

Rules of the City Council Medford, Massachusetts

ORGANIZATION

Rule 1.

The City Council shall meet for the purpose of organization at 7:00 in the P.M. on the first Tuesday in January so-called after the inaugural swearing-in ceremony of the Medford City Government, which includes the Mayor, City Council, and School Committee elected members.

The City Council at such inaugural swearing-in ceremonies shall severally make oath, before the City Clerk or a Justice of the Peace, to perform faithfully the duties of their respective offices, except that any member-elect not present shall so make one's oath at the first regular meeting of the City Council thereafter that one attends.

For the purpose of organization, the City Clerk shall be temporary Chairman until the President or Vice President of the Council has qualified.

The City Council shall by majority vote of all members elect a President and Vice President from its own membership, and the persons elected as such shall likewise make oath to perform faithfully the duties of their respective offices to which they are so elected. The office of the President of the City Council shall be guided by Massachusetts General Laws Chapter 43, Section 50.

MEETINGS

Rule 2.

Regular meetings of the City Council shall be held weekly on Tuesday evening at 7:00 o'clock in the P.M., except there shall be only one meeting during the months of July and August; and that there shall be at least two (2) meetings in September; they shall be held in the Council Chambers.

Unless the City Council shall vote to go into executive session, all meetings of the City Council, and of Committee thereof shall be open to the public and to the press, and the City Council shall provide that the citizens and employees of the City shall have reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

Except in an emergency no meeting of the City Council shall be held unless a notice of such has been filed at least forty-eight (48) hours prior to such meeting with the City Clerk. Upon receipt of such notice by the City Clerk he or she shall immediately cause the same or copy thereof to be posted publicly in his/her office. For the purpose of this section "emergency" shall mean a situation where immediate undelayed action is deemed to be imperative.

Rule 2. Cont.

The City Council shall maintain accurate records of their meetings, setting forth the action taken at each meeting. A summary of all matters voted shall be made available with reasonable promptness after each meeting. The records of each meeting shall become a public record and be available to the public upon being approved.

The City Council may at any meeting by a majority vote discontinue any further meetings herein before scheduled.

EXECUTIVE SESSION

Rule 2a.

Executive sessions may be held only for the purpose of discussing, deliberating, or voting on those matters which by general or special statute or Federal Grant-Aid requirements, cannot be made public, and those matters which if made public might adversely affect the public security, the financial interest of the City, or the reputation of any person.

The City Council shall maintain accurate records of such executive sessions, setting forth the action taken at each meeting. A summary of all matters voted shall be made available with reasonable promptness after each meeting, provided, however, that votes taken in executive session may remain secret so long as their publication would defeat the lawful purpose of the executive session, but no longer.

SPECIAL MEETINGS

Rule 3.

The President or Vice President of the City Council, or any three members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by persons calling the same, to be delivered in hand to each member of the City Council, or left at his usual dwelling place, at least forty eight (48) hours before the time of such meeting.

Every notice for a special meeting shall specify the subject matter to be acted upon, the time and specific place if necessary. Otherwise, all special meetings shall be held in the Howard F. Alden Memorial Chambers, City Hall, Medford, Massachusetts.

COMMITTEE MEETING WITH MAYOR

Rule 4.

The City Council shall meet with the Mayor monthly, except during the summer months. This meeting is to be held at 7:00 P.M., prior to the regularly scheduled meeting of the

Rule 4. Cont.

Medford City Council, and these meetings are to be called at the discretion of the President of the Council.

Rule 5.

Whenever the day set by these rules for any meeting of the City Council shall fall upon a holiday or the day before a holiday, then such meeting shall be held on the next succeeding week.

QUORUM

Rule 6.

Four members of the City Council shall constitute a quorum. Committee of the Whole meetings shall be postponed if a quorum is not present within twenty (20) minutes from the start of meeting.

PRESIDING OFFICERS

Rule 7.

The president of the City Council, if present, shall preside at the meetings. In the absence of the President, the Vice President of the City Council shall preside, and in the absence of both, a temporary Chairman shall serve who is senior in length of service, or if more than one have so served, then the member both in age and length of service shall serve 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 the President or Vice President becomes vacant, the City Council, in the manner provided in Rule 1, shall 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 any vacancy in the City Council.

DUTIES OF THE PRESIDING OFFICER

Rule 9.

The presiding officer shall preserve decorum and order, and shall decide all questions of order, subject to an appeal by the City Council, regularly seconded; and no other business shall be in order until the question on 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 question of appeal.

