

## **RULES AND REGULATIONS OF THE CITY COUNCIL**

### **ORGANIZATION**

Rule 1. The City Council shall meet for organization at ten o'clock in the forenoon on the first Monday of January following the regular municipal election and the members of the City Council shall severally make oath, before the City Clerk or a justice of the peace, to perform faithfully the duties of their respective office, except any member-elect not present shall make oath at the first regular meeting of the City Council thereafter which s/he attends.

For the purpose of organization, the City Clerk shall be temporary Chair until the President and Vice President are elected. The City Clerk shall open nominations and each candidate shall be nominated by name only and require a second to be considered. No other comment or information shall be made during the open nomination period. Once completed, the City Clerk shall close nominations and call the roll for elections. President nominee(s) must have a minimum of one year's experience on the Haverhill City Council to qualify for election.

The City Council shall, by majority vote of all members elected, elect a President and Vice President from its own members; and the persons elected shall likewise make oath to perform faithfully the duties of the respective offices to which they are so elected at the same meeting, except any member-elect not present shall make oath at the first regular meeting of the City Council thereafter which s/he attends.

The following year, the first Tuesday of January at 7:00 o'clock P.M., the members of the City Council shall meet for the purpose of organization for the election of President and Vice President in the same manner as the inaugural election.

Under the direction of the Chairperson of the Administration & Finance Committee and within the first sixty (60) days of each new legislative session, the members of the City Council shall vote to approve, amend, add, disapprove, or delete from its Rules and Regulations. The City Council may also amend, add, or delete from its rules throughout the year as also stated in Rule 34 with the majority approval of the full City Council.

### **REGULAR MEETINGS**

Rule 2. Regular meetings of the City Council shall be held every Tuesday at 7:00 o'clock P.M. except in June there shall be a meeting on the first, third and fourth Tuesday except when June has five Tuesdays then it will be first, third and fifth. From July until the second Tuesday after Labor Day, the Council shall meet every other week beginning with the second Tuesday of July. In September, starting with the second Tuesday after Labor Day, the Council shall return to its regular weekly schedule. The meeting(s) scheduled for the Tuesday before Thanksgiving and the Tuesday of the Christmas holiday week shall not be included in the Council's annual calendar of meetings. The meetings shall be held in the City Council Chambers, City Hall, unless a majority of the full Council votes to hold a meeting at an alternative location at least six days prior to such change. The City Council may at any meeting, by a majority vote, discontinue or add any further meetings not scheduled so long as such action is posted at least forty-eight (48) hours in advance in compliance with the Massachusetts Open Meeting Law (M.G.L. c.30A sections 18-25).

## **HOLIDAYS**

Rule 2A. Whenever the day set by these rules for any meeting of the City Council shall fall upon or immediately after a Monday holiday, then such meeting shall not be included in the Council's annual calendar of meetings.

## **MEETINGS OPEN TO PUBLIC**

Rule 3. Except in the case of executive sessions, all meetings of the City Council and of City Council Committees thereof shall be open to the public, and the presiding officer of the City Council shall in his/her sole discretion provide that citizens shall have up to three (3) minutes, unless a longer period is deemed necessary by the presiding Councilor to be heard at any such meeting in regard to any matter considered there. All meetings of the City Council shall conform to the Massachusetts Open Meeting Law.

## **SPECIAL MEETINGS**

Rule 4. The President, or in his/her absence the Vice President, of the City Council, or any four members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand or by electronic communication to each member of the City Council at least forty-eight (48) hours before the time of such meeting, and posted per the Massachusetts Open Meeting Law.

Every notice for a special meeting shall specify the subject(s) to be acted upon and the place and time where the meeting is to take place.

## **QUORUM**

Rule 5. Six (6) members of the City Council shall constitute a quorum.

## **REMOTE PARTICIPATION**

Rule 6. Remote participation of City Council meetings shall be conducted in accordance with the Code of the City of Haverhill, Chapter 66, Article III.

