MAY 16 2016

RULES AND ORDERS

OF

CITY COUNCIL

Rule 1. MEETINGS.

Regular Meetings:

Every member of the Council shall have mailed or delivered to him/her at his/her residence, a written notice, stating the day and hour to which the Council stands adjourned, and shall give his punctual attendance accordingly.

Regular meetings of the City Council shall be held on the first and third Monday evening of each month, at 7 o'clock p.m. unless otherwise ordered. Five members shall constitute a quorum, for the transaction of business. A smaller number may meet and adjourn from time to time and may discuss any matters, but may take no action. Except as otherwise provided by general law or by Charter, the affirmative vote of five members shall be required to adopt any ordinance or appropriation order. Every adjourned sitting of the Council, except an adjourned special meeting or emergency meeting, shall constitute a regular meeting, and the order of business there at shall be as herein prescribed.

Special Meetings:

A special meeting of the Council shall be held at the call of the Council president, or on the call of any three or more council members, by written notice, signed by the Council president or such three councilors, delivered in hand or to the place of residence of all other Council members. In all respects, special meeting of the City Council and notices thereof shall comply with Section 2-6 (c) (ii) of the Charter.

Emergency Meetings:

In case of an emergency, of which the Council president shall be sole judge, emergency meetings may be held as provided by General Laws Chapter 39 Section 23B as it may be amended from time to time. Notice of an emergency meeting shall be delivered to all Council members in the most expeditious manner possible, including, but not limited to, by telephone or by electronic mail.

Whenever any written notice is required to be delivered by these Rules and Orders, such Notice shall be forthwith posted upon the City Bulletin Board and shall remain posted thereon until the time for such meeting has passed. If a written notice is created for an emergency meeting, such notice shall be posted in the same manner.

All sessions of the City Council and of every committee or subcommittee thereof, shall at all times be open to the public and to the press, unless another provision is made by law.

A full, accurate, up-to-date account of the proceedings of the City Council and of every sub-committee thereof shall be kept, which account shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting.

Duties and Powers of the Council President

Rule 2. The Council president shall preside at all meetings of the City Council, regulate its proceedings and shall decide all questions of order (See Rule 4). The Council president shall have the power to establish special sub-committees of the full Council and shall determine their composition. The Council president shall appoint all members of and designate the chairman of all sub-committees of the City Council, whether special or standing. The Council president shall have the same powers to vote upon all measures coming before the City Council as any other member of the City Council. The Council president shall perform such other duties consistent with the office as may be provided by Charter, by ordinance or by vote of the City Council.

Rule 3. As soon as practicable after the councilors-elect have been qualified following each biennial election, the members of the City Council shall elect from among its members a vice-president who shall act as president during the absence or disability of the Council president. When so acting, the Council vice president shall have all the powers of the Council president necessary to perform his duties as acting Council president.

Rule 4. The Council president shall preserve decorum and order, may speak to points of order in preference to other members, shall decide all question of order, subject to an appeal to the Council, and no other business shall be in order until the question on the appeal has been decided.

Rule 5. The Council president shall declare all votes. If any member doubts the vote, the Council president without further debate upon the question, shall require the members to vote by call of the roll and shall declare the result.

Rule 6. When the Council president desires to temporarily vacate the chair, he/she shall call the Council vice president to temporarily fulfill the duties as Council chair. In the event of the absence of, disability of, or declination by the Council vice president, the Council president may call any Council member to temporarily act as Council chair, but no such substitution shall continue beyond an adjournment.

Rule 7. The Council president may express his opinion on any subject under debate; but in such case he/she shall leave the chair as provided for by Rule 6 and shall not resume the chair while the question is pending, providing the same is taken before an

adjournment, He/she may, however, state facts and give his/her opinion upon questions of order without leaving his/her place.

Rule 8. When a motion is made to take a question by yeas and nays by call of the roll, the Council president shall call for vote by call of the roll if three members of the Council shall so request.

Rule 9. The Council president shall put all questions in the order in which they are moved, unless the subsequent motion be previous in its nature, and when a motion is made to refer any subject, and different committees are proposed, the question shall be taken in the following order:

To a Standing Committee of the Council

To a Special Committee of the Council

Rule 10. After a motion is stated or read by the Council president, it shall be deemed to be in the possession of the Council, and shall be disposed of by vote; but the mover may withdraw it at any time before decision or amendment with the unanimous consent of the Council.

Rule 11. When a question is under debate, the Council president shall receive no motion but

To adjourn.

To lay on the table.

For the previous question.

To postpone to a day certain.

To commit or refer.

To amend.

