

**METHUEN CITY COUNCIL
RULES AND PROCEDURES
APPROVED JANUARY 4, 2024
AMENDED FEBRUARY 5, 2024**

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PROCEDURE

(ATTACHED)

**METHUEN CITY COUNCIL
RULES AND PROCEDURES**

The following rules of procedure shall govern the meetings of the City Council:

RULE I - COUNCIL MEETINGS

- a) Regular meetings of the City Council shall be on the first and third Mondays of the month at 7:00 p.m. in the City Hall. When Monday is a holiday, the regular meeting shall be held on the following day. The day, time and place of meeting may be changed by a majority vote of the Council. All Council meetings shall be concluded by 11:00 P.M.
- b) All meetings may be recessed to a certain time, place and date, but not beyond the next regular meeting. Once adjourned, a meeting may not be reconvened.
- c) A meeting may be postponed by the Chair, or by the Vice-Chair in the absence of the Chair, due to an emergency.
- d) Special meetings of the City Council may be held on the call of the Chair of the City Council, on the request of the Mayor, or on the call of any three or more members, by written notice delivered to the place of residence or business of each member at least forty-eight hours in advance of the time set. (NB: Chapter 303 of the Acts of 1975) (Ch. Ref. Sec. 2-7c). The agenda at special meetings shall not be amended to include other items. The citizens of the City of Methuen shall have the right to speak before the City Council during Special Meetings. Each speaker, recognized by the Chair or by request of an individual Councilor, through the Chair, shall limit his/her discussion to an item(s) specifically listed on the Special Meeting agenda, and keep his or her presentation to within five minutes or less. All meetings (special, workshops, public hearings) shall be held in the Great Hall for the purposes of broadcasting (Executive Sessions and emergency meetings are exempt)
- e) Except as otherwise authorized by General Laws, all sessions of the City Council shall be open to the public and press. The multiple member body may recess for the purpose of discussing in a closed or executive session limited to its own membership, any matter which would fall within the scope of the Open Meeting Law (Chapter 303 of the Acts of 1975), provided that the general subject matter for consideration is expressed in the motion calling for such session.
- f) Executive sessions may be held for the following purposes:

- 1) To discuss the reputation and character, physical condition or mental health, rather than the professional competence of a single individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.
- 2) To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.
- 3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the governmental body, and to conduct collective bargaining sessions.
- 4) To discuss the deployment of security personnel or devices.
- 5) To consider allegations of criminal misconduct.
- 6) To consider the purchase, exchange, lease of value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.
- 7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

g) In accordance with the provisions of the Home Rule Charter, Article 3, Section 3-2(c), the Mayor, upon his request, is excused from attending regular meetings of the City Council.

RULE II - AGENDA

A true copy of any order, request, resolution or other form of business to be presented to the City Council at its regular meeting for its action shall be filed in the office of the Clerk of the Council as follows:

- a) Title for the agenda shall be submitted to the Clerk of the Council along with the City Council Chair no later than 12:00 noon 5 business days prior to the Council meeting. The agenda shall be prepared, posted and sent by electronic mail (email) delivered to the registered email address of each City Councilor on file with the Council Clerk.
- b) All items to be placed on the agenda, included but not limited to, resolutions, ordinances, contracts, and all backup material relative to an agenda item, are to be submitted to the council clerk no later than 12:00 noon 5 business days, prior to a council meeting. A full impact statement on all financial inflow and outflow items included on the City Council agenda will be provided by the City's Chief Administrative and

Financial Officer (CAFO) to each City Councilor by 12:00 noon one business day prior to the meeting.

That portion of the agenda of the City Council making reference to contracts shall contain the following: A) Name of Company, the dollar amount of said contract, and a brief description of the purpose of said contract. B) That portion of the agenda making reference to all the appointments shall contain the following: Name of the designated appointee, The Board, Commission or position to which said candidate is being appointed; and Term of said appointment. C) That portion of the agenda in reference to gifts or donation being made to the City of Methuen said designation shall contain the following information: The name of the donor; a description of the donation being made; recipient of said donation; and if the donor is a corporation or any entity other than the individual, the name of the corporation and/or entity, the name(s) of its principals.