## **PRESIDING OFFICER**

Rule 7. The President, if present, shall preside at the meetings. In the absence of the President, the Vice President of the City Council shall preside or, in the absence of both, the next available Councilor in order of seniority in service on the City Council shall preside if s/he desires during the absence of both the President and the Vice President.

## **VACANCY IN THE OFFICE OF PRESIDENT OR VICE PRESIDENT**

Rule 8. If the office of President becomes vacant, the Vice President shall assume duties of the President or if the office of Vice President becomes vacant, the City Council, in the manner provided in Rule 1, shall at the next regularly scheduled meeting elect one of its

members to fill such office for the unexpired term, provided that no such vacancy shall be filled so long as there is a vacancy in the City Council.

### **DUTIES OF PRESIDING OFFICER**

Rule 9. The presiding officer shall preserve decorum and order, may speak to points of order in preference to other members; shall decide all questions of order, subject to any appeal to the City Council, regularly seconded; and no other business shall be in order until the question on the appeal shall have been decided. The vote upon the appeal from the ruling of the chair shall be by roll call and shall stand unless a majority of the votes are to the contrary. The chair shall be allowed to vote on any question of appeal.

The presiding officer or his/her designee shall report all votes and the presiding officer shall then declare the result, and if the result be in doubt, may call for a roll call vote. Such declaration, if not the result of a roll call, shall stand unless it is reversed by a roll call called for by any member.

### **RELINQUISHING THE CHAIR**

Rule 10. When the presiding officer desires to relinquish the chair, s/he shall call upon the Council Vice President, and, if not present, s/he shall call upon the next available Councilor in order of seniority in service on the City Council but such substitution shall not continue beyond the will of the presiding office so relinquishing the chair or beyond any adjournment, except as hereafter provided. For practical and logistical purposes, at all Council meetings the Vice President shall sit to the immediate right hand of the President, (chair 4) and with at-large Councilors seated in descending order of election and ward Councilors seated in order of the ward they represent (1, 2, 3, 4, 5, 6, and then 7), all as arranged by the President.

If the presiding officer wishes to present an agenda item or participate in any subject under debate, s/he shall relinquish the chair as above provided and shall not resume the chair until that particular agenda item is concluded.

The presiding officer may, however, express a final opinion on any subject in which debate has concluded, without relinquishing the chair.

### **COMMITTEES**

Rule 11. The President of the City Council shall appoint all standing committees, all special committees, shall fill any committee vacancy and designate the rank of the members of each committee unless specifically directed otherwise by a majority of the council. There shall be the following standing committees:

1. Administration & Finance Committee (A&F): Department of Finance & Records; and Law
2. Natural Resources & Public Property Committee (NRPP): Water and Wastewater; Energy Conservation; Conservation Commission; Public Buildings; Assessors; Parks and Playgrounds
3. Planning & Development Committee (P&D): Department of Community Planning and Development; Planning Department; Engineering; Information Technology.

4. Public Health, Safety & Works Committee (Public Safety): Department of Law Enforcement; Department of Fire Safety Services; Public Works; Public Health.
5. Citizens Outreach Committee: Constituent and Neighborhood Groups

The City Councilor responsible for initiating an item at an official Council meeting, which is then forwarded to the Mayor, City Department Head(s) or Committee(s) for further study and review, is personally and solely responsible for facilitating all necessary steps for that item's final disposition. The procuring Councilor must also make him/herself available at all of the Committee meeting(s) upon which said item is to be reviewed. The Committee Chairperson shall make reasonable efforts to set the meeting date(s) to accommodate the procuring Councilor's schedule. However, if the Chairperson believes that the issue at hand cannot be delayed, a meeting may be called without the procuring Councilor in attendance. In which case, the item can be acted upon, continued, or disposed. Failure or inability of procuring Councilor to attend the meeting to which the item is scheduled to be heard shall result in said item being dealt with without the procuring Councilor's participation or being continued to the next meeting of the Committee.

