

# **RULES AND ORDERS FOR THE CITY COUNCIL – AS ADOPTED JANUARY 3, 2022**

## **SECTION 1: ORGANIZATION AND GENERAL PROVISIONS**

- 1.1 Unless clearly excluded by context, all references of whatever gender shall refer and apply indifferently to persons of any gender; the singular shall include the plural and vice versa.**
- 1.2 The President and Vice President shall be elected annually by majority vote of the Council from among its members.**
- 1.3 The President may annually appoint, following election of the President and Vice President, a Parliamentarian from among the Council members or City employees. The role of the Parliamentarian shall be to maintain familiarity with all rules of order and, upon request of the President or acting President, to render a non-binding opinion on the meaning or application of any rule or the permissibility of any contemplated act or motion. The Parliamentarian so appointed need not hold the title of Registered Parliamentarian from the National Association of Parliamentarians.**
- 1.4 The President shall preserve order, may speak to points of order in preference to other members, and shall decide all questions of order, subject to an appeal to the Council. Such appeal requires a second, and is debatable only as permitted by the Parliamentary Authority. No other business shall be in order until the question of the appeal has been decided.**
- 1.5 When the President desires to vacate the Chair, the President may call any Member to it, but such member shall not continue beyond an adjournment.**
- 1.6 The Parliamentary Authority of the Council shall be the latest edition of Robert’s Rules of Order Newly Revised (RONR), provided however that in any conflict between RONR and these Rules of the Council, the Rules of the Council shall control.**
- 1.7 The President may express an opinion on any subject under debate without leaving the Chair.**
- 1.8 Seats in the Council Chamber for the members thereof shall be determined by the President. Seat adjustments may be made per discretion of the Council President.**

- 1.9 All By-Laws passed by the Council shall be termed “Ordinances”, and the enacting style shall be “Be it ordained by the City Council of the City of Fitchburg.” When the Council expresses anything by way of command, the form of expression shall be “Ordered”, and when the expression is of the opinion, facts or purposes, the form shall be “Resolved”.**
- 1.10 Every ordinance shall pass through the following stages before it shall be considered as having received the final action of the council, viz.:**
- First reading**
  - Second reading**
  - Passage to be enrolled**
  - Passage to be ordained**
- 1.11 Every order, ordinance, resolution, and vote relative to the affairs of the city, adopted, or passed by the City Council shall be presented by the clerk to the Mayor for approval. The clerk shall enter upon the records of the City Council the date and time upon which it was presented.**
- If the Mayor approves it, the Mayor shall sign it; if the Mayor disapproves it, the Mayor shall return it with written objections to the City Council, which shall enter the objections at large on its records and again consider it.**
- If the City Council notwithstanding such disapproval of the Mayor, shall again pass such order, ordinance, resolution, or vote by two thirds of all its members, it shall then be in force, but such vote shall not be taken for seven days after its return to the City Council.**
- Every such order, ordinance, resolution, and vote shall be in force if not returned by the Mayor within ten days after it has been presented to the Mayor.**
- This section shall not apply to budgets submitted under section thirty-two of Chapter 44, or to appropriations by the City Council under section thirty-three of said chapter.**
- 1.12 All reports and other papers submitted to the City Council shall be in writing, printed, or by email from a Council account; and every member presenting an ordinance, order, resolve, or report shall endorse that member’s name thereto; provided however, that a submission via email need not be signed.**
- 1.13 All subsequent references to the Chair shall include the President or any person acting as President unless context otherwise dictates, as well as the Chair of any Committee. Subsequent references to the President shall refer solely to the President or any person acting as President.**
- 1.14 None of the rules herein shall be amended or repealed at any meeting, unless by a vote of two-thirds of all the members. None of the rules herein shall be suspended, unless by a two-thirds vote of those Council members present. Rule 2.5 shall not be suspended in any case, other than as provided therein.**

## **SECTION 2: MEETINGS OF THE COUNCIL**

- 2.1** The dates of regular meetings shall be determined by an order of the City Council. Special meetings may be called at the initiative and discretion of the President. Additionally, the President shall, upon written request of three members thereof, call a special meeting.
- 2.2** The President shall take the Chair at the hour of the regular meeting of the Council or at the hour to which the Council has adjourned, and call the members to order, and a quorum being present, shall call for the Orders of the Day. In the absence of the President, the Vice President shall call the Council to order and preside at any scheduled meeting. In the absence of the President and the Vice President, the Clerk shall call the Council to order and preside until a President pro-tem is chosen from among Committee Chairs, by majority vote of the Council, without debate.
- 2.3** At every regular meeting of the Council, the order of business shall be as follows:
- 1.** Roll call.
  - 2.** Pledge of Allegiance.
  - 3.** Public Forum.
  - 4.** Report of the Appointments Committee.
  - 5.** A report of the Committee on Records.
  - 6.** Communications from the Mayor.
  - 7.** Communications and reports from the heads of departments.
  - 8.** Reports of committees.
  - 9.** Public hearings.
  - 10.** Motions, Orders, Resolutions.
  - 11.** Ordinances.
  - 12.** Presentation of petitions.
  - 13.** Unfinished business and matters on the table.
  - 14.** Announcements and Recognitions

The above order of business shall not be departed from, except by vote of a majority of the members present, or by unanimous consent. Provided, however that any above item may be skipped without motion or consent if there is no business pending thereunder.