To indefinitely postpone,

which several motions shall have precedence in the above order, and the first three shall be decided without debate. The previous question shall be put in the following form; "Shall the main question be now put?" and all further amendments or debate of the main question shall be suspended until the previous question is decided. A motion to strike out the enacting clause of an ordinance shall be equivalent to a motion to postpone indefinitely.

Rule 12. A motion to move the question shall be put in the *following form: "I move* the question". If the motion is passed by a majority of the Council, all further amendments or debate of the question shall be suspended until a vote on the question is taken.

Rule 13 When two or more members wish to be heard at the same time, the Council president shall name the member who is entitled to the floor.

Rights and Duties of Members

Rule 14. Every member, when about to speak, shall be respectful to the Council President and to other Council members, shall confine him/herself to the question under debate, and shall avoid any reference to personalities.

Rule 15 No member speaking shall be interrupted by another, but by rising to a call to order or for explanation.

Rule 16. No member shall participate in the discussion of or vote on any question or serve on any committee where his participation would create a conflict of interest as defined in General Laws Chapter 268A Sections 1-23. All members are to be familiar with such General Law and are encouraged to seek guidance from the Massachusetts State Ethics Commission when appropriate.

Rule 17. Every member present, when a question is put, shall vote unless the Council for special reason shall excuse him/her or unless a member has recused himself or herself because he or she has a conflict of interest as set forth in Rule 16 above. Absent a recusal by a member or being excused by the Council from such vote, an abstention from vote shall be recorded as a vote against the question.

Rule 18. The clerk of the City Council shall hold every measure adopted by the City Council for a period of twenty-four hours, Saturdays, Sundays, legal holidays, and any other days when City Hall is closed for whatever reason excepted, and if during said time notice of an intent to file a motion to reconsider the matter is filed with the clerk of the Council by a member entitled to make such a motion, the measure shall be returned to the City Council for further action. Only members who voted on the prevailing side of the measure shall be entitled to file such a motion to reconsider. If no such statement of intent is filed with the clerk of the Council during such period the clerk shall, at the expiration of the said twenty-four hour period, forthwith present the matter to the mayor.

ORDER OF BUSINESS

Rule 19. At every regular meeting of the Council the order of business shall be as follows:

1. Roll call of Members.

2. Pledge of Allegiance to the Flag at which all persons present will comply

3. Comments by Citizens (subject to the conditions contained in Appendix A to the RULES AND ORDERS)

4. Suspension of Rules

5. Acceptance of Minutes of Previous Meeting

6. Appointments

7. Communications from His Honor the Mayor

8. Communications, and reports from other City Officers and Boards

9. Communications, applications and petitions

10. Reports of Committees

11. Resolutions

12. Unfinished business from previous meeting

13. Motions and Orders

14. Adjourn

And the above order of business shall not be departed from except by vote of a majority of the members of the Council present.

OF COMMUNICATIONS AND COMMITTEES

Rule 20. All petitions, memorials or remonstrances addressed to the Council shall be presented by the Council president who may explain the subject thereof, and it may lie on the table, to be taken up in order of presentation, unless the Council otherwise direct.

Rule 21. There shall be the following standing sub-committees of the Council:

1. A sub-committee designated as the Committee on Finance and Property, to whom the following matters should be referred in accordance with Rule 26 herein:

(a) Budget review and transfers, policy oversight and review, capital improvement planning, and other matters relating to the Department of Municipal Finance, the purchasing function, the Human Resources Department, and Management Information Systems.

(b) Matters relating to trust funds, appropriations, transfers of funds, authorization to spend funds, loans, options, pensions, salaries, audits, taxes, revaluation, users" fees, betterment assessments, contracts, acceptance of grants, overall operating budget review, utility petitions and other matters affecting the finances of the City. (For appropriations and expenditures see also Rule 26 herein.)

(c) Every measure, including but not limited to an appropriation, grant, salary, pension, loan, the levying of a tax, user charges, the assessment of a betterment, the sale or lease of City property, an option or contract, or any expenditure of money, unless the subject matter has already been acted on by the Committee on Finance and Property, shall be referred to the Committee on Finance and Property before it is presented to the full Council, whose duty it shall be to report on its relation to the finances of the City, but no new provisions shall be added to such measure by said committee, unless directly connected with a financial feature of the measure as drafted. Any measure, upon recommendation of another committee having jurisdiction of the same, may be considered by the Committee on Finance in advance of the presentation thereof to the Council.

(d) All budget transfers or appropriations shall, ordinarily, be referred only to the Finance Committee, provided, however, if the chairperson of the Committee on Public Service or the chairperson of the Committee on Legal Affairs requests that the item by jointly referred, by notification to the clerk's office, such requests shall be honored.

(e) Policy oversight and review, and other matters related to the Economic and Community Development Commission, the Community Development Block Grant Program, and the Building and Other Facilities, Planning and Construction Committee.