Each Committee Chairperson shall ensure items referred to Committee be reported on as soon as reasonably possible after item is referred. On any item submitted to Committee of the City Council, the President shall have final authority as to which Committee or to which department an item will be forwarded to. Any item submitted to Committee of the City Council shall be reported back to the City Council with recommendation(s) for action, if any whenever reasonably possible. The City Council Vice President shall ensure that items referred to Committee be updated on within 30 days of referral by the Committee Chairperson at the end of a Council meeting agenda order of business #18. Items that cannot be reported out or acted upon within 60 days may be transferred to a long-term study list as detailed in Rule 28.

The meetings of the standing committees of the City Council shall be held on Mondays, Wednesdays or Thursdays no earlier than 6:00 PM in the City Council Chambers, Room 202, except in cases where the subject matter to be discussed is deemed by the Committee Chairperson to be more appropriate at another day, time or place. All Committee meetings shall be scheduled in compliance with the Massachusetts Open Meeting Law.

### **SUFFICIENCY OF VOTE**

Rule 12. The affirmative vote of a majority of all the members elected to the City Council shall be necessary for the passage of any order, ordinance, resolution, or vote except as noted herein or otherwise provided by the General Laws. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the City Council.

Subject	Legal Reference	Quantum of Vote	Number of Votes <sup>1</sup>
Specify/change purpose of or appropriate from a general stabilization fund	MGL c. 40, §5B	2/3	8 votes
Deposits into stabilization fund or appropriations from specialized stabilization fund	MGL c. 40, §5B	Majority	6 votes
To incur debt within debt limit for certain municipal purposes (loan orders) <sup>2</sup>	MGL c. 44, §7	2/3	8 votes
To incur debt outside debt limit for certain municipal purposes (loan orders) <sup>3</sup>	MGL c. 44, §8	2/3	8 votes
To pay unpaid bills from a previous fiscal year which may lack sufficient appropriation	MGL c. 44, §64	2/3	8 votes
Annual budget	MGL c. 44, §32	Majority	6 votes
Increase annual school budget appropriation	MGL c. 44, §32	2/3	8 votes
Salary appropriation	MGL c. 44, §32; Ord. §3-4	Majority	6 votes
Salary ordinance (increase)	MGL c. 44, §33A	2/3	8 votes
Transfer from one department to another	MGL c. 44, §33B	2/3	8 votes
Transfer within department	MGL c. 44, §33B	Majority	6 votes
Contracts subject to MGL c. 30B with a term greater than three years	MGL c. 30B, §12	Majority	6 votes
Purchase or taking by eminent domain of real property interest, including leases	MGL c. 40, §14; Charter §30	2/3	8 votes
To take or purchase land for public domain <sup>4</sup>	MGL c. 45, §19	2/3	8 votes
Sale or abandonment of municipal property interest which was not acquired by purchase	MGL c. 40, §15	2/3	8 votes
Transfer municipal land to another board/officer	MGL c. 40, §15A	2/3	8 votes
*Zoning ordinances and amendments <sup>5</sup>	MGL c. 40A, §5	2/3 or Majority	6 or 8 votes
**Zoning special permits <sup>6</sup>	MGL c. 40A, §§9-10	2/3 or Majority	6 or 8 votes
Storage of explosives license (permit from Police Chief and endorsement from Fire Chief are prerequisites)	MGL c. 148, §13; Ord. c. 145, Art. I	Majority	6 votes
Minor's license for theatre participation	MGL c. 149, §105; Ord. c. 171, Art. II	Majority	6 votes
Fortune tellers license	MGL c. 140, §185I; Ord. c. 156	Majority	6 votes
Junk dealer license	MGL c. 140, §54; Ord. c. 167	Majority	6 votes
Pawnbroker license	MGL c. 140, §70; Ord. c. 187	Majority	6 votes
Auction special permit	MGL c. 100, §10; Ord. §108-2	Majority <sup>7</sup>	6 votes

<sup>1</sup> Per Haverhill's Charter §18, a majority of the Council shall constitute a quorum and the affirmative vote of a majority of all the members of the Council is required to pass motions, resolutions and orders. Thus, even where a statute may allow a majority or two-thirds of those present and voting for passage, the Charter requires a majority or two-thirds of Council's entire membership for passages (6 or 8 votes respectively).

