

# Attleboro Municipal Council Rules of Procedure 2021 edition



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## **ARTICLE 1: PURPOSE AND AUTHORITY**

### **Section 1 – Purpose**

1-1.1 The proper operation of democratic government requires that elected officials be independent, impartial and responsible to the people; that governmental policies and decisions are made within the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of government.

In recognition of these goals, the Attleboro Municipal Council has promulgated and approved these Rules of Procedure. The purpose of these Rules of Procedure is to establish guidelines for the effective exercise of the powers granted to the Municipal Council by the Attleboro Home Rule Charter, promote greater participation in government, and ensure transparency regarding the processes of deliberations and decisions.

The Municipal Council is composed of individuals with a wide variety of backgrounds, personalities, values, and opinions, all of whom have chosen to serve in public office in order to make the City of Attleboro a welcoming, safe, vibrant, and thriving community. Every member of the Municipal Council has taken an oath or affirmation to support the United States Constitution, the Constitution of the Commonwealth of Massachusetts, the Attleboro Home Rule Charter, and the Revised Ordinances of the City of Attleboro and to faithfully perform the duties of the office in pursuit of these goals.

In all cases, these common goals should be acknowledged even as members of the Council may “agree to disagree” on contentious issues. Healthy debate is a welcome and important part of governance. Equally important, good governance requires a cooperative effort and effective relationships between Council members and between the Municipal Council and the Administration. For the well-being of all residents and our community it is imperative we continually build and strengthen these relationships.

### **Section 2 – Authority**

1-2.1 The Attleboro Home Rule Charter (Charter) provides that the Municipal Council shall from time to time establish rules for its proceedings. (Charter, Art.2, Sec. 7(c))

1-2.2 These Rules of Procedure apply to all persons attending a Municipal Council meeting, including members of the Municipal Council, administrative staff, news media, guests, and visitors.

1-2.3 These rules shall be in effect upon their adoption by Municipal Council unless otherwise amended or new rules adopted.

## **ARTICLE 2: GENERAL RULES**

### **Section 1 – Meetings to be Public**

2-1.1 Regular meetings of the Municipal Council meetings shall be held at a time and place fixed by ordinance. Except as otherwise authorized by Massachusetts General Law (M.G.L.), all sessions of the Municipal Council are open to the public and may be broadcast via local cable television and/or the internet.

### **Section 2 -Open Meeting Law and Conflict of Interest Law**

2-2.1 As required by Massachusetts General Law, within two weeks after taking the oath of office all Members will complete a Certificate of Receipt of Open Meeting Law Materials certifying that they have received these materials and that they understand the requirements of the Open Meeting Law and the consequences of violating it. The City Clerk shall collect and retain these certifications.

- a. To ensure a more thorough understanding, the City Clerk shall arrange a mandatory Open Meeting Law training session for all Members prior to the expiration of the two-week period described above.

**2-2.2 Within 30 after days after taking the oath of office, and thereafter annually, the City Clerk shall provide all Members with a Summary of the Conflict of Interest Law for Municipal Employees. All Members are then required to acknowledge in writing that they received the Summary of the Conflict of Interest Law. Signed acknowledgements will be collected and retained by the City Clerk.**

### **Section 3—Quorum**

2-3.1 A majority of the Municipal Council then in office shall constitute a quorum. (Charter Art. 2, Sec. 7(b))

- a. Unless otherwise authorized by the Governor or Massachusetts General Law, all sessions of the Municipal Council shall require at least a quorum of the Council be physically present at the meeting location. (see also Art. 3, Sec.5 and Sec. 6 of these Rules)

### **Section 4—Attendance**

2-4.1 Members are expected to attend all meetings. Members who will be absent from a meeting must, within a reasonable time, contact the Municipal Council Administrative Assistant, who shall convey this information to the Council President.

### **Section 5—Seating Arrangements**

2-5.1 Municipal Council Members shall occupy the seats in Municipal Council Chambers assigned to them by the Council President, provided that any two or more Members may agree to exchange seats prior to the second regular meeting of the term.

### **Section 6 - Prohibition of Election-Related Political Activities**

2-6.1 When the Municipal Council or any Committee of the Council is in session or otherwise conducting city business in Council Chambers, Members are prohibited from engaging in **election-related political activity** directed at influencing people to vote for or against candidates running for an elected office in the city and/or ballot initiatives. (State Ethics Commission Advisory 11-1: Public Employee Political Activity (3/18/2011))

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2-6.2 Examples of election-related political activities include but are not limited to wearing or displaying political campaign pins, shirts, hats, or other items.

### **Section 7—Use of Technology**

2-7.1 The intent of this section is to allow Members use of technology during Council proceedings while respecting the letter and spirit of the Open Meeting Law. Members who elect to receive paper copies of documents shall have access to the same materials as Members electing to view documents electronically.

2-7.2 The following rules apply to the use of email for Municipal Council business:

- a. All Members are encouraged to maintain a compartmentalized email address strictly used for Municipal Council business. Any email communications regarding city business should be sent from this email address. All personal or other private sector work communications shall be kept separate from Municipal Council email.
- b. An email address provided by a third-party service (Gmail, Hotmail, Yahoo, etc.) will satisfy the above requirement. Members are discouraged from creating their own server to host an email server. Maintaining a private email server exposes the Municipal Council to unnecessary security risks.

2-7.3 The following rules apply to the use of personal communication devices (cell phones, tablets, etc.) during Municipal Council sessions:

- a. Members are permitted to utilize personally owned electronic devices (i.e. cell phones) during formal sessions provided cellular data is turned off. Cellular data signals can interfere with the microphones used to record the meetings. The intent for allowing devices during Council meetings is to provide a mechanism for Members to have quick access to reference motions, minutes, dockets, prepared remarks and other reference material without needing to transport large amounts of paper to and from every meeting.
- b. Members shall not send or receive electronic communications (texts, pictures, or videos) during meetings. Sending or posting electronic communications such as social media posts, tweets, texts or email is strictly forbidden. At the discretion of the Council President or meeting chair, repeated violations of this rule may result in an individual Member no longer being permitted to use electronic devices during meetings or a temporary ban on the use of personally owned devices by all Members for the remainder of any meeting.
- c. Any information stored on a device and referenced during a meeting shall be transmitted within 24 hours of the meeting's adjournment to the Municipal Council Administrative Assistant for inclusion in the meeting minutes.
- d. If Wi-Fi is available within City Hall, it may be used. However, Members should be prepared for a lack of connectivity. Cloud based storage (such as Dropbox, OneDrive and Google Drive) may be used, but should be used with a dedicated compartmentalized account.

### **Section 8—Clerk of the Council**

2-8.1 The City Clerk shall be the Clerk of the Council. (Charter Art 2., Sec. 2-8(b))

2-8.2 The Clerk of the Council shall post notice of all meetings of the Municipal Council to its members and to the public, attend and keep the records of all meetings of the Municipal Council, record the names of the Members present, record all votes of the Municipal Council, and have the care and custody of all documents, maps, plans and papers pertaining to the proceedings of the Municipal Council when no other provision is made therefore.

