

BRAINTREE TOWN COUNCIL RULES 2012



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Rule One: The President –Call of Meeting to Order

The President shall take the Chair at the hour appointed for the Council to meet and shall immediately call the members to order. In the absence of the President, the Vice-President shall assume the role of the President. If there is not available a Vice-President to preside, the At-Large Member who received the most votes in the last election will preside; if there is no At-Large Councilor Member available, then the member of District 1 will preside; and then if necessary proceed to each district numerically thereafter. The roll call shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote, take a recess or recesses, and direct the Clerk to procure the attendance of absent members.

Rule Two: The President - Limitations

No President shall serve more than two consecutive two-year terms.

The President shall not serve as Chair of a committee, standing or special.

Rule Three: Appeals from Decision of the President

The President shall preserve decorum and decide all questions of order, subject to appeal to Council. Any member of the Council may appeal the decision of the President by motion. No other business shall be in order until the question of appeal is decided. In the case of an appeal from a ruling of the President, the question shall be: "Shall the decision of the President stand as the decision of the Council?" The vote upon the question of appeal from the ruling of the President shall be by roll call to be decided by a simple majority. If a member transgresses the rules of the Council, the President, or any member by addressing the President, shall call him/her to order, in which case he/she shall be seated, unless permitted to explain.

Rule Four: Substitute Chair

The President may call any member to the Chair, but such substitutes shall not continue longer than one meeting. The President may continue to express his/her opinion on any subject under debate in the presence of the substitute Chair.

Rule Five: Viva Voce and Rising Votes

All questions shall be stated and put by the President. In case of a roll call vote, the President shall declare the result, after the Clerk has announced the number voting on each side. The results of viva voce votes shall be declared by the President without reference to the Clerk. Where a rising vote is taken, the President shall count and announce the result. Where the result of a viva voce vote is in doubt, the President may, and on demand of any member, shall call for a roll call vote.

Rule Six: Seating Arrangements

The President shall assign the seats of the Councilors and no members shall change his seat but by the permission of the President.

Rule Seven: Admission to Council Floor

No person will approach the Council during Council meetings, except upon the permission of the President or presiding officer of the Council.

Rule Eight: Committee Appointments

The Council President shall appoint all members of all committees of the Town Council, whether special or standing.

Rule Nine: Clerk and Employees

The Clerk and other officers and employees of the Council shall work for every member of the Council. Every Councilor may have the right to request the Clerk and/or employees of the Council to perform work requested by a Councilor. The President will have the right to prioritize all work received from the Councilors. The President shall manage the Clerk and all employees of the Council.

Rule Ten: Addressing President or Chair

Every member speaking to a question or making a motion before a Town Council Committee shall address the Chair as **“Mr. President” or “Madam President”, and in the absence of the Council President shall address the Chair as “Mr. Chairman” or “Madam Chairwomen”,** who shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Committee shall confine themselves to the question under debate and avoid personalities.

Rule Eleven: Debate Limitation

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes, without leave of the Council.

Rule Twelve: Speaking Decorum – Members

No member shall be interrupted while speaking, but by call to order for the correction of a mistake; nor shall there be any conversation among the members while a question is being stated, while a member is speaking, or a paper being read. If a member is speaking or otherwise transgresses the rules of the Council any member may call him to order by addressing the President.

Rule Thirteen: Speaking Decorum - Public

Any person wishing to speak during the Public Comments portion of the meeting or on a Public Hearing item, shall notify the President prior to the calling of that portion of the agenda. No person shall address the Council without first being recognized by the President. Each person addressing the Council shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting. Any person who so disrupts the meeting may, at the discretion of the President or a majority of the Council, be subject to ejection from the meeting.

Rule Fourteen: Point of Order

Any member on being called to order shall cease debate until the point of order is decided unless allowed by the President to explain.