<sup>2</sup> See M.G.L. c. 44, §7 for list of appropriate municipal purposes.

<sup>3</sup> See M.G.L. c. 44, §8 for list of appropriate municipal purposes.

<sup>4</sup> Per M.G.L. c. 45, §19, such public domain shall be devoted to the culture of forest trees, or to the preservation of the City's water supply.

<sup>5</sup> Per M.G.L. c. 40A, §5, the type of action contained in the ordinance or amendment thereto determines the vote required for approval and the number of votes necessary for passage.

<sup>6</sup> Per M.G.L. c. 40A, §§9-10, the type of action contained in the special permit application determines the vote required for approval and the number of votes necessary for passage.

<sup>7</sup> In accordance with Ordinance §108-2, "[i]f the City Council is unable to take up a pending application for a special permit within six business days of the filing of an application for a special permit, then the City Council President shall be empowered to designate the terms

Auctioneer annual permit	MGL c. 100, §10; Ord. §108-3	Majority <sup>8</sup>	6 votes
Amusement licenses and permits	Ord. c. 104 <sup>9</sup>	Majority	6 votes
Solicitor/canvasser license	Ord. c. 191, Art. II	Majority	6 votes
Hawkers/peddler/transient vendor license	Ord. c. 191, Art. IV	Majority	6 votes
Exterior vending machine license	Ord. c. 191, Art. VI	Majority	6 votes
Food truck license	Ord. c. 191, Art. VIII	Majority	6 votes
Signage or public way obstruction permit	Ord c. 222, Art. IV & Art. VIII	Majority	6 votes
Street revision, discontinuance, or acceptance	Ord. c. 222, Art. I	Majority	6 votes
Permit for construction under streets	Ord. c. 222, Art. V	Majority	6 votes
Taxicab or bus/limo/van license	MGL c. 159A, §1; Ord. c. 230	Majority	6 votes
Suspend rules	CC Rule 34	Majority	Of councilors present
Override Mayor's veto	MGL c. 43, §55	2/3	8 votes
Motion to Censure	CC Rule 41	N/A	8 votes
Adoption of motion, resolution, or ordinance	Charter §18	Majority	6 votes
Declaration of emergency (prior to passage of ordinance as emergency measure)	Charter §20	2/3	8 votes
To amend a document	CC Rule 12	Majority	6 votes
To rescind or expunge a document	CC Rule 12	2/3	8 votes

**NOTE:** The Council can only take action on an item if a quorum is present, including tabling a matter. If there is no quorum present, the Council must wait to take any action until the next meeting where a quorum is present and the topic has been properly noticed.

\*Adoption or amendment of a zoning ordinance requires a two-thirds vote for passage except for the following which only require a majority vote<sup>10</sup> (topics shall not be combined if they require a different quantum of vote):

1. an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;
2. an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;
3. zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and

of and issue said special permit." However, please note that in accordance with M.G.L. c. 100, §10, if the permit application is not acted upon within six business days, it will be constructively approved. This means that any terms must be included before constructive approval.

<sup>8</sup> In accordance with Ordinance §108-3, "[i]f the City Council is unable to take up a pending application for an annual permit within 14 business days of the filing of an application for an annual permit, then the City Council President shall be empowered to designate the terms of and issue said annual permit." However, please note that in accordance with M.G.L. c. 100, §10, if the permit application is not acted upon within fourteen days, it will be constructively approved. This means that any terms must be included before constructive approval.

<sup>9</sup> Multiple statutes are implicated as follows: M.G.L. c. 140, §§56A, 177, 177A, and 181.

<sup>10</sup> If a written protest against a zoning change under this section is filed with the City Clerk, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

4. the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R.