c) The City Council meeting packets will be electronically delivered to all City Councilors by email to the registered email address of each City Councilor on file with the City Clerk, and a hard copy of the City Council meeting packet shall be hand delivered by police officer or available for pickup at City Hall (City Councilor's choice) 4 business days prior to the meeting. Absolutely no items will be considered for inclusion on the City Council agenda after 12:00 noon 5 days prior to the next City Council meeting, with the sole exception of emergency matters that were not foreseeable within 48 hours prior to the City Council meeting.

d) Any material relative to a City Council agenda item that fails to meet the cutoff dates and times noted in Rule II(a) through (c) above will be stricken from the City Council agenda and the action item (whether it is an ordinance, contract or resolution) will not be acted upon by the Council and will be held over until the next regularly scheduled City Council meeting provided the sponsor timely posts the action item on the City Council agenda for that subsequent meeting.

e) When there is a Monday holiday during the week where agenda and back up information is due to the Council Clerk and Council Chair or City Hall is closed due to weather or other circumstances prior to the deadline, the due date of the agenda items and backup information, along with the availability of the packet to the City Councilors shall be pushed back by one business day.

When there is a Monday holiday during the week where agenda and back up information is due to the Council Clerk and Council Chair or City Hall is closed due to weather or other circumstances prior to the deadline, the due date of the agenda items and backup information, along with the availability of the packet to the City Councilors shall be pushed back by one business day (see examples below).

Examples for meeting nights and when items would be:

- Monday nights or meeting is held on a Tuesday night because of a Monday holiday.

- Agenda title and back up information due to Council Clerk and Council Chair by 12 noon on Tuesday
 - Packets emailed and available by the end of business Wednesday.
- Thursday meeting.
 - Information due to Council Clerk and Council Chair by 12 noon on Friday.
 - Packets emailed and available by the end of business Monday.
- Monday holiday during week of submitting agenda items and back up information and meeting will be held on the following Monday.
 - Information due to Council Clerk and Council Chair by 12 noon on Wednesday.
 - Packets emailed and available by the end of business Thursday.

Chapter 2, Section 2-18

No matter requiring final action in the form of an ordinance, resolution or order coming before the City Council shall be considered as a first reading item unless it shall be submitted in the proper written form of an ordinance, resolution or order; nor shall any such item be entertained for first reading until the City Council shall have affixed to such document a Council docket number. (See Ordinance #319, effective October 19, 1988, attached)

Except in cases of special emergency, at least forty-eight hours before any meeting of the City Council is to be held, an agenda, containing all specific items which are scheduled to come before it at the meeting shall be posted. No action taken on a matter not included in the posted agenda shall be effective unless the body first adopts by special vote a resolution declaring that an emergency exists and that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the City. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the Council present. 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 of any franchise of special privilege shall be passed as an emergency measure. (Ch. Ref. Sec. 9-11b; 2-9b)

RULE III - PRESIDING OFFICER

- a) After a majority of the councilors-elect have been sworn in, the City Council shall be called together by the oldest member elected to serve, who shall preside. Annually on the first meeting of each calendar year the City Council shall elect from among its members, a Chair and Vice Chair to serve for that calendar year or at the pleasure of the council. The Chair shall preside at the meetings of the City Council and perform such other functions as may be assigned by the Charter, by ordinance or by vote of the City Council (Ch. Ref. Sec. 2-2).

- b) If in voting for Chair of the City Council there are more than two candidates and no candidate receives the votes of a majority of the full City Council, 5 votes, the names of the two candidates receiving the greatest number of votes shall be placed on a second ballot. The winner of this second ballot is elected to serve as Chair of the City Council. The voting to elect a Vice-Chair of the City Council shall proceed in the same manner as voting for the Chair. In the event that one candidate receives the largest number of votes but not a majority and a tie exists between two or more candidates, then all shall be voted on again until a candidate receives a majority (5 votes).
- c) In the absence of the Chair, the Vice-Chair shall preside. In the absence of the Chair and Vice-Chair, the oldest member present shall call the City Council to order. The City Council shall then proceed to ballot for a Chair pro-tempore, and a plurality of the vote taken shall be sufficient for a choice.
- d) Any officer serving at the pleasure of the Council can be removed from that office by placing before the Council, after previous notice has been given, a motion to "vacate the office". A majority vote of the full Council shall be required to affect the removal. The vacated office shall be filled following the previously specified procedures.
- e) Also in effect, Order #918 (approved 5/3/82) concerning administrative duties of Council Chair and attached TR-17-46 Resolution concerning Roles and Responsibilities of the Chair of the City Council and TR-17-47 Responsibilities of the Vice-Chair of the City Council (approved 10/16/2017) See Attachment

RULE IV - CALL TO ORDER

- a) The Chair shall take the chair at the hour appointed, or to which the City Council had recessed or been called together. He/she shall then proceed to business. If less than a quorum is present, the Council may recess generally or to a certain day, but not to a date beyond the next regular meeting, as provided for in Rule 1-b.