(f) Matters relating to the sale or lease of City-owned property.

(g) All other matters that the Council president deems appropriate or that the Council by its vote shall direct

2. A sub-committee designated as the Committee on Public Services, to whom the following matters should be referred in accordance with Rule 26 herein:

(a) Policy oversight and review, capital improvement programming, and other matters relating to the Human Services Department, the Department of Community Services including the Public Library, the Recreation Department, Veterans Services, the Health Department, the City Physician, Cemetery Management and Operations, the Beverly Public Schools, the Beverly Housing Authority.

(b) Policy oversight and review of the Library Board of Trustees, Recreation Commission, Board of Registrars, Beverly Youth Collaborative, Council on Aging, Cultural Affairs Commission, Commission on Disabilities, the Airport Commission,

the Beverly Golf and Tennis Club, the Beverly Harbor Management Authority and other boards or commissions related to Public Services.

(c) Matters relating to the inter-relationship of the School Committee, Beverly Public Schools, and other areas of City government; inter-governmental relations; maintenance of public grounds; housing services; elder services; children's services and services for persons with special needs.

(d) Policy oversight and review, and other matters relating to the Fire Department, Police Department, and Civil Defense (Emergency Preparedness) and utility petitions.

(e) Policy oversight and review, and other matters related to the Department of Public Services, including the Water and Sewer Division; Engineering Department; Hazardous Waste and Oversight Committee, Design Review Board.

(f) Matters relating to street acceptance, layout, relocation and discontinuance of public ways.

(g) All other matters that the Council president deems appropriate or that the Council by its vote shall direct

3. A sub-committee designated as the committee on Legal Affairs and Ordinances, to whom the following matters should be referred in accordance with Rule 26 herein:

(a) Review and make recommendations regarding all claims and legal settlements referred to the Council by the City Solicitor.

(b) Ongoing oversight and review of all ordinances in the City, recommending changes as appropriate and drafting new ordinances and amendments as necessary.

(c) Matters relating to the legal status of items previously passed by another committee.

(d) Policy oversight and review of the City Clerk, Clerk of the Council, Clerk of Committees and Rules of the Council.

(e) Matters relating to zone change petitions, sign permits; lodging house and dormitory licenses; licensing of automobile dealers; licensing of taxis, and all other licenses except those under the jurisdiction of the Licensing Board.

(f) Policy oversight and review of the Department of Planning and Development, Planning Board, Zoning Board of Appeals, Historic Commission, Historic District Commission, Conservation Commission, Law Department, and Licensing Board.

(g) Matters relating to the zoning map, comprehensive planning, open space planning and maintenance of conservation land, ward and precinct boundaries.

(h) Oversight of the Ordinance Review committees and the Charter Review committees as established by Charter, and matters relating to Home Rule Charter petitions.

(i) All other matters that the Council president deems appropriate or that the Council by its vote shall direct

The foregoing committees shall consist of three councilors each. The first Council member named shall be chairperson of the committee.

4. A sub-committee designated as Committee of the Whole which shall be composed of all City Council members and shall act upon and report upon all matters referred to it by the City Council President or upon request of at least three City Councilors. The Council president shall be the chairman of such Committee of the Whole and shall preside at all meetings. During the absence or disability of the Council president, or should the Council president desire to temporarily vacate the chair at any meeting of the Committee of the Whole, he may designate any Council member to chair such meeting or any portion of such meeting as he may direct. Five members of the Committee of the Whole shall constitute a quorum for the transaction of business, but a smaller number may meet and recess or adjourn the meeting and may discuss any matters, but take no action.

Nothing in these RULES AND ORDERS shall be construed to preclude the referral of any matter to more than one standing or special sub-committee either contemporaneously or serially.

Rule 22. All sub-committees of the Council shall cause records to be kept of their proceedings in books provided by the City for that purpose. They shall report by ordinance, order or resolve, unless otherwise provided by law. No sub-committee shall act by separate consultation and no report of a sub-committee as a body shall be received unless agreed to in sub-committee actually notified and assembled for the purpose in hand, and signed by a majority of the members of the sub-committee. Every sub-committee to which any subject may be referred, shall report thereon as soon as possible after full consideration thereof and a vote thereon; however, if the Council may, by majority vote, order any matter pending before any sub-committee to be acted upon by the sub-committee at its next meeting and/or to be forthwith returned to the full Council.

Rule 23. All By-Laws passed by the City Council shall be termed "ordinances" and the enacting style shall be "Be it ordained by the City Council of the City of Beverly." When the Council expresses anything by way of command the form of expression, shall be "Ordered"; and when the expression is of opinions, principals, facts, or purposes, the form shall be "Resolved".