Rule 9 Cont.

The presiding officer shall declare all votes and, if the results be in doubt, may call for a standing vote. Such declarations, if not the result of a roll call, shall stand unless they are reversed by roll call called for by any member.

COUNCIL CHAMBER

Rule 10.

No person shall be admitted within the rail in the City Council Chambers, or in the members anterooms connected therewith, except upon permission of the President of the Council or other presiding officer.

Any and all Council members shall have his or her potential conflict of interest reviewed by making inquiry to the City Solicitor to rule on a Councillor's right to vote when a conflict of interest is raised.

No member shall vote on any question or serve on any committee where his private right is immediately concerned, distinct from the public interest.

RELINQUISHING THE CHAIR

Rule 11.

When the presiding officer desires to relinquish the chair, he/she may call any Councillor to it, but such substitution shall not continue beyond the will of the presiding officer so relinquishing the chair or beyond an adjournment, except as hereafter provided.

If the presiding officer wishes to express an opinion on any subject under debate, he/she shall relinquish the chair as above provided and shall not resume the chair until he/she is through speaking and all points of order arising therefrom have been decided.

The presiding officers may, however, state facts and give opinions upon questions of order without relinquishing the chair.

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 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.

EVERY MEMBER SHALL VOTE EXCEPT AS PROVIDED IN THIS RULE

Rule 13.

Every member present when a question is put before him or her shall vote, unless the Council, for special reasons stated before the Council is divided, or before the calling of the yeas and nays, and decided upon without debate, shall excuse him or her. No member shall leave the Council Chambers without permission if his or her presence is necessary to make a quorum.

“Any question regarding the validity of a City Council vote, when in fact a question regarding a conflict of interest arises, shall be subject to conflict of interest rules and laws via the State Ethics Commission rulings.

Any and all Council members shall have his or her potential conflict of interest reviewed by making inquiry to the City Solicitor to rule on a Councillor’s right to vote when a conflict of interest is raised.

No member shall vote on any question or serve on any committee where his private right is immediately concerned, distinct from the public interest.

MANNER OF VOTING

Rule 14.

All final votes of the City Council on questions involving the expenditures of five hundred dollars (\$500.00) or more, or upon the request of any member, any vote of the City Council, shall be by yeas and nays, and shall be entered on the records. Except as above provided, the vote may be taken by voice.

BEFORE VOTE IS ANNOUNCED

Rule 15.

Prior to the announcements by the Chair of the results of a roll call vote, any Councillor may ask to have his or her name called again in order to record himself differently.

GAINING THE FLOOR

Rule 16.

Every Councillor, when about to speak, shall arise and respectfully address the Chair, and wait until he/she is recognized.

RULES OF DEBATE

Rule 17.

Upon all debatable matters a Councillor shall speak no more than three (3) times or more than fifteen (15) minutes on the same issue. Any citizen or petitioner shall be limited to ten (10) minutes.

EVERY ORDER OR RESOLUTION MUST BE ENDOSED

Rule 18.

No order or resolution shall be received or acted upon unless endorsed by member of the Council.

Rule 18A

That every order, resolution, proposal, etc. appearing on the Council agenda be accompanied by approximate amount of the costs involved if at all possible that those costs can be determined prior to being placed on the Council agenda.

WITHDRAWING MOTION

Rule 19.

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

DISPOSITION OF ALL ITEMS APPEARING UPON THE COUNCIL AGENDA

Rule 20.

1. All items of business appearing upon the Council agenda shall be taken up in the order of their appearance and be fully and openly debated and disposed of by vote of the Council previous to consideration of any other item of business.
2. No item of business shall be referred to Committee except for the following reasons:
 - A. For the study and report at a subsequent meeting.
 - B. For the purpose of drafting an ordinance.
 - C. In the event that open discussion may prove damaging to the character and/or reputation of a person or persons.
3. All matters referred to Committee shall reappear on the on the Council agenda for the meeting four (4) weeks following its referral unless sooner presented by the Committee Chairman and/or a majority not exceeding two (2) weeks is voted by the

Rule 20 Cont.

Council upon request of the Committee Chairman and/or a majority of the Committee membership.

4. Any finance paper appearing on the Council agenda for the first time shall be automatically laid on the table for one week when such action is requested by any Councillor.

PETITIONS, Hearings, Orders and Resolutions once rejected

Rule 21.