RULE V- QUORUM

- a) A majority of the full City Council shall constitute a quorum (Ch. Ref. Sec. 2-7b).

RULE VI - ORDER OF BUSINESS

- a) The posted agenda shall state the order of business.
- b) All papers addressed to the City Council shall be presented by the Chair who may explain the subject thereof, and they shall be disposed of in the order in which they are presented, unless the City Council otherwise directs.

RULE VII - VOTING

a) Unless otherwise specified in these rules or in the charter, any motion or measure may be adopted by a majority vote of those members of the City Council present, except matters pertaining to zoning which shall require a two-thirds vote of the full Council; unless otherwise specified by the General Laws of the Commonwealth. (Ch. Ref. Sec. 2-7b).

Principal Votes;

Salary Ordinance	Requires 2/3 vote of full Council 6 votes MGL Ch. 44, Sec. 33A
Transfers from one Department to Another Department	Requires 2/3 vote of full Council 6 votes MGL Ch. 44, Sec. 33B
Transfers within a Department	Requires a majority of full Council 5 votes MGL Ch. 44, Sec. 33B
Transfers from Stabilization	Requires 2/3 vote of the full Council
Transfers from Reserves	Requires 2/3 vote of full Council
Supplementary Budget	Requires majority of full Council 5 votes MGL Ch. 44, Sec. 32
Creation of New Position	Requires majority of full Council 5 votes MGL Ch. 44, Sec. 33A
Any Appropriation	Requires majority of full Council 5 votes MGL Ch. 44, Sec. 32 (Charter 2-7b)
Confirm Appointment	Requires majority of full Council 5 votes (Charter Art. 3, Sec. 3-2)
Emergency Preamble	2/3 vote of those present and voting (Charter Art. 2, Sec. 2-9b)
Waive Rules	2/3 vote of those present and voting

b) All votes shall be taken by a call of the roll and the ayes and nays shall be recorded in the journal, provided however, if the vote is unanimous only that fact shall be recorded. (Ch. Ref. Sec. 9-11d).

- c) The order of voting shall be in alphabetical order, except the Chair of the City Council shall always vote last. The first name called for each vote during the current meeting shall be the second name called at the previous meeting.
- d) Any member who voted with the majority may move for a reconsideration of any action at the same meeting or at the next regular meeting. When a motion for reconsideration is decided, that vote shall not be reconsidered.
- e) All resolutions must be read in full unless, after the reading of the title, further reading is waived by unanimous consent of the City Council members.
- f) On the first occasion that the question on adoption (2nd reading except emergency) 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 two or more other members shall join the member in his/her objection, such postponement shall be until the next regular meeting; but for an emergency measure at least four members in all must object. This procedure shall not be used more than once for any matter, notwithstanding any amendment to the original matter. (Ch. Ref. Sec. 2-9c).
- g) Every matter coming before the City Council for action shall be put to a vote, the result of which shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the City Council shall be kept and shall be open to inspection by the public (Ch. Ref. Sec. 2-7c).
- h) After Council rejects an Ordinance or Resolution, no matter similar to it can be introduced for one year subsequent to the vote of rejection on that particular Ordinance or Resolution.

RULE VIII - COMMITTEES

- a) For most purposes, the Council shall meet as a committee of the whole, but when necessary, an ad hoc committee shall be appointed and announced by the Chair unless otherwise provided for, or especially directed by the majority of the City Council. All appointments by the Chair shall be ratified by the majority of the City Council.
- b) The City Council Chair is authorized to create or disband committees and add or remove members to any committee of the City Council with the exception of a standing committee which must always be staffed with members of the City Council. The Finance Committee is a standing committee. A committee, working group, or commission of the City of Methuen government, outside of the City Council and outside of any Committee of the City Council, that requires one or more City Councilors as members thereof, shall, through its chair or leader, confer with the City Council Chair, who shall have the sole authority to appoint City Councilors to such Committee, Working Group, or Commission. Further, if any City Councilor is asked directly by the chair or leader of such Committee, Working Group, or Commission to serve as a member thereof, the City