\*\* Approval of special permits for a board with more than five members requires a two-thirds vote for passage except for the following which only require a majority vote (variances also require only a majority vote):

1. multifamily housing that is located within 1/2 mile of a commuter rail station, subway station, ferry terminal or bus station; provided, that not less than 10 per cent of the housing shall be affordable to and occupied by households whose annual income is less than 80 per cent of the area wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in section 31 of chapter 184;
2. mixed-use development in centers of commercial activity within a municipality, including town and city centers, other commercial districts in cities and towns and rural village districts; provided, that not less than 10 per cent of the housing shall be affordable to and occupied by households whose annual income is less than 80 per cent of the area wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in section 31 of chapter 184; or
3. a reduced parking space to residential unit ratio requirement, pursuant to this section; provided, that a reduction in the parking requirement will result in the production of additional housing units.

### **EVERY MEMBER SHALL VOTE EXCEPT AS PROVIDED IN THIS RULE**

Rule 13. Every member present when a question is put shall vote, unless any Councilor for special reason(s) or a conflict of interest stated at the introduction of an agenda item shall be excused from voting. Any Councilor who declares an intent not to participate in an agenda item shall leave the Council Chambers until such time as the agenda item has concluded. No member shall leave the Council Chambers without permission of the chair if his/her presence is necessary to make a quorum.

### **MANNER OF VOTING YES - NO - VOICE VOTE**

Rule 14. Final votes of the City Council shall be by individual voice vote by YES or NO and shall be entered on the records. The presiding officer shall always vote last.

With the exception of votes for orders, ordinances and Council votes necessary under the Plan A form of government, the President may proceed by voice vote of the City Council unless objected to by another member of the City Council in which case the vote shall be recorded as stated above.

Notwithstanding the language contained in Rule 12, no member shall vote on any question or serve on any committee where his/her private right is immediately concerned, distinct from the public interest.

Rule 15. Prior to the announcement by the Chair of the result of a roll call vote, any Councilor may ask to have his/her name called again in order to record him/herself differently.

### **GAINING THE FLOOR**

Rule 16. Every Councilor, when wishing to speak, shall raise his/her hand respectfully or, if available, signal the Chair by some other acceptable manner, asserting his/her desire to gain the floor and wait until s/he is recognized.

### **EVERY ORDER OR RESOLUTION MUST BE ENDORSED**

Rule 17. No order or resolution shall be received or acted upon unless endorsed by a member of the Council and properly seconded.

### **WITHDRAWING NOTICE**

Rule 18. After a motion is stated or read by the Chair and properly seconded, it shall be deemed to be in possession of the Council, and shall be disposed of by vote, but the mover or seconder may withdraw it at any time before a decision or amendment.

### **PETITIONS ONCE REJECTED**

Rule 19. Except as otherwise might be provided specifically in the Massachusetts General Laws, whenever final action on any order, ordinance, petition, question, discussion, or public participation has been taken by the City Council, no further order, ordinance, petition question, discussion, or public participation which in substance is the same as heretofore acted upon, shall be resubmitted to the Council within six months from the time of the Council's previous action thereon unless two-thirds of the Council consents in writing for its resubmission.

Nothing in this rule shall be intended to waive provisions of Rules 23 and 24 and said rule shall not be considered inconsistent with said rules numbered 23 and 24.

### **ORDINANCE AND BOND ORDERS REFERRED TO CITY SOLICITOR**

Rule 20. Every ordinance and every order for a bond issue shall upon its first reading or filing and before its passage, be referred to the City Solicitor, who shall forthwith examine the same as to its legality and notify the Council of his/her findings.

That it be a standing rule of this Council that no final or definite action be passed by this Council in the matter of abatement of betterment assessments until such time as the legality of a proposed abatement be approved by the City Solicitor.

### **MUNICIPAL EMPLOYEE CONTRACTS AND SALARY ORDINANCES**

Rule 21. All municipal collective bargaining agreements and other employment contracts sent to the City Council by the Mayor shall be placed on file with no further action taken, except as to the appropriation of funds necessary to fund the collective bargaining agreements and employment contracts. The approval of any change or alteration to a salary ordinance which requires an increase in wages or other financial benefits to employees shall not be acted on until such time as a financial disclosure form, agreed to by the Mayor and City Council, signed by the Auditor, Department Head and the Human Resources Director is provided to the Council.