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When the Municipal Council is in session, the Clerk shall, when requested by the Presiding Officer, read aloud such ordinances, orders, resolutions, petitions, or other papers as may be presented for the information of the Municipal Council. In the absence of the Clerk, the Assistant City Clerk shall act, and in the absence of both, the Municipal Council shall choose a Clerk Pro Tempore who shall be sworn to the faithful performance of his/her duties.

### **Section 9—Rules of Order and Parliamentary Procedure**

- 2-9.1 The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it. Members must abide by established rules of order and avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues and potentially confuse the public, participants, or guests viewing or attending public meetings.
- 2-9.2 Unless in conflict with state law, the Charter, city ordinance, or these Rules of Procedure, the proceedings of all Municipal Council meetings shall be guided by Parliamentary Procedures, at a Glance, New Ed., 1971, by O. Garfield Jones (ISBN 0 14 01.5328 4).
- 2-9.3 The Council President shall be the Presiding Officer and Parliamentarian and as such shall interpret and apply all rules. The Presiding Officer's ruling may be challenged by a Member raising a point of order, upon which the Presiding Officer (who may call a recess before ruling,) shall rule before continuing any further discussion. Any Member can appeal the ruling of the Presiding Officer by raising a point of order to the Council but there can be no recess prior to the Presiding Officer rules on such appeal.
- 2-9.4 In addition to the commonly used motions and procedures found in Appendix A, the following are also permitted:
- a. Charter objections pursuant to Charter Art. 2, Sec. 9(c).
  - b. Motions for Council Reconsideration by a member of the prevailing side pursuant to Charter Art. 2, Sec. 9(e).
  - c. Request for a Public Hearing: Any Member may request a public hearing on an issue in committee where public input is important and even where a public hearing is not required for passage. The vote will be a simple majority vote.
  - d. Rule of Necessity: When, in the opinion the City Solicitor, all members of the Municipal Council have a Conflict of Interest which prohibits them from voting on a question, the Council may invoke the "Rule of Necessity" because Members are "municipal employees" within the meaning and intent of M.G.L. Ch. 268 and have a financial interest in a matter.

### **Section 10 – Requesting City Solicitor Services**

- 2-10.1 The Council President shall be the liaison between the Municipal Council and the City Solicitor. As such, the Council President can request legal opinions and professional advice on any subject relating to the affairs of the city or the duties of any of its officers. (Rev. Ordinances Ch. 2, Sec. 2-3.2) The Council President may also request guidance on procedural matters pertaining to city ordinances or the application of these Rules of Procedure.
- 2-10.2 The Chairperson of the Ordinance, Elections and Legislative Matters Committee may contact the City Solicitor solely on matters currently pending before that committee. The Chairperson must copy the President on any such requests submitted.
- 2-10.3 Except for requesting the opinion of the City Solicitor on questions relating to ethical issues, all requests for an opinion of the City Solicitor by a Member must first be approved by the Council President.

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2-10.4 Copies of all written City Solicitor opinions will be kept by the Municipal Council Administrative Assistant.

### **Section 11—Use of Municipal Council Chambers**

- 2-11.1 Use of Municipal Council Chambers or property therein is at the discretion of the Council President or his/her designee subject to the following :
- a. Persons or groups meeting inside the legislative area using Members' desks shall not remove any items from drawers nor leave any items on the desks.
  - b. When groups, other than Municipal Council committees, use the Council Annex rooms and rearrange the furniture, the person(s) who requested the meeting is responsible for placing the room back in proper order.
  - c. When use of the Annex Room and/or Municipal Council Chambers is requested by an entity or agency not related to the city, a request must be submitted in writing to the Council President describing the nature of the meeting and an estimate of the number of people expected to attend.
- 2-11.2 Except as otherwise provided, no written materials, documents or other items may be distributed and/or placed upon Members' desks. When Council is in session, written materials, documents or other items may be distributed and/or placed upon Members' desks only if:
- a. They are signed by the individual requesting distribution and clearly display said individual's name and address.
  - b. They have been delivered first to the Council President, Clerk, or the Municipal Council Administrative Assistant with a request for distribution.
  - c. To the greatest extent possible, when individuals require printed information to be presented to the Municipal Council, it should be in a format which can easily be displayed or broadcast over the cable television system. Permission for media displays of information must be obtained in advance from the Municipal Council Administrative Assistant.

## **ARTICLE 3: MEETINGS OF THE MUNICIPAL COUNCIL**

### **Section 1—Regular meetings**

- 3-1.1 Regular meetings of the Municipal Council shall be held on the first and third Tuesdays of each month; except for the months of July and August when meetings will be held on the third Tuesday and Thursday of each month. Whenever a regularly scheduled meeting falls on a holiday the Municipal Council shall meet on the call of the Council President at the next appropriate time. (Rev. Ordinances Ch.1, Sec. 1-9.1)
- 3-1.2 Regular meetings shall be held in the Attleboro City Hall Municipal Council Chambers, 77 Park Street, Attleboro, commencing at 7:00 p.m.
- 3-1.3 By a vote of the Municipal Council or by decision of the Council President or, in his/her absence, the Vice-President, the time and/or place of a regular meeting may be changed to another public building suitable for conducting city business provided that proper and timely notice of such change is given as required by the Open Meeting Law. Meetings so moved must be physically accessible to the public and provide for public broadcast via local cable television and/or internet.
- 3-1.4 If extreme weather conditions or other public emergency warrant, the Council President or, in his/her absence, the Vice-President, shall have the authority to postpone any regularly scheduled meeting or to change the place of any meeting . A meeting location may only be changed to another public building suitable for conducting city



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business provided that proper and timely notice of such change is given as required by the Open Meeting Law. Meetings so moved must be physically accessible to the public and provide for public broadcast via local cable television and/or internet.

- 3-1.5 A regular meeting may be postponed by the President or, in his/her absence, the Vice-President, when anticipated absences of a number of Members would result in the lack of a quorum. Any meeting so postponed shall be held on the next available evening provided that proper and timely notice of such change is given as required by the Open Meeting Law.

### **Section 2—Special meetings**

- 3-2.1 Special meetings of the Municipal Council may be held on the call of the Mayor, on the call of the Council President, or on the call of three or more Members. (Charter Art. 2, Sec. 7(c))
- 3-2.2 Special meeting notices must be publicly posted and delivered in hand or to the place of business or residence of each Member at least 48 hours in advance of the special meeting time and must contain the name(s) of the person (s) calling the special meeting, the date, time, and place of the meeting, specify the matters to be considered, and the date and location that such notice was publicly posted.
- 3-2.3 If a special meeting is to be held at a location other than Municipal Council Chambers said location must be a public building suitable for conducting city business, be physically accessible to the public, and provide for public broadcast via local cable television and/or internet.