Councilor so requested shall inform the City Council Chair of the request and the City Council Chair shall rule on the request after conferring with the City Councilor. No committee shall meet during any meeting of the City Council.

c) When a committee is appointed by the Chair, the first person named shall call the committee to order and then the committee members shall elect a Chair.

d) All committees of the City Council shall consist of an odd number of three or more unless a different number shall be specifically ordered by the Council. Reports shall be received from any committee agreed to in committee actually assembled. Reports may be in writing or presented orally at the next City Council meeting.

1. Not all Committees shall have minority and majority reports when the committee decisions are unanimous.

2. Minority reports of committees presented in writing are to be accepted by the Council and the majority report shall be presented first.

3. Majority report shall be read first; then the minority report shall be read and action will be taken on the minority report before action on the majority report.

e) Items which have been referred to any committee of the City Council must be reported back to the City Council by that committee at least every month from the date of referral pending a final committee recommendation.

f) No sub-committee shall take any action on any business referred to that committee by the full City Council unless the committee has referred to it a motion or order to do so from the full City Council.

g) All Committees of the City Council serve in an advisory capacity to the full City Council unless the Committee is instructed by a majority vote of the City Council to act on the City Council's behalf.

RULE IX - APPOINTMENTS BY COUNCIL

a) The City Council shall appoint a City Solicitor, Fiscal Analyst and Clerk of the Council in accordance with Section 2-8 and 3-1 of the City Charter.

b) In case of the absence of the Clerk of the Council a Clerk pro tempore shall be elected.

c) Whenever a vacancy exists in the appointments that this Council has to make pertaining to the City Solicitor, and Clerk of the Council, a call for candidates will be advertised.

RULE X - RULES OF DEBATE

- a) A member of the City Council may speak on any one subject; a member of the Council may not speak again until all other members who wish to be heard have spoken, and no member shall speak more than twice on any subject unless authorized by the City Council. See Robert's Rules of Order.
- b) A motion shall be made and seconded. To clarify the debate, the Chair of the City Council may ask the Clerk to read the motion from the notes. At any point a member of the Council may ask the Clerk to read the motion from the notes through the Chair. When this occurs, the Chair shall instruct the motion to be read by the Clerk. A motion may not be withdrawn without the consent of the second. When the mover modifies the motion, the second may withdraw.
- c) Any decision or ruling of the Chair of the City Council may be appealed by request of any member. The Chair shall call for roll call to see if the Chair shall be upheld. If the vote fails to carry, the decision or ruling of the Chair is reversed. When the Chair's decision is supported by a majority vote of the Council then the decision is confirmed. See Motion Chart – Rules of Debate, #13.
- d) When two or more members rise at the same time, the Chair shall name the member who is to speak first.
- e) The Chair of the City Council may call the Vice-Chair or other member who he/she may appoint to the Chair who may preside during the meeting; and when out of the Chair may participate in any debate, but shall not resume the Chair while the same question is pending, provided the same is taken previous to adjournment.
- f) No motion or proposition on a subject different from that under consideration shall be admitted under color of any amendment.
- g) All orders presented to the City Council shall be fully read before any action is taken.
- h) The attached "Rules of Debate" will govern conduct of all meetings. (see attached chart).

RULE XI - PUBLIC PARTICIPATION

- a) The citizens of the City of Methuen shall have the right to speak before the Council during the specific time specified within the agenda's order of business. Public Participation shall precede all other items on the agenda for all regular, special, and committee meetings of the City Council with the exception of the following exclusions: Acceptance of the Agenda, Pledge of Allegiance/Invocation/Moment of Silence. Public Participation shall be included on the agenda for every meeting of the Methuen City Council. "Each speaker shall limit his/her discussion to his/her subject and shall keep his/her presentation to within five minutes or less unless the Council shall, by a two-

thirds vote of its full membership, allow a longer time". All citizens wishing to speak shall notify the Council clerk's office in person, by mail or by telephone of their name, address and subject, such information to be listed in a journal kept in the Council Clerk's office for this purpose. This journal shall be available in the Council office prior to the Council meeting. The speakers shall be heard in the order their names appear in the journal. In addition, a Councilor can recognize a person in the audience who has some expertise on the subject to speak.