## **ENACTING STYLE**

Rule 22. All by-laws passed by the City Council shall be entitled ordinances and the enacting style be "Be it ordained by the City Council of the City of Haverhill". In all votes by which the City Council expresses anything by order or by command, the enacting style shall be "Ordered:" and in all votes by which the City Council expresses opinions, principles, facts or purposes, the enacting style shall be "Resolved".

Rule 23. When a question is under debate, the chair will receive motions in accordance with Order of Precedence outlined in "Robert's Rules of Order".

## **PREVIOUS QUESTION**

Rule 24. The previous question shall be put in the following form: "Move the main question." Once seconded, all further amendment or debate of the main question shall be suspended until the previous question is decided.

On the previous question, not exceeding five minutes shall be allowed for debate, which shall be confined to giving reasons why the main question should not be put, and no member shall speak more than two minutes.

## **RECONSIDERATION**

Rule 25. After a vote has been taken, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, or to file with the City Clerk, not later than twelve o'clock noon of the second business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notice of reconsideration, the Clerk shall place it on the calendar for the next regular meeting or for any intervening special meeting, provided the same is included in the call thereof.

Whenever a written notice of a motion to reconsider has been filed as aforesaid, the Clerk shall notify all of the members of the City Council and any parties that spoke at the Council meeting when the original vote was taken. In the case of a question decided by a tie vote, the prevailing side shall be considered to be the one in whose favor the question was decided. Not more than one motion for reconsideration of any vote shall be entertained, and no vote upon either of the following motions shall be reconsidered: viz: to adjourn; to lay on the table; to take from the table and the previous question.

## **KEEPER OF THE RECORD**

Rule 26. The Clerk or her/his designee shall attend and keep the records of all meetings of the Council. S/he shall record the names of the members present and shall have the care and custody of the city records, and all documents, maps, plans and papers pertaining to the business of the City Council.

## **PAPERS MUST BE FILED BEFORE 9:00 A.M. FRIDAY BEFORE MEETING**

Rule 27. All papers of whatever description which may require action by the City Council shall be presented to the City Clerk not later than 9:00 A.M. on the Friday preceding the day of each regular meeting, except when such preceding day is a holiday or City Hall is closed, then they shall be presented at the same hour on the Thursday preceding the day of the meeting. Papers presented after that hour on such day will not be considered until the next meeting, unless admission is approved by a majority of Councilors present.

### **CLERK SHALL PREPARE A LIST OF ALL MATTERS (AGENDA)**

Rule 28. The City Clerk in cooperation with the Council President shall prepare a list of all matters to come before the City Council at each meeting in accordance with the established order of business and shall deliver electronically to the Council office for each Councilor, a copy of the same on the same date that the agenda is prepared. In the event a Councilor desires the papers or portions of the papers to be delivered in paper form the Councilor shall so inform the City Clerk. Once provided the City Clerk shall not be required to provide paper copies of the same materials to the Councilor for future meetings on which the same matters appear.

As part of the agenda 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 report or action, along with the date submitted to the committee.

Rule 28A. No business or document scheduled to come before the City Council may be removed or omitted from the agenda prior to a meeting.

Rule 28B. The City Council shall allow for re-reading of all back up material related to any Ordinance before the vote is taken for passage.

Rule 28C. The President of the City Council shall not allow any communication or other matter to be placed on the agenda that does not conform with the City Council's Rules and Regulations or, if not governed by a rule or regulation, that does not conform with Robert's Rules of Order. The City Council President or presiding officer shall have oversight and discretion of the content of the final agenda to ensure compliance with the Massachusetts Open Meeting Law. Agenda items must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. And if in the sole determination of the presiding officer that specificity is lacking, the matter may be delayed until such information is obtained.

Rule 28D. If any items submitted for Council Agenda by Councilors appear to the Council President to be duplicates, the Council President must contact each Councilor involved to discuss the duplication. Resolution of the duplication shall be at the Council Presidents discretion with consultation with Councilors who have submitted duplicate items.