### **Section 3 - Emergency meetings**

- 3-3-1 In the event of an emergency, of which the Mayor shall be the judge, public notice of a special meeting may be posted for a period less than 48-hours. (Charter Art. 3, Section 5(b))

### **Section 4 - Executive Sessions**

- 3-4.1 Pursuant to M.G.L. Ch. 39, Sec. 23B, executive session meetings of the Council are not open to the public and may be held only to consider matters listed among the permitted purposes of executive sessions as set forth in the Open Meeting Law.
- 3-4.2 The Municipal Council may, at any time, upon a call by the Council President or the Mayor, or, if in session, upon a motion of a Member duly seconded and carried by a roll call vote of the majority, meet in an executive session meeting. Attendance at such sessions shall be limited to the Mayor, members of the Council, the City Solicitor, Municipal Council Administrative Assistant, City Clerk, and such invitees as majority of the Municipal Council shall deem necessary.
- 3-4.3 The Council President (or Chairperson) must state the purpose of the executive session and present all subjects which may be revealed without compromising the purpose for which the executive session was called.
- 3-4.4 The Council President (or Chairperson) must state whether the body is returning to open session or cannot return to open session.

**Section 5 - Remote Participation of a Member**

- 3-5.1** Pursuant to the Mayor's authorization of 940 CMR 29.10, and subject to the requirements and limitations set forth below, remote participation of a Member in a Municipal Council meeting may be permitted.
- 3-5.2** Members have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency regarding deliberations and decisions on which public policy is based. Accordingly, remote participation should be the rare exception, not the rule, and requires prior notification to the Council President.
- 3-5.3** A Member shall be permitted to participate remotely in a meeting, in accordance with sub-section 3-5.4, only if physical attendance would be unreasonably difficult. (940 CMR 29.10(5)) Examples of unreasonable difficulties include but are not limited to: personal illness; personal disability; emergency; military service; and geographic distance.
- 3-5.4** Procedures for remote participation:
- a. Any Member who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the Council President, or in the Council President's absence, the person chairing the meeting, of his /her desire to do so and the reason for and facts supporting his/her request.
  - b. At the start of the meeting, the Council President shall announce the name of any Member who will be participating remotely and the reason for his/her remote participation. This information shall also be recorded in the meeting minutes. The Council President's statement should not contain any detail about the reason for the Member's remote participation other than the section of the regulation that justifies it. Neither the Council President nor others present at the meeting should divulge details about the remote participant's location or reason(s). (940 CMR 29.10 (8))
  - c. All votes taken during any meeting in which a Member participates remotely shall be by roll call vote.
  - d. A Member participating remotely may participate in an Executive Session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the Council.
  - e. When feasible, the Council President, or in the Council President's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he/she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting and shall be listed in the meeting minutes and retained in accordance with M.G.L. Ch. 30A, Sec. 22.
- 3-5.5** Minimum requirements for remote participation:
- a. Members participating remotely and all persons present at the meeting location shall be clearly audible to each other. (M.G.L. Ch. 30A, Sec. 20(d))
  - b. A quorum of the Council, including the Council President, or in the President's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. (M.G.L. Ch. 30A, Sec. 20(d))
  - c. Members participating remotely may vote and shall not be deemed absent for the purposes of M.G.L. Ch. 39, Sec. 23D.
- 3-5.6** Technology: Acceptable methods of remote participation.
- a. The following media are acceptable methods for remote participation. Remote participation by other means, including but not limited to text messaging, instant messaging, email, or web chat without

audio, is not permitted. Accommodations shall be made for any Member who requires TTY service, video relay service, or other form of adaptive communications. (940 CMR 29.10 (6)(a))

i: telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

ii: When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

iii: The public body shall determine which of the acceptable methods may be used by its members.

iv: The Council President, or in his or her absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the remote participant shall be noted as absent in the meeting minutes. (940 CMR 29.10 (8))

### **Section 6—Remote Meetings**

**3-6.1** In the event of a public emergency or catastrophic event, and only as otherwise permitted by Massachusetts General Law or by an Executive Order from the Governor of Massachusetts suspending certain provisions of the Open Meeting Law, circumstances may require Council meetings to be held fully remotely (i.e. on a cloud based meeting platform). On such an occasion, the Council shall take reasonable and practical measures to ensure that Members can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation, and that the public is provided timely access and opportunity to hear, view, and/or participate.

**3-6.2** If, during a fully remote Council meeting called under these circumstances, the Council goes into executive session, there shall be provided to all Members and other necessary parties, a separate and confidential form of access to the remote executive session meeting. Before any other discussion commences, each Member shall affirm that there is no other person present or within hearing distance of the discussion at his/her remote location, unless the Council approves/has approved the presence of that individual.

## **ARTICLE 4: DUTIES OF MUNICIPAL COUNCIL OFFICERS AND MEMBERS**

### **Section 1—Election of Officers:**

**4-1.1** The election of a Council President and Vice-President shall be made in accordance with Charter Art. 2, Section 3 as follows:

After a majority of the Members-elect have been sworn, they shall be called to order by the City Clerk, or in the absence of the City Clerk, by the member present senior in years of service, who shall preside. The Municipal Council shall then elect from among its members, by separate roll call votes, a president and then a vice-president. No other business shall be in order until such officers are elected.

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- 4-1.2 The terms of office of the newly elected Council President and Vice President shall commence upon their election, and shall terminate upon their successors taking office, or upon the expiration of the officer's term as a Municipal Member, whichever occurs first.

### **Section 2—Filling of vacancies in the Office of President or Vice President**

- 4-2.1 Whenever a vacancy shall occur in the office of the Council President or Vice President, the Municipal Council shall elect a replacement within 30 days from the date the vacancy occurred.
- 4-2.2 The nomination and election process to fill a vacancy shall be in accordance with Charter Art. 2, Section 3.
- 4-2.3 The Member chosen to fill a vacancy shall serve for the balance of the term of the person being replaced.

### **Section 3—Duties of Council Officers**

- 4-3.1 The Council President shall:
- a. Preside over all meetings and serve as Parliamentarian.
  - b. Call to Order all regular and special meetings.
    - i. If the Council President is absent the Vice President shall assume the responsibilities of the Council President.
    - ii. If both the Council President and Vice President are absent the member with the most years of service on the Municipal Council shall act as the Temporary Presiding Officer. The Temporary Presiding Officer shall preside for the balance of the meeting or until the Council President or Vice President returns.
    - iii. The Presiding Officer may call any Member to the Chair, but such substitution shall not continue longer than one meeting.
  - c. Preserve order: The Council President shall preserve order and decorum, prevent personal attacks or the impugning of Members' motives, and ensure that any debate remains focused on the matter or question under discussion.
  - d. Prepare an agenda: The Council President or meeting chair must list in the agenda topics which the Council reasonably anticipates will be discussed at the meeting. The agenda must be posted according to Open Meeting Law and may, as a courtesy, be placed on the city's website.
  - e. Carry out agenda items: The Council President shall identify each subject to be considered and may request the Mayor, any Member, staff member, or other interested person to explain, but not engage in debate, the matter under consideration.
  - f. State questions: No motion, ordinance, resolution, or other measure shall be voted upon until it has been stated by the Council President. A Member may request a motion be put in writing before the vote is taken and, if necessary, the meeting shall be recessed for that purpose.
  - g. Enforce the Rules of Procedure for the Municipal Council.
  - h. Set and prepare Council meeting dockets.
  - i. Serve as liaison between the Council and Mayor.
  - j. Serve as Mayor pro tempore. (Charter Art. 3, Section 7)
  - k. Act as representative of the Municipal Council at various functions.
  - l. Appoint a sitting Member to serve as the Attleboro Youth Commission mentor.
  - m. Perform such duties as may be assigned by the Charter, by ordinance, or by vote of the Municipal Council.
  - n. The Council President shall have the same right to vote as any elected member of the Municipal Council.