- 2.4** The purpose of the Public Forum is to include public participation in city government. The forum will begin immediately after the meeting is called to order. In order for a person to speak, that person must first be recognized by the Chair, state the person's name and address, and speak only on matters appearing on the Council calendar or agenda at that meeting. Any such person will be given two minutes to speak.
- 2.5** All nominations for appointment or reappointment by the Mayor shall be read and shall be referred to the Committee on Appointments. This rule shall not apply to promotions within the Police and Fire Departments.

A resume outlining the nominee's qualifications for the recommended appointment shall be submitted to the City Clerk by the Mayor at the time the name is submitted to the Council for confirmation. This

rule shall not be suspended, unless with respect to promotions within the ranks of Police and Fire personnel.

- 2.6 All petitions, memorials, or remonstrances addressed to the Council shall be presented by the Chair, or by a member acting as or on behalf of the Chair, who shall explain the subject thereof.
- 2.7 The Clerk shall attend and keep the records of all the meetings of the Council, shall have the care and custody of the records, of all documents, maps, plans and papers, respecting the care and custody of which no other provision is made. The provisions of MGL Chapter 39, Sections 23A and 23B, as amended, shall be strictly adhered to by the Council and its clerks and employees.
- 2.8 All matters of every description to be presented at the meeting of the City Council, except communications from the Mayor, shall be filed with the Clerk of the Council not later than 10:30 AM at least five days (including Saturdays and Sundays) before the day of the meeting, and the City Clerk shall prepare a calendar of matters for consideration, a list of papers lying on the table, and such other matter or memoranda as may be deemed necessary, and as the Mayor or President of the Council shall direct, and shall cause the same to be electronically distributed among the members of the City Council at least forty-eight hours (not including Saturdays, Sundays, and legal holidays) before each regular meeting.
- 2.9 The use of mobile devices by Councilors during Council meetings is permitted only for City Council business such as accessing the electronic meeting informational packet, unless otherwise permitted at the discretion of the Chair.
- 2.10 All members of the City Council, and City employees serving in official capacity shall dress in business attire during Council meetings, except in such instances where City employees are required to dress in uniform.
- 2.11 No member shall, during the course of any meeting, criticize or debate any ruling of the Chair once rendered, the merits of any Rule under the Parliamentary Authority, or the merits of any Rule of this Council the amendment of which is not a matter on the agenda. Nor shall the conduct of any Councilor during a meeting be a subject of personal criticism or remonstrance by any other Councilor, other than by formal motion or point of order, whether or not the Councilor being criticized is expressly named; provided, however, that this shall in no way restrict any Councilor from correcting or otherwise disagreeing with statements or opinions of other Councilors insofar as such disagreement is limited to the substance of the remark and not its propriety, verbiage, tone, or other mode of expression.

**SECTION 3: MOTIONS AND VOTING**

**3.1 A member may preemptively claim the floor when next open, by silent gesture to the Chair while another member is speaking, and the Chair shall note that member's desire to speak in the order in which the request is received. Provided, however, that this shall not entitle a member who has already spoken to claim precedence over a member who has not yet spoken, and provided further that the Chair may grant precedence to a different member first if that different member desires to address a question or clarification to the member who is speaking.**

**A member who reserves precedence in this manner may, when recognized, yield the floor to another member before beginning to speak without sacrificing the right to be granted the floor immediately after that member.**

**3.2 Every member, when about to speak, shall respectfully address the Chair and shall confine remarks to the question under debate.**

**3.2 No member speaking shall be interrupted by another, except by rising to a point of order, or for information.**

**3.3 At the discretion of the Chair, a matter on the agenda may be discussed, no more than twice by any given Councilor, prior to any motion having been made.**

**3.4 The Chair shall put all questions in the order in which they are moved, subject to rules of precedence, except that in naming sums and fixing times, the largest sum and the longest time shall be put first.**

**3.5 After a motion is made and put by the Chair, it shall be deemed to be in the possession of the Council or committee and shall be disposed of by vote; provided however, that it may be withdrawn by its maker at any time prior to the commencement of voting or amendment.**

**Any member may make a motion to withdraw the pending motion notwithstanding the objection of its maker. Such subsidiary motion for withdrawal requires a second, is non-debatable, requires a two-thirds vote by Ayes and Nays, and is in order at any time that no other member is speaking.**

**3.6 When a question is under debate, the Chair shall receive no motion, except**

**To adjourn,**

**To lay on the table,**

**For the previous question,**

**To withdraw the pending motion pursuant to Rule 3.5,**

**To commit or refer,**

To postpone,

To amend,

which several motions shall have precedence in the above order.