Rule 28E. Any person making a presentation or PowerPoint presentation shall provide the City Clerk and the City Council Administrative Assistant with a copy of any documents utilized. Documents and all presentations would be provided before the agenda closes. PowerPoint and other presentations shall be in a font that can be clearly read by the audience.

### **PUBLIC PARTICIPATION**

Rule 29A. Any Haverhill resident, organization or taxpayer may request through the President, or any other member, to be placed on the agenda for the next regularly scheduled meeting to speak about a matter or concern, provided it is related to issues that are within the Council's jurisdiction. The person shall be allowed up to three (3) minutes to speak, which time may be expanded or limited at the discretion of the presiding officer.

Rule 29B. Any Haverhill resident, organization or taxpayer may request, in writing, to speak to the City Council at the next regularly scheduled meeting by filing a completed request form with the City Clerk's Office. Request forms may be obtained at the City Clerk's Office or downloaded from the City of Haverhill Official web site. Requests to speak must be about a matter or concern that is related to issues that are within the Council's jurisdiction, and the written request to speak must contain details of the intended topic of discussion, and be specific enough to comply, in the opinion of the Council's presiding officer, with the Massachusetts Open Meeting Law. Any request form filed with the City Clerk's Office that appears to be complete will then be forwarded to the City Council's presiding officer in order to seek approval to place the request item on the next regular meeting agenda. In the event that a request to speak form is incomplete, vague or lacking, in the opinion of the Council's presiding officer, and requires additional time to obtain enough detail so that the item when placed on an agenda will adequately inform the general public as to the specific topic to be discussed and thereby complying with the Massachusetts Open Meeting Law, such delay may cause the request to be held until such time that sufficient additional information is added to the request. The responsibility to provide sufficient detail on the request forms and thereby prevent any delay in filing shall be the sole responsibility of the requesting party. The person making the request shall be allowed up to three (3) minutes to speak, which time may be expanded or limited at the discretion of the presiding officer. Note: for other methods of public participation, see Rules 3, 29A and 36.

## **EXAMINATION OF RECORDS OF PREVIOUS MEETING**

Rule 30. At each meeting of the Council, the records for the meeting shall be referred to a member thereof (excepting to the President) for examination; and for the next Council meeting s/he shall report the results thereof to the Chair who shall accept the minutes for the file unless objected by any City Councilor whereupon the Chair shall then place before the meeting the question of approval of the same.

## **ORDER OF BUSINESS**

Rule 31. At every regular meeting of the City Council the order of business shall be as follows:

1. Opening Prayer, and additional information at the discretion of the presiding officer
2. Pledge of Allegiance
3. Approval of the records of previous meeting
4. Assignment of minutes review for next meeting
5. Communications from the Mayor
6. Communications from Councilors to introduce an individual(s) to address the Council
7. Public Participation – Requests under Council Rule 29B
8. Communications and Reports from City Officers and Employees

9. Utility hearing(s) and related order(s)
10. Hearings and related Orders
11. Appointments
12. Petitions
13. Motions and Orders
14. Ordinances
15. Communications from Councilors
16. Unfinished business of preceding meetings
17. Resolutions to be "Resolved" and Proclamations to be "Adopted"
18. Council committee updates, reports and announcements

The above shall not be departed from except by permission of the presiding officer.

Any public hearing that is expected to exceed more than two hours in duration in the opinion of the City Council President, may be scheduled by the President as a special meeting to be held other than at the time of a regularly scheduled City Council meeting, provided that special Council meeting can be televised by the local cable channel.

### **PASSAGE AT ONE SESSION**

Rule 32. Except as otherwise might be provided specifically in the Massachusetts General Laws, any ordinance after having been placed on file for at least 10 days and approved to legality by the City Solicitor, and any order or resolution may be passed through all its stages of legislation at one session, provided that no member of the Council objects thereto; but if any member of the Council objects, the measure shall be postponed for that meeting.

### **PARLIAMENTARY PRACTICE**

Rule 33. In all matters of parliamentary practice not provided for in these rules or the Massachusetts Open Meeting Law, the City Council shall use "Robert's Rules of Order", the latest edition, as a guide.