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4-3.2 The Vice-President shall, in the absence or disability of the Council President, perform the duties of the Council President as set forth in these Rules of Procedure.

### **Section 4—Duties of Council Members**

- 4-4.1 To ensure Members have reasonable time to prepare for a meeting, all motions will be distributed to Members by the Administrative Assistant on or before the close of business on the Friday preceding the next scheduled meeting. Councilors proposing alterations or additions thereto must so inform the Administrative Assistant on or before 12:00 PM on the Monday.
- 4-4.2 During Municipal Council meetings, Members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the Council President, the Presiding Officer, or these Rules of Procedure.
- 4-4.3 A Member desiring to speak shall address the Presiding Officer and, upon recognition shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.
- 4-4.4 A Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a Member is called to order while speaking, he/she shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Member shall be permitted to proceed. If ruled to be out of order, the Member shall remain silent or alter additional remarks to ensure compliance with these Rules of Procedure.
- 4-4.5 All petitions, resolutions, orders, ordinances, memorials, and reports must be offered in writing. Any motion shall be in writing when the Council President so directs or any Member so requests.**
- 4-4.6 The reading of any paper, when objected to, shall be determined by a vote of the Municipal Council.**
- 4-4.7 New business must be submitted to the Council President and Municipal Council Administrative Assistant by the Friday prior to the regular meeting where the business is to be presented. In the event of an emergency, special motions or new business may be made without prior knowledge and consent of the Council President.
- 4-4.8 When new business is introduced, the subject matter of which concerns only one ward, the Member representing the ward so concerned shall be notified by the sponsoring Member and afforded the opportunity to be co-sponsor.
- 4-4.9 All Members shall be properly attired (business attire) during formal sessions of the Municipal Council.
- 4-4.10 When Council is in session, Members shall not leave Council Chambers without being excused by the Presiding Officer and shall not leave their places upon adjournment until the Presiding Officer declares the Council adjourned.
- 4-4.11 Pursuant to the Conflict of Interest Law, a Member with a financial interest in a business or organization that is the subject of, or may otherwise be financially impacted by, a matter pending before the Council, must document said interest or conflict in writing to the City Clerk. If a Member is a member of an organization or has an affiliation with a business, he/she must verbally disclose this at the time of the vote.

## **ARTICLE 5: ORDER OF BUSINESS AND DOCKET**

### **Section 1—Order of business**

- 5-1.1 At the appointed hour for any regular, temporarily adjourned, or special meeting, the Council President, or in his/her absence, the Vice-President, or in the absence of both, the longest serving Member in attendance, shall take the chair and shall immediately call the Municipal Council to order.
- 5-1.2 When a quorum is present, the Municipal Council shall proceed to the business before it, which shall be conducted in the following order:
1. Pledge of Allegiance
  2. Moment of Silence (if called for)
  3. Motion to suspend rules (if called for)
  4. Committee of the Whole
  5. Approval of the Minutes
  6. Joint Public Hearings with the Planning Board (if any)
  7. Public Hearings
  8. Communications from the Mayor
  9. Petitions, reports and other communications
  10. Reports of Committees
  11. Old business
  12. New business
  13. Announcements
  14. Adjournment

### **Section 2—Dockets**

- 5-2.1 Meeting docket:
- a. The Council President shall be responsible for the preparation of a docket for each regular and special meeting and shall consider for inclusion on the agenda items submitted by the Mayor, any Member, or member of the public.
  - b. Within a reasonable period prior to each regular or special meeting, the Municipal Council Administrative Assistant shall be responsible for causing a docket packet to be prepared and made available to each Member for pickup at a place so designated.
  - c. Any Member, city official, or other person may supplement the materials dealing with any agenda item prior to or at the public meeting for which the docket has been prepared.
  - d. Docket items from Members (new business) should be given to the Municipal Council Administrative Assistant and filed with the City Clerk no later than the Thursday prior to the next regular meeting
  - e. Dockets shall be posted on the city web site as soon as possible and may be subject to changes as they develop.

### **Section 3—Discussion Items**

- 5-3.1 The following shall apply to the discussion of all matters coming before the Municipal Council:
- a. Members and others wishing to speak must first address and be recognized by the Presiding Officer.
  - b. All discussion shall be relevant to the motion or item under consideration.

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5-3.2 When the Municipal Council is in session, any city official or employee may, upon request of the Council or at their own request, give such information as the Council or Official may require, but at no time will a city official or employee be allowed to enter into the debate or discussion of the Council.

### **Section 4—Duty to vote**

6-4.1 Whenever a question is put before the Municipal Council, every Member shall vote, unless a he/she has a direct personal or pecuniary interest not common to other Members, or he/she is prohibited from voting under state law, or if the Municipal Council for special reasons excuses him/her. A Member who abstains from voting due to a conflict of interest shall refrain from participating in deliberation on the question.

6-4.2 General consent or consensus may be used to give direction and the meeting minutes should indicate that a majority consented.

### **Section 5—Recording of votes**

6-5.1 Every matter coming before the Municipal Council for action shall be put to a vote, the result of which shall be duly recorded. Except in instances where a roll call vote is required by Charter, city ordinance, state law, these Rules, or requested by a Member, the Council President shall determine whether the vote shall be a voice or roll call vote.

6-5.2 When requested by a Member, voting shall be by a call of the roll, and the ayes and nays shall be recorded in the journal. All records shall carry the names of those voting other than in the affirmative.

6-5.3 Voting by roll call shall proceed alternatively from left to right and right to left when the roll is called by the Clerk. The Council President shall be called to vote after all other Members have voted.

6-5.4 During the taking of a roll call vote, no person shall speak on the question being voted on and no new motion shall be made.

6-5.5 If any Council Member declines to vote "yes" or "no", their vote shall be counted as a "no" vote.

6-5.6 The Council President shall announce the results of all voting.

### **Section 6—Minutes**

5-4.1 Regular and special meetings:

- a. Minutes of each regular and special meeting shall be kept and signed by the City Clerk.
- b. With the review and approval of the City Clerk, the Administrative Assistant to the Municipal Council shall record and prepare the official minutes of each public meeting, which shall contain the date, time and place of the meeting, the members present or absent, the decisions made and actions taken, including a record of all votes, a summary of the discussions on each subject, a list of all documents and exhibits used at the meeting; and the name of any member who participated in the meeting remotely. The minutes shall also list all documents and other exhibits including but not limited to photographs, recordings or maps used at the meeting. Copies of any such material used by the Council at an open or executive session shall, along with the minutes, be part of the official record of the session. (M.G.L. Ch. 30A, Sec. 22b)
- c. Minutes of Municipal Council meetings shall be reviewed by the City Clerk and submitted to the Council for approval and/or correction. It is the policy of the Municipal Council that only Members and the City Clerk

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have the authority to make revisions to the minutes, subject to a majority vote of the Municipal Council. Unless a Member requests reading of the minutes, such minutes may be approved without reading.