When any petition, hearings, orders or resolutions has been finally rejected or disposed of by the Council or ruled out of order by the Council President, no petition, hearings, order or resolution embodying substantially the same subject shall be presented to the Council within three (3) months of its previous writing for its resubmission.

ORDINANCES AND BOND ORDERS REFERRED TO CITY SOLICITOR

Rule 22.

Every ordinance and every order for a bond issue shall, before its passage, be referred to the City Solicitor, who shall forthwith examine the same as to its legality and notify the Council in writing of his or her findings.

Rule 23.

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

ENACTING STYLE

Rule 24.

All by-laws passed by the City Council shall be entitled ordinances, and the enacting style shall be "Be it ordained by the City Council of the City of Medford." In all votes by which the City Council expresses anything by order or 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."

ORDERS OF MOTIONS

Rule 25.

When a question is under debate, the Chair shall receive no motion, except the following order:

1. To adjourn
2. To take a recess
3. To lay matter on the table
4. For previous question in discussion
5. To limit or extend limits of debate
6. To postpone to certain date
7. To refer
8. To amend
9. To postpone indefinitely

PREVIOUS QUESTION

Rule 26.

The previous question shall be put in the following form: “Shall the main question be now put?” and all further amendment or debate of the main question shall be suspended until the previous question is decided.

On the previous question, not exceeding fifteen 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 (2) minutes.

RECONSIDERATION

Rule 27.

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 4:30 P.M. of the next 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 the members of the City Council. In the case of a question decided by a tie vote, the prevailing side shall be considered to be the one motion for reconsideration of any vote shall be entertained, and no vote upon either of the following motions shall be reconsidered: to adjourn, to lay on the table, to take from the table, and the previous question.

DUTIES

Rule 28.

The Clerk shall attend and keep the records of all meetings present, and shall have the care and custody of the City records, and of all documents, maps, plans, and papers pertaining to the business of the City Council.

PAPERS MUST BE FILED BY 9:30 A.M.. ON FRIDAY PRECEEDING THE NEXT REGULAR COUNCIL MEETING.

Rule 29.

All papers of whatever description which may require action by the City Council shall be presented to the City Clerk not later than 9:30 A.M. on the FRIDAY preceding the day of each regular meeting. Papers presented after that hour on such day will not be considered until the next meeting.

If such FRIDAY is a holiday, than the same requirements as aforementioned will be followed by substituting THURSDAY at 9:30 A.M., instead of FRIDAY.

All papers directed to the Medford City Council by the Mayor, a department head, or whatever description which may require action by the City Council shall be presented to the City Clerk not later than 4:30 P.M. on the THURSDAY preceding the day of the regular Council meeting. If such THURSDAY is a holiday, than the same requirement as aforementioned will be followed by substituting WEDNESDAY at 4:30 P.M., instead of THURSDAY at 4:30 P.M.

Papers presented by the Mayor and or department head after 4:30 P.M. of such day will not be considered until the next regular meeting.

CLERK SHALL PREPARE LIST OF ALL MATTERS

Rule 30.

The City Clerk 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 to the residence of each Councillor a copy of the same not later than twenty four (24) hours prior to said meeting.

CLERK AUTHORIZED TO ORDER HEARINGS

Rule 31.

The City Clerk is authorized by these rules to order and publish notice of hearings on petition presented to him/her requiring public hearings before the Council.

EXAMINATION OF RECORDS OF PREVIOUS MEETINGS

Rule 32.

At each meeting of the Council, the records of the previous meeting shall be referred to a member thereof (excepting the President of the Council) in alphabetical order, for examination, and he or she shall report the results thereof to the Chair who shall then place before the meeting the question of approval of the same.

ORDER OF BUSINESS

Rule 33.

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

1. Roll Call
2. Salute the Flag
3. Examination of the records of previous meeting
4. Hearings
5. Motions, orders, and resolutions
6. Communications from the Mayor
7. Presentation of petitions and similar papers
8. Communications and reports from City officers and employees
9. Reports of Committees
10. Communications from the Mayor
11. Public Participation Papers (Committee of the Whole to be held once each month to review papers and report out the Council findings)
12. Unfinished business of preceding meetings
13. Approval of records of previous meeting

The above shall not be departed from except by vote of the majority of members present. All questions relating thereto shall be decided without debate.

COMMITTEES

Rule 34.

After the organization of the Council, the President of the Council shall appoint members to following committees:

Committee of the Whole on Finance and Budgets:

To consist of a Committee of the Whole meeting wherein all members of the City Council meet with the President to provide a Chairperson.