Rule 24. All reports and other papers submitted to the City Council shall be written or printed, and no endorsement of any kind shall be made on the reports, memorials or other papers, excepting those made by the officers of the Council or in the name of the

member offering the same. Every member presenting an ordinance, order, resolve or report shall have his/her name endorsed thereon, and if he/she gives notice of his/her desire to be heard shall be informed by the clerk or chairman of the sub-committee to which the matter is referred of the time faced for its consideration by such sub-committee.

Rule 25. Whenever an ordinance, order, resolution or vote which is required by law to be presented to the Mayor shall be finally passed by the City Council, the City Clerk shall present the same after its passage without unnecessary delay, and shall enter upon the records of the City Council the date upon which it was presented and approved.

Rule 26. The reading of any ordinance, order or resolution at the time of presentation, when made the subject of reference to a sub-committee under Rule 21, shall not be deemed to be the first reading contemplated by Section 2-9 of the City Charter or by the RULES AND ORDERS of the Council. All orders, ordinances and resolutions shall require but one reading, except as otherwise provided in the City Charter.

DUTIES OF THE CLERK

Rule 27. In the absence of the Council president and the Council vice president, the clerk shall preside over meetings of the Council and in his/her absence the senior Council member present shall call the Council to order and preside.

Rule 28. The clerk shall attend and keep the records of all meetings of the Council, and shall have the care and custody of the city records, and of all documents, maps, plans and papers, respecting the care and custody of which no other provision is made.

Rule 29. All matters of every description to be presented at the meetings of the City Council, except communications from His Honor the Mayor, shall be filed with the clerk of the Council on or before twelve o'clock, meridian, two business days prior to meetings, provided, however, that any matter may be admitted late by a two-thirds vote of the Council, copies of the matter having been provided by the originator to the Clerk and Councilors for their consideration, prior to the vote to admit.

SUSPENSION OR AMENDMENTS

OF RULES AND ORDERS

Rule 30. These RULES AND ORDERS of business shall be observed in all cases unless suspended for a specific purpose by a two-thirds vote, or amended by a two-thirds vote of the Council. No amendment shall be acted upon until the next meeting of the Council after the same is submitted.

Rule 31. In all manner not inconsistent with the provisions of these RULES AND ORDERS, proceedings before the City Council shall be governed by Robert's Rules of Order.

PROHIBITIONS

No member of the City Council shall hold any other city office or city employment for which a salary or other emolument is payable from the city treasury. No former member of the City Council shall hold any compensated appointed city office or city employment until one year following the date on which such former member's service on the City Council has terminated.

APPENDIX A

COMMENTS BY CITIZENS

The comment period provided for by Rule 19 paragraph 3 of these RULES AND ORDERS is subject to the following conditions:

1. This comment period is limited to 15 minutes total.

2. Citizens wishing to address the City Council during this comment period must request that the City Clerk schedule them to speak. This must be done no later than 9:30 AM on the day of the City Council meeting at which the citizen desires to speak.

3. Each citizen shall be allotted 5 minutes to comment to the City Council.

4. The City Clerk shall insure that no more citizens shall be scheduled to comment than can be heard within the 15 minute time limit and citizens will be so scheduled on a first come first served basis.

5. The 5 minute and 15 minute time limit may be waived only by the City Council and only by a two-thirds vote as provided for by Rule 30 of the RULES AND ORDERS.

6. Citizens scheduled to comment to the City Council under this Rule shall be deemed out of order and may have their comment period terminated by the presiding officer for any of the following:

   a. The use of vulgar, profane, or disrespectful language.

   b. Ad hominem/personal attacks on any person.

   c. Political speech in support of or in opposition to any candidate for public office.

   d. Directing comments to any person other than the presiding officer of the meeting.

7. This is a comment period and not a question and answer period. Questions by citizens, except rhetorical questions, will be permitted only at the pleasure of the presiding officer.

8. These rules relative to a citizen comment period and the conditions imposed thereon are promulgated under Sec. 2-6 (c) of the City Charter.

9. Nothing herein shall be deemed to apply and/or restrict the rights of the City Council to have access to information under Section 2-7 of the City Charter, nor shall anything herein be deemed to limit the City Council as it shall see fit to suspend its RULES AND ORDERS at anytime under Rule 30 hereof.

(Order #326 of 2015)

APPENDIX B

REMOTE PARTICIPATION

Remote participation, as outlined in the Attorney General's "Open Meeting Law Guide", (18 March 2015 edition) and accepted for Beverly by the Mayor in 2014, is hereby allowed for Council Sub-Committee Meetings, but not for Regular, Special, nor Emergency Meetings of the Council itself.

(Order #112 of 2016)