- b) The majority of the City Council shall have the right, as well as the Chair of the Council, to determine what reasonable conduct of people appearing before them should be. A motion may be made by any member that some party in the audience is out of order and that unless he/she ceases and desists, he/she will be held in contempt of the body. If that motion is seconded, it shall be voted upon immediately and take precedence over any motion then on the floor.
- c) Public members attending Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Council. Any person on the agenda, when recognized to speak by the Chair, shall state his/her name and address in an audible tone for the record. All remarks and questions shall be addressed to the Council as a whole and not any individual member thereof. All remarks and questions addressed to the administration of the City will be addressed to the Mayor and not any individual City employee. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without the permission of the presiding officer.

RULE XII - DECORUM

- a) The Chair of the City Council shall preserve order and decorum. He/she may speak to points of order in preference to other members and shall decide all questions of order, subject to appeal to the City Council, on motion of any member regularly seconded.
- b) When a member is about to make a motion, second a motion, speak in debate or deliver any matter to the City Council, he/she shall first be recognized by the presiding officer. He/she shall confine himself/herself to the question under debate and avoid personalities.
- c) No member in debate shall make reference to any other member but in respectful terms.
- d) No person shall be interrupted while speaking but by a call or order, or for explanation. When a member is called to order, he/she shall immediately take his/her seat, unless permitted to explain; and the City Council, if appealed to, shall decide the case without debate. If the decision is against the member, he/she shall not be permitted to speak unless by way of excuse for the same, until he/she has made satisfaction.

RULE XIII - MISCELLANEOUS RULES

- a) No expense for travel shall be incurred by members of the City Council.
- b) Except when a member of the Council has or desires the floor, the Mayor shall have the privilege of the floor for the purpose of giving information to the Council on business and affairs of the City. The Mayor's Report shall consist of a report given during each meeting by the Mayor to the City Council of issues, events and items related to his administration of the City. (Excepting herefrom any and all issues, events, and items which have heretofore been laid on the table by the City Council.) No one in attendance may speak on the tabled items (Mayor, Council, City Employees, or public). If the Mayor shall desire to make a longer presentation on a particular topic, or to ask third parties to present information to the City Council, such presentation shall be listed as a separate agenda item. The City Solicitor shall likewise have the privilege of the floor on the introduction or interpretation of any existing or proposed ordinance or resolution or on any question of legal procedure.
- c) Petitions addressed to Council shall be designated so as to contain the following: The stated goal or direction of the petition, the legal names and addresses, and City district of said petitioners and the reason for said petition.
- d) Council committees shall make requests for opinions of the City Solicitor only after a vote of their committee (or sub committee) through their Chairman or his/her designee and such requests for opinion will be submitted only in writing (letter or email) directly to the City Solicitor.
- e) Councilors, by right, may request a legal opinion of the City Solicitor.
- f) No Councilor shall utilize City personnel, stationery, stamps or other public monies or items for making "bulk mailings". "Bulk mailings" shall mean any form of mailing to provide the distribution of information of a general nature. This rule is not meant to prohibit Councilors written response to specific constituent complaints when requested in writing. The provisions of this rule shall be enforced by the Chair who may order the Councilor and all Council employees involved to cease such activity. The Chair's determination on such may only be overruled by a majority of the City Council at open session.
- g) The Charter requires that a quorum must be present at any multiple body meeting in order to vote. From time to time there are legal public hearings with less than five members present. The purpose of a public hearing is generally to forward information to a separate public meeting for presentation and public participation.
- h) Such measures to be forwarded to the Community Development Board must come before full City Council before any action is taken.

i) Notwithstanding the City Council's approval of a contract proposed by the Mayor under Article 3-2(1) of the Home Rule Charter, there shall exist an objection and reconsideration period. During such period, the Mayor shall not execute, sign or otherwise bring into force and effect the contract.

(1) Objection Period

Any Councilor who voted in the affirmative on said contract may, if joined by any two other Councilors, file a written objection to the Mayor's executing such contract. No person who Charter Objected the contract approval may join in as one of the three objectors under this rule.

Such objection, if filed with the Council Clerk, CAFO and Mayor within seventy-two hours, shall act to stay the Council authorization originally granted. In the instance where an objection is filed, Council shall meet within eight days of the original approval to reconsider the contract approval. See Appendix Written Objection to Mayor Executing Contract.

