please disclose any relationship as well as any direct or indirect financial interest you or a family member, may have with this matter:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have read and understand the rules of decorum printed on the reverse of this form.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **RULE 15 - DECORUM**

Members of the City council shall conduct themselves in an orderly and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the City council is maintained at all times. Members of the Council shall maintain a polite, respectfully and courteous manner when addressing one another, City staff and members of the public during meetings. It shall be the duty of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed.

### **RULE 15A – Decorum of Council Members**

- 1) Councilors should request the floor of the Presiding Officer before speaking.
- 2) A Councilor who is speaking shall attempt to avoid repetition and shall endeavor to limit comments to the subject matter at hand. Councilors should endeavor to express views without engaging in lengthy debates.
- 3) When a Councilor is speaking, other Councilors shall not interrupt or otherwise disturb the speaker, except by rising to a point of order, to a point of personal privilege, to a question of parliamentary procedure, or to doubt the presence of a quorum.
- 4) Councilors, upon recognition by the Presiding Officer, may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak
- 5) Councilors shall not engage the person addressing the Council in a dialogue with the City council or Council Staff, but shall confine communication to a question and answer format conducted through the Presiding Officer.
- 6) If a member of the audience has addressed the Council on matters which are not on the agenda, Councilors shall refrain from extended discussions of the matter. If a Councilor so wishes, the Councilor may, during the Councilor Comments portion of the meeting ask that the matter be placed on the next agenda.
- 7) No member in debate shall mention another member by name but may describe him or her by such designation as may be intelligible and respectful.
- 8) A member may rise to a point of personal privilege by leave of the Presiding Officer, but, shall not discuss pending questions and shall confine his or her remarks to statements which have been made regarding his rights, reputation, or conduct in his capacity as a City councilor.
- 9) A member may rise to ask questions of parliamentary inquiry by leave of the Presiding Officer, but, shall not discuss pending questions.
- 10) When a member is ruled out of order, he or she will immediately take his seat, unless permitted to explain, and the Council, if appealed to, shall decide on the case without debate, and if the decision is against the member, he shall not be permitted to speak.
- 11) The members of the Council shall not leave their place on adjournment until the Presiding Officer declares the Council adjourned.
- 12) When two or more members rise at the same time, the Presiding Officer shall name the member who is to speak first.

### **RULE 15B – Decorum of City Employees**

City employees shall not engage in public dialogue or debate with members of the public during public meetings. When addressed by the Council, staff shall respond in a polite and respectful manner.

### **RULE 15C – Decorum of the Public**

- a. **Members of the Audience.** Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City council meeting unfeasible. A member of the audience repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding Officer or a majority of the City council, be subject to ejection from that meeting.
- b. **Persons Addressing the City council**
  1. Any persons wishing to speak during the Public Comments portion of the meeting or on a Public Hearing item shall notify the Presiding Officer prior to the calling of the Public Comment of Public Hearing portion of the agenda.
  2. No person shall address the City council without first being recognized by the Presiding Officer.
  3. Each person addressing the City council shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the City council, be subject to ejection from that meeting.

### **RULE 15D – Decorum Enforcement**

Upon a violation of the rules of order and decorum established in this resolution, the procedure to enforce the rules is as follows:

1. **Warning.** The Presiding Officer shall request that a person who is violating the rules of decorum cease such conduct. If after receiving a warning from the Presiding Officer, the person persists in the violation, the Presiding Officer shall order the person to leave the City council meeting. If the person does not leave the meeting, the Presiding Officer may order any law enforcement officer who is on duty at the City council meeting as sergeant-at-arms to remove the person from the City council chambers.
2. **Removal.** Any law enforcement officer who is serving as sergeant-at-arms at the City council meeting shall carry out the orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the Presiding Officer, it shall be the duty of the sergeant-at-arms to remove from the City council meeting any person who is disturbing the proceedings of the City council.
3. **Resisting Removal.** Any person who resists removal by the sergeant-at-arms may be charged with a violation of the rules of order and decorum as well as any other applicable ordinance or law.
4. **Motion to Enforce.** If the Presiding Officer of the City council fails to enforce the rules of order and decorum set forth above, any member of the City council may move to require the Presiding Officer to do so, and an affirmative vote of the majority of the City council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City council, the majority may designate another member of the City council to act as Presiding Officer for the purpose of enforcing the rules of order and decorum established above.
5. **Clearing the Room.** If a meeting of the City council is disturbed or disrupted in such a manner as to make infeasible or improbably the restoration of order, the Presiding Officer or a majority of the City council may exercise the authority granted by statute by ordering the meeting room cleared. Members of the press shall be permitted to remain unless they have participated in the disruption. If any person persists in disorderly behavior after a warning from the Presiding Officer, the Presiding Officer may order the person to leave the meeting (reference Addendum C). The Presiding Officer may delegate enforcement authority for meeting decorum to the sergeant-at-arms at the beginning of each meeting. In such cases, the sergeant-at-arms shall enforce the provisions of this section unless overruled by a majority vote of the Council.

**Addendum N: Public Speaker Form**