Rule 34.(Cont.)

On Legislative Matters:

To consist of all members of the City Council.

On Public Utilities:

To consist of three members of the Council.

On Public Works:

To consist of three members of the Council.

On Licenses:

To consist of three members of the Council.

On Military and Veteran's Affairs:

To consist of three members of the Council

On Human Services:

To consist of three members of the Council

Rule 34A.

The City Council subcommittee chairpersons and members shall be appointed by the President of the Council. The president shall give weight to such appointments via the longevity and interest of such appointees.

The first named member of all Committees shall be Chairperson.

Sub Committees

1. Licensing (three members of the Council)
2. Veterans (three members of the Council)
3. Zoning (three members of the Council)
4. Public Safety (three members of the Council)
5. Rules (three members of the Council)
6. Auditing, Finance, Budgets and Taxation (three members of the Council)
7. Elderly Affairs (three members of the Council)
8. Business & Economic Development and Signs (three members of the Council)
9. Transportation (three members of the Council)
10. Ordinance Review & Compliance (three members of the Council)
11. School Committee Liaison (one member of the Council)
School Buildings (one member of the Council)
School Racial Balance (one member of the Council)
12. Housing Affairs (three members of the Council)
13. Public Utilities (three members of the Council)

COMMITTEE REPORTS

Rule 35.

No report of a committee shall be received unless agreed to in committee actually assembled.

Rule 35A

The Council President shall review all committee papers in a committee of the whole meeting.

PARLIAMENTARY PRACTICE

Rule 36.

In all matters of parliamentary practice not provided for in these rules, the City Council shall be governed by Robert's Rules of Order.

The Office of the Medford City Council shall be governed by all legislative enactments inclusive of our operating rules and procedures (i.e. Massachusetts General Laws Chapter 43, Section 22)

AMENDMENT OR SUSPENSION OF THE RULES

Rule 37.

Insofar as these rules are not of statutory sources or origin, the same may be amended, repealed, or suspended at any meeting by the vote of four Councillors, with the exception of papers to be submitted under suspension which require two-thirds (2/3) approval of Council. Any paper to be submitted under suspension shall be read prior to the vote for suspension.

Any suspension of the rules shall be put on paper prior to the vote of the suspension, so all Councillors will be fully informed of the matter on which he or she will vote.

If any action is taken inconsistent with these rules, the same shall be construed to have been taken in suspension thereof provided four Councillors concur in such action.

ABSENCE OF INTERESTED PARTIES

Rule 38.

Discussion of petitions, correspondence, and similar requests placed before the City Council shall be postponed for one week when the issue specifically involves non-present(s),

group(s), or organization(s), so that such other interested parties may be notified and given an opportunity to be heard if they so choose.

COUNCIL MEMBERS VOTING

Rule 39.

To permit a member's voting "present" (or that the minutes record his/her abstention) when the motion, order, or resolution under consideration by the Council forbids his/her participation as the "Conflict of Interest Law" directs, such member should so address the

Council and the Chair informing them as to why such Councillors is voting "present". This Rule 39 shall also be governed by Massachusetts General Laws.

ATTENDANCE WITHIN RAIL

Rule 40.

The City Clerk shall note in the official minutes of all meetings of the City Council the names of government representatives, department heads, representatives of the news media, invited guests, and city officials who are seated within the rail of the Council Chamber.

Also, all electronic equipment used in the Council Chambers for the telecasting, broadcasting, and recording of the City Council and School Committee meetings, or any legislative and executive meeting in which the City Council participates shall be so noted in the minutes of such meetings.

NO SMOKING WITHIN COUNCIL RAIL

Rule 41.

Smoking is prohibited within the Council Rail. This rule shall also be governed by any state or Federal Laws.

PROPER ADDRESS OF THE CHAIR

Rule 42.

The presiding officer shall be addressed in the proper manner (i.e. Madam President, or Mr. President, or Mr./Ms. Chairman).

COUNCIL CHAMBERS

Rule 43.

The Medford City Council Chambers shall be open to all Medford citizens for the purposes of disseminating public information, holding of public meetings and hearings, the holding of City Council and School Committee meetings when called, and all festive activities relating

to the working of the City Government At no time within the Council Chambers will banners, placards, hand held signs or any other public display of advertising an issue before the City Council be permitted.

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Edward P. Finn, City Clerk printed this edition on January 4, 2005