(2) Final Action

The Mayor may execute any contract if:

- (a) No written objection is filed within seventy-two hours of approval.
- (b) The objector withdraws his/her objection.
- (c) Council, after objection, fails to reconsider the contract within the time above specified.

APPENDIX
SAMPLE – Written Objection to Mayor Executing Contract

TO: Mayor

FROM: Councilor _____

RE: Contract Approval Objection Pursuant to City Council

Rule XIV, Miscellaneous Rules, Item i)

The undersigned, having previously affirmatively voted on Contract C_____, joined by Councilors _____ and _____, hereby objects to the execution of said contract.

In furtherance of the objection, the Council shall meet on the _____ day of _____, 20_____, at _____ P.M., to consider said approval.

Objector

Joining in Said Objection:

(I) Present votes

In the instance where a member shall either vote present or not cast a vote on an issue, such vote shall not be interpreted as acquiescing to the majority nor shall such action or inaction by the member be counted as his/her being considered as part of the quorum on that issue. If as a result of this rule a “no quorum” is declared on the vote, such action item shall be carried forward to the next meeting.

RULE XIV – ENFORCEMENT OF DECORUM

- a) The Chief of Police or such member of the Police Department as he/they may designate, shall be the Sergeant-at-Arms of the Council meetings. He/they shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings.
- b) The provisions of these rules shall be enforced by the Chair who may order the Councilor(s) and all Council employees to cease such activity. The Chair's determination on such may only be overruled by a majority of the City Council at open session.

RULE XV – CODE OF ETHICS

The acceptance of a Code of Ethics implies the understanding of the basic organization of the Council under the Charter and the rules of the Council. The oath of office of a Councilor and the Mayor, bind a Councilor and Mayor to adherence to both the Charter and to the Council rules.

a) Relations with Community

Council members and Mayor in their relations with the community should:

- 1) realize that their primary responsibility is to citizens;
- 2) recognize that their basic function is legislative and not administrative;
- 3) remember that a Councilor is only one member of the Council and must abide by all Council decisions once they are made;
- 4) be well informed concerning the responsibilities of a Council member;
- 5) not benefit personally from Council activities.

b) Relations with Mayor

Council members and Mayor mutually should:

- 1) endeavor to establish sound, clearly defined policies which will direct and support the Mayor and Councilors;
- 2) recognize and support the administrative and legislative chain of command and refuse to act on complaints or requests as an individual outside this administrative or legislative chain;
- 3) give the Mayor full responsibility for discharging his professional duties, as defined by the Charter,
- 4) refer complaints to the Mayor for solution.

c) Relations with other Council Members

Council members in their relations with fellow members should:

- 1) recognize that action at official meetings is binding, and that a Councilor alone cannot bind the Council outside of such meetings;
- 2) uphold the intent of executive session and respect the privileged communications that exist in executive sessions;
- 3) make decisions only after all facts on a question have been presented and discussed;
- 4) be knowledgeable of and adhere to the Rules of Procedure.

d) The Mayor, City Solicitor, CAFO and all members of Boards and Commissions shall, in their dealings with the City Council and citizens appearing before the City Council, be required to afford said Councilors and citizens the degree of respect required to demonstrate their professional positions and they shall, at no time, make reference to a Councilor or citizen in any but respectful terms. They shall be required to speak as to an issue and not as to a personality.

The rule herein, applicable to the Mayor, City Solicitor and CAFO shall likewise apply to the City Councilors in their dealings with the citizens, Mayor, City Solicitor and CAFO.

RULE XVI - COMPLAINT PROCEDURE

a) Any criminal or ethical complaints against any member of the Council or its employees, or the Mayor concerning alleged violations of either the Code of Ethics or in the performance of the duties of an individual's respective office shall be reduced to writing and be marked CONFIDENTIAL and shall be distributed to every member of the Council with a copy to the person or persons complained against. Such information shall be held in strictest confidence until such time as the person(s) complained against have an opportunity to determine whether the hearing shall be in executive session or shall be in open meeting. The person(s) complained against can request the matter be referred to a committee set up specifically for the purpose of providing an informal hearing.