Rule 34. Insofar as these rules are not of statutory source or origin, the same may be suspended at any meeting by a majority vote of all Councilors present, but not otherwise. Suspension of rules shall apply only for the subject matter under consideration and must be stated in detail prior to voting for said suspension of rules. A suspension of the rules to add an item to the agenda for discussion must be of exigent circumstances. Exigent circumstances shall not include any matter which could have been added to an amended agenda prior to the commencement of the meeting, in compliance with the Open Meeting Law.

Upon completion of process as stated in Rule 1 these rules may be amended or repealed by the vote of six Councilors but said amendment or repeal shall not be effective until the next regular meeting.

If any action is taken inconsistent with these rules, the same shall be construed to have been taken in suspension thereof provided there is a majority vote of all Councilors present, or there is no objection raised prior to the meeting being adjourned.

## **COUNCIL BUDGET**

Rule 35. Prior to the President's submission of the Council annual budget to the Mayor, the President shall seek input from each Councilor and each Councilor shall be allowed to provide his/her input into the City Council budget request.

## **HEARINGS**

Rule 36. All public hearings of the City Council will have the following guidelines. The proponent or petitioner will have up to thirty (30) minutes to make their presentation. The opposition will have up to thirty (30) minutes to make their presentation. Each side, proponent and opposition, will have up to five (5) minutes each for rebuttal after initial presentations. Anyone wishing to speak in favor of or against the proponent or petitioner shall be allowed up to three (3) minutes, in addition to the thirty (30) minutes each side is given to present. At the discretion of the presiding officer, a speakers' time may be extended or limited.

If a petitioner needs more time for a presentation, the presiding officer may at his/her discretion allow for additional time for any proponent or petitioner to complete a presentation, provided that an equal amount of time be granted to the opposition.

## **INDOCTRINATION OF NEW COUNCILORS**

Rule 37. It shall be the responsibility of the Council President to hold indoctrination for all new Councilors within thirty days of the final election. This also includes making available to Councilors Robert's Rules of Order in the City Council office and any other information that is pertinent for a smooth transition.

## **INTRADEPARTMENTAL COMMUNICATION**

Rule 38. Any individual Councilor or the Council body may make a formal request for information or ask pertinent questions of the Mayor, City Department Heads, Boards or Commissions pursuant to a matter placed on the Council meeting agenda provided, that, in all cases, the information requested, or questions asked, be in accordance with the following manner:

The City Council at any time may request from the Mayor specific information on any municipal matter within its jurisdiction and may request him/her to be present to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt by the Mayor of said questions. The Mayor shall personally, or through a designated representative, the head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The Mayor may attend and address the City Council in person or through the head of a department, or a member of a board, upon any subject.

## **USE OF CITY COUNCIL STATIONERY**

Rule 39. The use of City Council stationery with official letterhead shall be afforded to the Council President to communicate with any City Department, citizens, private businesses or

State and Federal entities as s/he deems necessary. However, any communication issued by any other Council member on said stationery with respect to an issue previously, presently or potentially under the auspices of the City Council, Mayor or any commission, committee, authority, board, task force or any other decision making body on the local, state or federal level, must be brought through the Council Administrative Assistant and must be copied and approved by the Council President before such letter is sent by mail, email, hand delivery or any other delivery process.

The Council President shall be responsible for alerting each newly elected Councilor of this rule during the orientation period outlined in Rule 37.

### **SPECIAL ELECTION AND BALLOT QUESTIONS**

Rule 40. Whenever the City Council votes for any special election or question to be placed on a ballot, the City Clerk shall immediately enter into the agenda for the following week an agenda item that would require providing a copy of the certified mail receipt to each Councilor. This would prove that the proper departments in local or state government have been notified of the special election or of the ballot question.

### **MOTIONS TO CENSURE**

Rule 41. A communication to place a motion to censure a member of the City Council on the agenda must be filed with the City Clerk in a timely manner and must be in writing and signed by no less than eight members of the City Council and must specify egregious behavior and/or conduct unbecoming of a City Councilor.