- d. After approval by the Council meeting minutes shall be the official record of the proceedings of the Municipal Council. (Charter Art. 2, Sec. 7(c))
- e. Minutes shall be made available to the public in accordance with the Open Meeting Law and Public Records Law. The official copy of all Municipal Council meeting minutes shall be kept by the City Clerk, who shall make copies of them available to the public for inspection upon request. A request for copies of official minutes may require payment of a reasonable fee associated with the cost of compliance.
- f. A copy of all meeting minutes shall also be kept by the Municipal Council Administrative Assistant and posted on the city website for a period of 4 years.

### 5-4.2 Executive session minutes:

- a. A separate set of minutes shall be taken by the City Clerk or his/her designee at the executive session.
- b. These minutes will be retained by the City Clerk in accordance with the Open Meeting Law and, unless otherwise prohibited by the Open Meeting Law or Public Records Law shall not be disclosed until the purpose for which a valid executive session was held has been served,. (M.G.L. Ch. 30A, section 22)

## **ARTICLE 6: RESOLUTIONS, ORDINANCES, AND OTHER MEASURES**

### **Section 1—Discretionary and mandatory resolutions**

**6-1.1 Discretionary resolutions are sometimes used by the Council to express opinions, appreciation, and policy statements concerning special or temporary matters. Discretionary resolutions do not require public hearings or mayoral approval, typically go into effect immediately, and do not need to be published. Mandatory resolutions are subject to state law, the Charter, and/or City Ordinances and usually require public hearings, Council votes, and publication.**

**6-1.2 Discretionary resolutions may be drafted, signed, and presented by the Council President, and/or Vice-President, and, if applicable, the Member requesting such resolution. The person(s) preparing and requesting a discretionary resolution must, prior to presentation, timely notify each Member by written, electronic, or telephone notice, as deemed reasonable and appropriate by the Council President. Discretionary resolutions do not require a vote of the Council unless after notification a Member objects to the resolution. In such a circumstance, the resolution must be proposed to the Council for a vote and may be voted upon at the same meeting at which introduced.**

### **6-1.3 Types of discretionary resolutions:**

#### **a. Resolutions of Appreciation and Resolutions of Respect.**

**A Resolution of Appreciation is reserved for special recognition of outstanding contributions by an organization or an individual. A Resolution of Respect is presented to the family of a deceased prominent citizen, Member, or staff member.**

#### **b. Proclamations**

**Proclamations are presented to organizations in observance of a certain day, week, or month, such as “Child Abuse Prevention Month”, “American Education Week”, or “Black History Month”. They are presented to non-profit organizations in connection with national, statewide or local observances or in connection with a significant milestone.**

#### **c. Certificates of Recognition**

**Presented in recognition of a significant individual or organizational milestone. Subject to 6-1.2, a Certificate of Recognition can be requested by a citizen or organization for presentation to another individual/organization.**



**d. Letters of Commendations, Recognition, Greetings, and Congratulations**

**May be prepared on City Council stationery and, subject to 6-1.2, may also be presented at the request of citizens or organizations for presentation to another individual/organization.**

**6-1.4 Types of mandatory resolutions:**

**a. Capital Improvement Plan, see Charter Art. 6, Sec. 3**

**b. Comprehensive Plan, see Charter Art. 8**

**c. Certified Projects, see City Ordinances, Ch.2, Sec.19**

**d. Petitions to the General Court for a Special Act, see M.G.L. Ch.43B, Sec. 10**

**e. State Questions**

**Section 2—Ordinances and other measures:**

**6-2.1 General rules of finality and effective dates pursuant to Charter Art. 2, Section 9(a):**

- i. No measure shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property.
- ii. Except as otherwise provided by the Charter, every adopted measure shall become effective at the expiration of 30 days after adoption or at any later date specified therein.
- iii. Measures not subject to referendum shall become effective upon adoption.
- iv. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the Charter, or as provided in the initiative and referendum procedures.

**6-2.2 The affirmative vote of a majority of the full Council shall be necessary to adopt any ordinance or appropriation order. Except as otherwise provided by law or the Charter, any other motion or measure may be adopted by a majority vote of those Members present. (Charter Art. 2, Sec. 2-7(b))**

If a vote on a motion or measure results in a tie, the motion or measure will be considered defeated.

**6-2.3 Emergency measures.**

- a. An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure. A preamble which declares that an emergency exists, and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the affirmative vote of two-thirds of the Municipal Council then in office. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced.
- b. No measure making a grant, renewal, or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and except as provided by general laws, no such grant, renewal, or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. It shall become effective upon adoption or at such later time as it may specify. (Charter, Art. 2, Sec. 9)

**6-2.4 Vetoed Measure.**

- a. Every measure relative to the affairs of the City adopted by the Municipal Council, except such measures as relate to the internal affairs of the Municipal Council, shall be presented to the Mayor for his approval. If the Mayor does approve it, he/she shall signify approval by signing it; if he/she does not approve it, he/she shall return it, with objections in writing, to the Municipal Council. The Municipal Council shall enter the objections of the Mayor upon its records and shall reconsider such measure. If upon such reconsideration, two-thirds of the full Council agrees to pass the measure, it shall be considered approved.

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- b. If such measure is not returned by the Mayor within ten days after the presentation to him/her, it shall be considered approved. Every vote taken under the provisions of this section shall be determined by a call of the roll. A filing with the Clerk of the Council shall be considered a return to the Municipal Council. (Charter, Art. 3, Sec. 6)

### 6-2.5 Requirements for sale of land taken by eminent domain:

- a. The Council must, by a two-thirds vote of the full Council, find that the unused portion of land is no longer needed for the stated purpose; and thereafter,
- b. must, by a two-thirds vote of the quorum, authorize the transfer of the unused portion of land from the stated purpose for that use to being available for sale by the City of Attleboro.

## **ARTICLE 7: COMMITTEES**

### **Section 1—Standing Committees:**

#### 7-1.1 Terms and Miscellaneous

- a. The Council President may refer policy matters to a Committee and a Committee shall have the responsibility of reviewing and making progress reports and final recommendations to the Municipal Council on those policy matters.
- b. The records of committee meetings shall be completed in writing by each committee Chairperson within three days of committee meeting and kept in accordance with the Massachusetts Open Meeting Laws.
- c. The Member first named on a Committee shall be its Chairperson. In the case of the resignation, absence, or inability of the Chairperson, the other Members in the order in which they are named respectively shall act as Chairperson.
- d. The Council President shall be a voting ex-officio member of all Special and Standing Committees.
- e. Meetings of a committee may be called by the Chairperson or upon the written request of two members of the committee.
- f. The Chairperson or acting Chairperson of a committee shall have the right to make procedural motions at any meeting of the Municipal Council with regard to any matter referred to his committee; provided, however, that no matter shall be finally decided by any such procedural motion. Procedural motions shall include, but not limited to, calls for public hearings, matters of notice and advertisement, and referrals to other municipal officials, boards and commissions.