RULE XVII - ROBERT'S RULES

a) Robert's Rules of Order shall be the reference adopted by this City Council on all points of parliamentary practice not specifically covered by the Rules of the City Council. A PDF of Robert's Rules of Order will be provided each year to Council.

RULE XVIII - CHANGING THE RULES

a) The rules may be changed only after the proposed change has been reduced to writing and voted twice (first and second reading) by two-thirds of the full Council.

PUBLIC HEARING PROCEDURE

A. The Chair announces the matters set for Public Hearing on the agenda. At this point, either verbally or in writing, those persons wishing to speak, including the Mayor or administrative staff, on a particular matter are noted. The time allotted for speaking shall be ten (10) minutes, with an extension of time, if needed, to be upon approval by the City Council."

The Chair then:

- 1) Informs the audience that any exhibits displayed or offered by the proponents or opponents in a matter will be retained by the City as part of the file until such time as the matter is finally concluded.
- 2) Instructs the audience that anyone addressing the Council or Committee should approach the microphone, announce his name and address, spelling his last name.
- 3) Opens the public hearing on specific item(s) and requests an oral staff report to identify the property, issues and staff recommendations, etc....
- 4) Asks the clerk if there are any written communications received in this matter. If there are, the communications may be read into the record or acknowledged that each Councilor has received a copy and read the same and merely states from whom the communication came.
- 5) Calls for testimony from the audience.
 - a) If the matter involves adverse positions, the request is for those in favor to speak first, those opposed to speak second, and finally a brief rebuttal by persons in favor of this matter.
 - b) If the matter is purely a public hearing on a City matter such as a budget, capital improvement program, reorganization plan, etc....., which are not of any adversary nature, the Chairman merely requests those interested in the item to offer their comments or testimony. (Ch. Ref. Sec. 5-2a, 5-3c, 6-2b, 8-1b).
 - c) Prior to the closing of the public hearing, the City Council may ask staff and witnesses specific questions or commence deliberations.
- 6) The Chair shall adjourn the public hearing after all interested parties have spoken and Council has deliberated and determined per Council proceedings noted below.

B) After all testimony has been presented and all questions answered, the Council will then:

- 1) Publicly deliberate the issues involved and the arguments for and against.
- 2) Make its determination by taking action upon the matter as follows:
 - a) A motion is made and duly seconded.
 - b) Once a motion is on the floor, no further evidence or testimony should be permitted.
 - c) Discussion is limited only to the motion on the floor.
 - d) A motion is disposed of by voice, vote, or roll call vote. Once a vote is in process, no further discussion is permitted.

C. All public hearings of the City Council shall be televised (Vote: 2/21/95)

- 8) Closes the public hearing after all interested parties have spoken.

Ordinance #319

Amending the Methuen Municipal Code - Chapter 2, Section 2-18 (req. of Clr. DeLano)

BE IT ORDAINED by the City Council of the City of Methuen that the Methuen Municipal Code, as most recently amended, is hereby further amended in Chapter 2 thereof, by placing after Section 2-17, the following section:

Section 2-18 First Reading Procedures

No matter requiring final action in the form of an ordinance, resolution or order coming before the City Council shall be considered as a first reading item unless it shall be submitted in the proper written form of an ordinance, resolution or order; nor shall any such item be entertained for first reading until the City Council shall have affixed to such document a Council docket number.

First Reading: August 1, 1988

Approved: September 19, 1988

Effective: October 19, 1988

RulesandRegulations.doc

ORDER #918

Resolution Concerning Administrative Duties of the Town Council Chairman

WHEREAS: The Council Chairman is required to perform certain administrative duties for the Council so that it completes its organizational functions; and

WHEREAS: these administrative functions include the signing of warrants for purchases, payroll, licenses, resolutions, ordinances and others; and

WHEREAS: the Chairman has no legal delegation by charter or statute to perform such duties; there,

BE IT RESOLVED: That henceforth the elected Council Chairman shall have the authority of the Council to perform these functions and any other administrative function that falls within the purview of the position.

AND BE IT FURTHER RESOLVED: That this shall be incorporated into the Rules of the Council

First Reading: April 20, 1982
Adopted: May 3, 1982 (as amended)
Effective: June 2, 1982

I do hereby certify that at a meeting in which a quorum was present, the foregoing resolution was adopted by a unanimous vote of the Town Council on May 3, 1982.

Kathy Brown, Council Clerk

E. Higgins, Jr., Council Chairman