- 3.7** Any amendment offered on a matter before the Council shall be germane to the subject matter of the underlying material. In no instance shall a “Motion to Amend” be used to eliminate or replace all or substantially all of the operative text of the matter being amended, unless for reasons of clarification or style.
- 3.8** The Chair shall declare all votes. If any member doubts the vote, the Chair, without further debate upon the question, shall require members voting in the affirmative and negative respectively to raise their hands or rise and stand until counted, and shall declare the result, but no such declaration shall be made unless a quorum of the Council has voted.
- 3.9** Any matter which does not require a roll-call vote may be decided by unanimous consent, provided a requisite quorum is present. This shall be at the sole discretion of the Chair, unless these Rules or the Parliamentary Authority dictate otherwise.
- 3.10** When a motion is made to take a question by ayes and nays, the question shall be so taken upon request of two members; and any vote requiring greater than a simple majority shall be taken by ayes and nays unless approved by unanimous consent.
- 3.11** All aye and nay votes shall be called in alphabetical order beginning with the Councilor who led the Pledge of Allegiance.
- When voting by ayes and nays, the form of the affirmative shall be “aye” or “yes” and the form of the negative shall be “nay” or “no”; the affirmative “yea” shall not be in order.
- 3.12** The leading of the Pledge of Allegiance shall be rotated among Councilors in alphabetical order; provided however, that if a Councilor is skipped by reason of absence or other reason, the rotation shall continue from the most recent Councilor who actually led.
- 3.13** Every member present when a question is put shall vote, unless recusing due to a conflict of interest.
- 3.14** No member shall vote on any question which would constitute a conflict of interest under applicable State laws and regulations.
- 3.15** A motion to reconsider a vote shall only be in order at the same meeting, or at the next regular meeting, and when a motion for reconsideration is decided at the same meeting, that question shall be

reconsidered prior to adjournment. However, if the motion to reconsider is intended at the next regular meeting, then a written communication requesting reconsideration shall be submitted to the City Clerk by the 10:30 AM Friday agenda deadline and be placed on the next agenda. That question shall be placed on the following meeting's agenda and no further discussion of the same motion shall be permitted. No motion to reconsider shall be entertained unless made by a member voting with the majority.

- 3.16** In all instances in which the Council shall vote to select an individual to fill any role specified in these Rules, or any At-Large vacancy or the office of the Mayor pursuant to Section 59A of the Charter, the vote shall employ a form of Instant Runoff Voting:
- Each Councilor shall clearly mark on a piece of paper ("ballot") that Councilor's order of preference for all nominated or otherwise eligible individuals, omitting none.
  - The President or Clerk shall count all first preferences, and if there is a candidate who receives a first-preference vote from a majority of Councilors, that candidate shall be the winner.
  - If there is no majority, then the candidate or candidates tied for the lowest number of first-preference votes shall be eliminated from consideration and erased or scratched out from all ballots in all places. All ballots listing that candidate first shall be recounted using the second preference instead, to be counted as equal to a first-preference vote.
  - The process shall be repeated (ignoring preferences assigned to already-eliminated candidates) until one candidate has a majority of counted votes, and that candidate shall be the winner.
  - In the event of a tie among two or more final candidates, Councilors shall be given a single opportunity to change their votes. If no Councilor elects to do so, or if the changed result is still a tie, the President shall cast the deciding vote.
  - When there are two or more seats to be elected, each seat will be separately balloted and tallied in sequence.
  - If a winner is selected prior to a final round being reached, no "unused" votes on any ballot shall be disclosed to the Council or to the public except as the law may require.
- 3.17** If Rule 3.16 applies during a session in which the Council is meeting remotely or virtually, the President or Clerk shall allow up to five minutes for Councilors to submit ballots by email. The provisions of Rule 3.16 shall otherwise be followed.
- 3.18** If any instance in which Rule 3.16 would otherwise apply, if the number of nominees, applicants, or other candidates does not exceed the number of available seats, all candidates shall be deemed to have been elected and/or appointed without a vote, unless on a seconded motion by any Councilor two-thirds of the whole Council shall vote to disapprove such a candidate.
- 3.19** No member shall be recognized more than twice on a single agenda item or main motion during a meeting of the full City Council.