- 7-1.2 There shall be the following standing committees, each to consist of three (3) Council members to be appointed by the Council President. Committees shall review policy matters, including, but not limited to providing advice and recommendations to the Mayor, Municipal Council, and Council staff on matters relating to matters in each committee.

- 7-1.3 COMMITTEE ON CITY PROPERTY and CLAIMS, whose purpose shall include the review of city property policy matters dealing with the purchase, sale or use of City property. The Chairman will deal with accepting tangible items given to the City or disposing of items which have outlived their usefulness to the City. This committee may from time to time be responsible to examine claims the City may have or claims made against the City. This committee typically interacts with the Treasurer, Auditor/Accounting, Assessor, Legal Secretary to the Mayor, and City Solicitor. This member has automatic admission to all meetings in the administration with an agenda including claims against the City. This member is responsible for calling the City Solicitor in January to report on all cases brought in the prior year (Charter)

Items that go before this committee:

- a. Gifts to the City of Attleboro (Rev. Ordinances 1-12)

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- b. Matters pertaining to city parking lots, properties and buildings
- c. Acquisition of real property (rev. Ordinances 2-11 et seq)
- d. Disposition of property tangible supply (Rev. Ordinances 2-12 et seq)
- e. Miscellaneous appropriations and transfers relating to city property
- f. Claims against the City or claims the City can bring against another.

7-1.4 COMMITTEE ON THE BUDGET AND APPROPRIATIONS, whose purpose shall be to review the city budget, set the city tax rate and tax split, evaluating transfers affecting the budget between accounts and departments, evaluating appropriations, and special measures and motions after the budget is approved This committee will interact with Accounting, Budget and Administration, Treasurer, Auditor, Assessor, Collector, and Mayor's office. This member shall attend the Finance Committee meetings of the School Board, receive their meeting agendas and minutes.

1. Items that go before this committee:
  - a. Budget, revolving accounts re-authorizations with continuing balance for the following year (annual) (Charter Sections 6-1 & 6-2)
  - b. Setting the rates for Water, Wastewater and Trash (annual)
  - c. Water and Wastewater Enterprise budgets (annual) and miscellaneous appropriations and transfers
  - d. Tax Classification and Tax Factor (Tax Rate) (November or December) (M.G.L.?)
  - e. Loan Orders
2. Public hearings are required for:
  - f. Budget and re-authorizations with continuing balance for following year
  - g. Water, Wastewater and Trash Enterprise budgets and establishment of the rate
  - h. Tax Classification and Tax Factor (Tax Rate)
  - i. Loan Orders and amendments to Loan Orders

7-1.5 COMMITTEE ON CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT, whose purpose shall be to evaluate all Capital Improvements of the general, school and enterprise budgets and departments. This committee shall review capital development projects as they may come before the Council including IBP, Streetscape, Downtown Revitalization, and CDBG. The Chairman of this committee will be named to sit on the CDIB Board for the duration of his/her term. This Chairman will act as the liaison between the City Council and the Attleboro Redevelopment Authority. This committee typically interacts with all City departments.

1. Items that go before this committee:
  - a. Capital Improvement Plan Program (January)
  - b. Certified Projects (sections 2-17.2)
  - c. Tax Increment Financing Zones (section 2-17.3)
  - d. Exemptions from Property Tax (section 2-17.4)
  - e. District Improvement Finance Zones
  - f. Community Development Block Grant Entitlement
  - g. Industrial Development
2. Public hearings are required for:
  - a. Capital Improvement Plan Program
  - b. Community Development Block Grant Entitlement

7-1.6 COMMITTEE ON LICENSES, whose purpose shall be to review license policy matters dealing with business licenses in the City of Attleboro. This committee will evaluate licenses, which require approval of the Municipal

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Council and when necessary, visit places of business to ensure compliance to the law. The Chairman will have contact with the Police Department and submit their recommendations to the Municipal Council. This committee typically interacts with the City Clerk, Police Department, Fire Department, Building Inspection Department and makes site visits.

1. Items which require a license that go before this committee:
  - a. Amusement Arcade- (50% of floor space) (Ordinances Section 9-4)
  - b. Amusement Device License-video games, pool tables, juke box, pin ball machines (Ordinances Section 9-3)
  - c. Antique Dealer
  - d. Auctioneer's License (resident and non-resident)
  - e. Billiard & Pool Tables
  - f. Bowling Alley
  - g. Bus (Ordinances Section 9-9)
  - h. Driving Range
  - i. Fireworks Display (Ordinances Section 9-6)
  - j. Fortune Teller
  - k. Gasoline, Inflammables or other explosives
  - l. Guard Dog License (Ordinances Section 9-33)
  - m. Hackney Carriage Driver's License (taxi) (new applications and renewals) (Ordinances Section 9-12)
  - n. Hackney Carriage public stand (taxi) (Ordinances Section 10-4.7
  - o. Hawker's & Peddler's License) (Ordinances Section 9-15)
  - p. Inn Holder
  - q. Junk Collector & Dealer (Ordinances Section 9-21)
  - r. Keeping-a-stand license (Ordinances Section 9-20)
  - s. Motor Vehicles –Class I, II and III
  - t. Pawn Brokers (Ordinances Section 9-34)
  - u. Public Entertainment License (Ordinances Section 9-5)
  - v. Ring a Bell License (Ordinances Section 9-16)
  - w. Signs & Awnings
  - x. Sunday License-Automatic, Amusement Devices, Billiards and Pool Tables, Bowling Alley, Sports and games, Theatre
  - y. License to keep trucks (i.e. ice cream)
  - z. Waive fees for applications
  - aa. Second Hand Buy and Sell License
  - bb. Check Cashing License
  - cc. Keep more than one unregistered vehicle on property (Ordinances Section 9-32)
2. Public Hearings are required for:
  - dd. Above ground storage of fuel
  - ee. Keep more than one unregistered vehicle on property
  - ff. New Motor Vehicle Licenses (Class 1,2 & 3)
  - gg. Hackney Public Stand

7-1.7 COMMITTEE ON PERSONNEL, VETERANS AND HUMAN SERVICES shall review city personnel policy matters relating to personnel policies, and appointments to those boards and commissions requiring confirmation by the Municipal Council. Additionally, this committee shall review human services policy matters relating to public assistance programs and programs relating to the promotion of the general health and well-being of Attleboro's youth, families, and elderly population.

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1. Items that go before this committee:
  - a. Appointments of Department Heads, Boards and Commissions (Ordinance Section 1-13 & 1-14)
  - b. Personnel matters, appropriations and transfers
  - c. Issues relating to the schools, recreation, the Park, the Zoo the Library, the Attleboro Youth Commission, and the Senior Center.

7-1.8 COMMITTEE ON ORDINANCES, ELECTIONS and LEGISLATIVE MATTERS shall review all City of Attleboro Ordinances and recommend ordinance changes and implementation to the Municipal Council. This committee will evaluate policy related to elections, the Charter and State Law and make recommendations to the Municipal Council on those policy issues. This committee will also review legislative matters affecting the City of Attleboro, evaluate issues which are legislative, and make recommendations to the Municipal Council. The Chairman may seek legal opinions from the City Solicitor and shall notify the President of all such requests. This committee typically interacts with the Election Commission, City Clerk, State Representatives Office, State Senators office.

1. Items that go before this committee:
  - a. Proposed amendments to the Ordinances of the City
  - b. Proposed new ordinances
  - c. Election Office appropriations and transfers
  - d. Charter amendments
  - e. Retirement Board matters
  - f. Amendments to Council Rules and Procedures
  - g. Referendum questions for the ballot

2. Public Hearings are required for:
  - h. Proposed amendments to the Ordinances of the City
  - i. Proposed new ordinances
  - j. Charter amendments
  - k. Referendum questions for the ballot
  - l. Free Petition, Initiative, and Referendum questions that may go before the voters (pursuant to article 10 of the Charter)

7-1.9 COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT shall review policy matters of public safety, including, but not limited to: fire protection, police protection, emergency medical service, and emergency planning and operations. This committee typically interacts with the Police Department, Fire Department, Emergency management, Building Inspection, and Health Departments.

1. Items that go before this committee:
  - a. Emergency Management matters/Crisis prevention and intervention and Homeland Security and disaster planning and prevention
  - b. Fire Department matters, appropriations and transfers
  - c. Police Department matters, appropriations and transfers.
  - d. Safety Hazards

7-1.10 COMMITTEE ON PUBLIC WORKS shall review public works policy matters relating to the Department of Public Works, including such things as planning, programming, budgeting, execution of maintenance, repair, and capital improvement of streets, water, sewer, storm water, and facilities.

1. Items that go before this committee:

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- a. Petitions of public utility companies to locate poles, manholes, duct locations
- b. Proposals for sidewalks
- c. Easements or Order of takings for sewers, sidewalks, etc.
- d. Public Works Department matters, appropriations and transfers
- e. Matters dealing with the collection of solid waste
- f. Water and Wastewater Departments matters appropriations and transfers
- g. Drainage and Flooding problems on streets
  1. Public Hearing are required for:
- h. Petitions of public utility companies to locate poles, manholes, duct locations (Ordinances section 9-28)

7-1.11 COMMITTEE ON TRANSPORTATION AND TRAFFIC shall review traffic related and pedestrian safety policy matters and to look for solutions to improve or mitigate problems. The Chair off the Transportation and Traffic Committee is a non-voting, ex officio member of the Traffic Study Commission. The Chair shall refer all matters and ordinance changes to the Traffic Study Commission for study and recommendation. The committee shall not make any recommendations to the full Council until 21 days have elapsed or a recommendation is received from the Traffic Study Commission.

1. Items that go before this committee:
  - a. One Way Streets I (Ordinances Section 10-4.9)
  - b. Isolated Stop Signs (Ordinances Section 10-4.11)
  - c. Multi-Way Stop Sign (Ordinances Section 10-4.12)
  - d. Right Turn Required (Ordinances Section 10-4.13)
  - e. Left Turn Required (Ordinances Section 10-4.14)
  - f. Operation of heavy Commercial Vehicles Restricted (Ordinances Section 10-4.15)
  - g. Parking on Prohibited on Certain Streets (Ordinances Section 10-5.2)
  - h. Time Limited on Designated Places (Ordinances Section 10-5.3)
  - i. Time Limited Loading and Unloading in Designated (Ordinances Section 5-6)
  - j. Handicapped and Veterans' Parking Spaces (Ordinances Section 5.10)
  - k. Ordinance changes pertaining to parking, pedestrian traffic, crosswalks and vehicular traffic issues on city streets (Ordinances See Chapter 10 Motor Vehicles & Parking)
  - l. Miscellaneous appropriations and transfers
2. Public Hearings are required for:
  - m. Ordinance changes that pertain to location of traffic lights; "stop signs" and "Multi-way stop signs" "speed limit and "caution signs"; "No Left hand or Right hand turn" signs; "No thru Trucking" signs; "No parking to Corner"
  - n. Ordinance Changes that pertain to Location of "No Parking" signs; "Handicap" parking spaces; "15 min. 1, 2 ,3 and 4 hour "parking spaces" Designation of "one-way" and "two-way" streets

7-1.12 COMMITTEE ON ZONING AND LAND USE: shall review zoning policy matters, including, but not limited to: holding joint public hearings with the Planning Board for re-zoning and zoning ordinance text amendments, and to make recommendations to the Municipal Council.

1. Items that go before this committee include:
  - a. Industrial Development
  - b. Rezoning Petitions (Mass General Laws Chapter 40A, Section 5) \*
  - c. Miscellaneous application submittals for grants
  - d. Historic Landscape Preservation Grant, Bungay River Conservation Project grant)
  - e. Amendments to Section 17, Zoning of the Revised Ordinances of the City of Attleboro (Mass General Laws Chapter 40A, Section 5) \*

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- f. Matters that pertain to open space and conservation
- g. Comprehensive Plan (Charter, Article 8)
- h. Joint Public Hearings with the Planning Board

### 2. Public Hearings are required for:

- a. Rezoning Petitions
- b. Amendments to Section 17, Zoning of the Revised Ordinances of the City of Attleboro

### 7-1.13 Terms and Miscellaneous:

- a. Committee Members shall be appointed by the President to Committees for two (2) year terms that expire when their successor is qualified (Charter 2-1.c).
- b. The President may refer policy matters to a Committee and a Committee shall have the responsibility of reviewing and making progress reports and final recommendations to the City Council on those policy matters.
- c. The Committees shall not be limited to issues referred to them and may discuss and make recommendations to the City Council on any policy matters within the purview of the Committees.
- d. The records of committee meetings shall be completed in writing by each committee Chairperson within 3 days of committee meeting and kept in accordance with the Massachusetts Open Meeting Laws.
- e. The Member first named on a Committee shall be its Chairperson. In the case of the resignation, absence, or inability of the Chairperson, the other Members in the order in which they are named respectively shall act as Chairperson.
- f. The President shall be a voting ex-officio member of all Special and Standing Committees.
- g. Meetings of a committee may be called by the Chairperson or upon the written request of two members of the committee.
- h. The Chairperson or acting Chairperson of a committee shall have the right to make procedural motions at any meeting of the Municipal Council with regard to any matter referred to his committee; provided, however, that no matter shall be finally decided by any such procedural motion. Procedural motions shall include, but not limited to, calls for public hearings, matters of notice and advertisement, and referrals to other municipal officials, Boards and Commissions.

## Section 2—Special Committees

### 7-2.1 As needed to assist the Council in carrying out its duties, the Council President may establish a special committee setting forth the following:

- a. The charge and responsibilities of the Special Committee.
- b. Expected results, including, but not limited to, a timeline.
- c. Membership, including number of members, solicitation of members and qualifications of members.
- d. Term of appointment.