Nothing in this rule or any other rule limiting speaking opportunities shall prevent a member from having at least one opportunity to speak on any debatable motion, provided recognition to the floor would otherwise be in order.

## **SECTION 4: COMMITTEES**

- 4.1 The President shall appoint members and a Chair to standing Committees of the Council as follows:**
- A. A Committee on Finance, Appropriations and Salaries, consisting of five members, to whom shall be referred all questions relating to financial operations of the City.**
  - B. A Committee on Public Works, consisting of five members, to whom shall be referred all questions relating to streets, highways, sidewalks, sewers, water, engineering, street lighting, and street railways.**
  - C. A Committee on Legislative Affairs, consisting of five members, to whom shall be referred all questions on rules, ordinances, resolutions, bills in second reading, and bills on enrollment.**
  - D. A Committee on Public Safety, consisting of five members, to whom shall be referred all questions on Fire Department, Police Department, licenses, and Military.**
  - E. A Committee on City Property, consisting of five members, to whom shall be referred all questions on City property and purchase of all fuel and other supplies not otherwise provided for.**
  - F. A Committee on Reading Records, consisting of three members, who shall be responsible for ensuring accuracy of minutes.**
  - G. A Committee on Appointments, consisting of five members, to whom shall be referred all appointments and reappointments subject to the confirmation of the Council.**
  - H. A Committee on Economic Development, consisting of five members, to whom shall be referred matters pertaining to the plans, proposals, opportunities and questions related to the City's economic vitality.**
- 4.2 Every Council member shall be appointed to a committee, unless that member requests in writing to the President not to be appointed to any committee.**
- 4.3 The Council President may act as an alternate on any Committee in order to achieve a quorum.**
- 4.4 Whenever any matter is presented to the Council relating to any subject which may be properly examined and reported upon by an existing committee, it shall stand referred to such committee. Every order or resolution appropriating money or authorizing the expenditure of any funds shall be referred to the Committee on Finance, which committee shall consider the same not later than the second regular meeting of the Council after such referral, or ask for further time in accordance with Rule 4.7.**
- 4.5 At the discretion of the Chair the public may be provided with the opportunity to speak at any gathering of the City Council or committee of the City Council. If such opportunity is provided, the provisions of Rule 2.4 shall apply.**

- 4.6** At Committee meetings, only Councilors appointed to the Committee in question shall take their place at the Council Table or equivalent and participate in proceedings. Other Councilors may attend as members of the public, but shall stand or be seated in the same area as public attendees, shall be subject to all rules governing public comment, and shall not, when addressing the Committee, be addressed as Councilors by the Committee. Provided however, that a Councilor who is a principal sponsor of a petition or other item before the Committee may be treated by the Committee in the same manner as any other petitioner or subject-matter expert during the consideration of that item.
- 4.7** The standing committees of the Council shall cause records to be kept of their proceedings, in a format approved by the City Clerk. No committee shall act by separate consultation, and no report of a committee as a body shall be received, unless agreed to in committee assembled for that purpose and signed by a majority of the quorum.
- 4.8** Any matter referred to any such Committee which has not received a recommendation from that Committee by the second regular meeting of the Council following its referral shall, at that second regular meeting, come before the Council after other business and may be acted upon by the Council as though it had been discharged from the Committee without recommendation. This rule shall not be construed so as to prevent the Council, at that time, from renewing the referral to the Committee in question.
- 4.9** In Committees where three or fewer members are present, or with unanimous consent of Committee members present, the Chair of a Committee may offer motions on the Chair's own initiative without vacating the Chair.
- In Committees where three or fewer members are present, any motion passable by simple majority shall be deemed to have passed if it is seconded, unless the proponent or the second withdraws approval prior to the Chair declaring the result.
- 4.10** Any Councilor seeking information from a petitioner, department head, or other person appearing before a Committee on which that Councilor does not sit may submit to the Chair of that Committee and to the Clerk one or more written questions, not less than forty-eight hours prior to the scheduled Committee meeting (excluding Saturdays and Sundays). The Clerk shall cause a printed copy of any such questions to be included within the folder/packet prepared for the Chair. At the Chair's discretion, questions may be submitted to the Chair in writing after the forty-eight hour deadline.
- At the meeting, the Chair shall read out the questions to the appropriate individual appearing before the Committee, and shall request that they be answered by said individual. Provided however, that the Chair may summarize, truncate, consolidate, paraphrase, or omit any question if in the Chair's sole judgment such action is necessary or advisable to promote the orderly and efficient operation of the meeting.
- It shall be out of order for any Councilor to criticize or remonstrate with the Chair regarding any decision made pursuant to this Rule during any meeting of a Committee or of the Council; provided however, that nothing in this Rule shall prevent a Councilor from mentioning a question asked or further discussing any topic raised, provided that such would otherwise be in order at the time.