### 7-2.2 The Council President may discharge a special committee from further consideration on any matter.

## ARTICLE 8: CITIZENS' RIGHTS

### Section 1—Committee of the Whole

#### 8-1.1 The purpose of Committee of the Whole is to afford members of the public, **other than city officials acting in an official capacity**, an opportunity to address the Municipal Council on issues of significance to or affecting the City of Attleboro.

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- 8-1.2 Upon motion by any Member, properly seconded and carried by a majority, the Municipal Council may go into Committee of the Whole. When the Municipal Council goes into Committee of the Whole, the Council President shall act as Chairperson or appoint one. The Chairperson shall have complete charge of the Committee of the Whole, shall determine the order in which speakers are called. The Chairperson shall also allow such latitude of debate as deemed proper to handle the subject at hand, but a majority of the Council may at any time order the Committee to proceed in accordance with the Rules of Procedure of the Municipal Council.
- 8-1.3 A person wishing to address the Municipal Council during Committee of the Whole must first be recognized by the Council President and provide the Clerk with his/her name and residence.
- 8-1.4 In order that the Municipal Council may properly consider each matter brought to it by citizens and residents during Committee of the Whole, speakers will be asked to observe the following rules:
- i. Only one person may approach the microphone at any one time; only the person at the microphone will be allowed to speak; and each person may speak only once on a particular issue.
  - ii. Speakers must state their name and address before making any comment.
  - iii. Speakers must address their comments to the entire Council rather than individual Members or staff.
  - iv. The Municipal Council shall not permit persons to testify or present evidence at a Committee of the Whole on a matter which has been the subject of a public hearing before the Municipal Council if that public hearing has been closed and a decision thereon has not been rendered by the Municipal Council.
  - vi. The President may limit the time of speakers coming before the Municipal Council during Committee of the Whole.
  - vii. The Municipal Council shall not permit persons to present political platforms, policy or positions of any individual running for office in the City of Attleboro.
  - viii. Members shall not state an opinion on a matter being discussed during Committee of the Whole.
- 8-1.5 Upon motion by any Member, properly seconded and carried by a majority, the Municipal Council may rise from Committee of the Whole. When the Municipal Council rises from Committee of the Whole, the Council President shall continue with the remaining agenda.

### **Section 2—Public Hearings**

- 8-2.1 **Public hearings provide citizens, residents, and other interested parties to comment on matters currently pending before the Council. These hearings are important opportunities for members of the public to share their opinions, thoughts, concerns, and show their support or opposition for a particular matter.** The President shall determine the order in which speakers are called.
- 8-2.2 In order that the Municipal Council may properly consider each issue raised in a public hearing, speakers will be asked to observe the following rules:
- i. A person wishing to address the Municipal Council during a public hearing must first be recognized by the Council President and state his or her name and address before making any other comment.
  - ii. Only one person may approach the microphone at any one time; only the person at the microphone will be allowed to speak; and each person may speak only once on a particular issue.
  - iii. Speakers must address their comments to the Presiding Officer rather than individual Members or staff.
- 8-2.3 **Public Hearings Relative to Rezoning Requests and Notice to Abutters**  
On requests made to the Municipal Council for an amendment to the Zoning Ordinance which involve a change from one type of zoning district to another type of zoning district, the Municipal Council, in addition to giving the notice required by Chapter 40A, Section 5 of the General Laws, shall give the same written notice to: the owners, if different than the applicant(s); direct abutters (of the land to be rezoned) and the owners of the land directly



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opposite on any public or private street or way, as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

The failure in any given case to give the additional notice of public hearing prescribed in this rule of procedure shall not constitute grounds for bringing in any legal claim of invalidity of the rezoning amendment and shall not constitute grounds for denial by any such municipal official of any permit requested as the result of such rezoning.

The costs incurred by the city in giving the additional written notice provided for in the second paragraph above shall be paid by the applicant(s) for the rezoning. (voted 4/6/93)

### **Section 3—Public Attendance at Meeting Location**

- 8-3.1 Citizens, residents, and other visitors are welcome to attend all public meetings of the Municipal Council and will be admitted to Municipal Council Chambers or other location in which the Municipal Council is meeting, limited to the fire safety capacity of the room.
- 8-3.2 Everyone attending the meeting will refrain from private conversations while the Municipal Council is in session.
- 8-3.3 Citizens, residents, and other visitors attending Municipal Council meetings, **including those speaking at public hearings or Committee of the Whole**, shall observe the same rules of propriety, decorum and good conduct applicable to members of the Municipal Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the Municipal Council or while attending the Municipal Council meeting shall be directed to cease such behavior by the Presiding Officer. Failure to cease such behavior shall result in that person being barred from further audience before the Municipal Council during that session of the Municipal Council. If the Presiding Officer fails to act, any member of the Municipal Council may move to require enforcement of the rules, and the affirmative vote of a majority of the Municipal Council shall require the Presiding Officer to act.
- 8-3.4 If, after warning from the Presiding Officer, a person persists in disorderly behavior, said officer may order him/her to withdraw from the meeting, and, if he/she does not withdraw, may order the police, a constable, or any other authorized person to remove him/her from the meeting location.

### **Section 4—Written Communication**

- 8-4.1 Interested parties or their authorized representatives may address the Council in writing regarding any matter. Copies will be distributed to Members by the City Clerk's Office.
- 8-4.2 Any written correspondence or other materials filed with the office of the City Clerk or received at a Municipal Council meeting shall be documented with a receipt time and date by the City Clerk, distributed as indicated and may be read into the record if requested by the Council President. If the Clerk does not receive a copy of the written submittal before or during the Council meeting, it shall not be incorporated as part of the official record.

### **Section 5—Complaints and Suggestions to Council**

- 8-5.1 When citizen or resident complaints or suggestions are brought before the Municipal Council, other than for items already on an agenda, the Council President shall first determine whether the issue is legislative or administrative in nature and then:

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- a. If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the city, the Council President may refer the matter to a Committee, the Administration, or the Municipal Council as a whole for study and recommendation.
- b. If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the Mayor, the President should then refer the complaint directly to the Mayor for his/her review if said complaint has not been so reviewed. The Municipal Council may direct that the Mayor provide a report to Council when his/her response is made.

## **ARTICLE 9: SUSPENSION AND AMENDMENT OF RULES OF PROCEDURE**

### **Section 1—Suspension of Rules**

- 9-1.1 No procedural rule or order of the Municipal Council shall be suspended unless a majority of the Members present consent thereto by a voice vote or if requested, roll call vote.
- 9-2.2 When a procedural rule(s) is suspended, only the portions requiring change are suspended. All other rules and procedures remain in full effect. The Presiding Officer should detail the rules being suspended prior to the vote.

### **Section 2--Amendment of Rules**

- 9-2.1 A procedural rule or order of the Municipal Council shall not be repealed or amended except by a majority vote of the Municipal Council, provided notice of possible repeal or amendment was given at the preceding meeting.

## **APPENDIX**

Commonly used motions and parliamentary procedures.