Rule Fifteen: Voting

Every member present when a question is put may vote either in the affirmative or in the negative or “abstain” or “present”. No member is required to vote on any matter and any member may leave the Council Chambers without explanation.

Any member may recuse himself or herself prior to debate or vote on any matter before the Council and request to be informed when said debate or vote has occurred. Any Member may return to the Council meeting at any time.

Rule Sixteen: Election of Officers

A majority of all members elected to the Council shall be required to elect a President, Vice-President, Town Auditor, Town Clerk and Clerk of the Council.

Rule Seventeen: Tie Vote

In case of a tie in votes on any proposal, the proposal shall be considered lost.

Rule Eighteen: Division of a Question

On demand of any member, a question under consideration covering two or more points shall be divided where the question permits of such division.

Rule Nineteen: Demand for Roll Call

Upon demand of any member, the roll shall be called prior to President/Chair reading results into the record, upon any question before the Council.

Rule Twenty: Motions and Procedure During Debate

When a question is before the Council, no motion shall be entertained except:

1. To adjourn
2. To lay on the table
3. To end debate/To call for vote
4. To postpone to a time certain
5. To refer
6. To amend
7. To postpone indefinitely
8. To reconsider

Such motions shall take precedence in the foregoing order. A roll call may be ordered at any time to ascertain the number of members.

Rule Twenty-One: Motion to Reconsider

At any meeting at which a vote has been taken, it shall be in order for any Councilors who has voted with the prevailing side to move for immediate reconsideration. Additionally, any Councilor who has voted with the prevailing side may serve notice on the same day as the meeting, that a motion for reconsideration shall take place at the next regular meeting of the Council. A motion to reconsider requires a two-thirds vote.

Rule Twenty-Two: Motion to Lay on Table

A motion to lay on table shall preclude all amendments or debate on the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of a majority of all the members of the Council.

Rule Twenty-Three: Adjournment and Recessing

A motion to adjourn shall be in order at any time, except as follows:

- (A) When repeated without intervening business or discussion;
- (B) When made as an interruption of a member while speaking;
- (C) When the previous question has been ordered; or
- (D) While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

Recess may be taken at the discretion of the President, or by Majority vote of the Council. In either case, the reason for the recess shall be clearly stated beforehand. If a recess is called by the President, it shall not exceed thirty (30) minutes without a majority vote of the Council. No Town Council business shall be conducted while the Council is in recess.

Rule Twenty-Four: Written Proposals and Resolutions

All proposed ordinances, orders and resolutions shall be in writing and every motion shall be reduced to writing if the President or any member of the Council so directs; and no member shall be allowed to submit a written notice or resolution until he/she has read the same in his/her place or has provided the same in writing to every member of the council present.

Any proposal or proposition seeking Council endorsement of a particular course of action shall be presented in the form of a resolution. Every resolution shall be reduced to writing and shall be signed by the Councilor(s) presenting such resolution. A copy of the original resolution shall be provided to all the Councilors prior to any vote on said resolution.

Rule Twenty-Five: Personal Privilege

The right of a member to address the Council on a question of personal privilege shall be limited to those cases set forth and referred to in Robert's Rules of Order **Newly Revised**.

Rule Twenty-Six: Suspension of Rule

Except as controlled by statute, any rule may be suspended by **a majority vote** of the Council.

Rule Twenty-Seven: Council Meetings

Regular meetings of the Council shall be held in the Council Chamber the first and third Tuesday evening of each month, unless otherwise posted, commencing at 7:30 PM and shall adjourn not later than 11:00 PM. The Clerk of the Council shall notify the Councilors of all meetings of the Council by email notice or notification in the Councilor's office. Notification of meetings will also be posted on the Town of Braintree website. Whenever the first or third Tuesday evening of the month is a holiday, the regular meeting shall be held on the first or third Wednesday evening of the month at 7:30 PM unless otherwise provided for by motion. During July and August regular meetings shall be suspended by a majority vote of the Council. The Council may, by majority vote, dispense with any regular meeting, or change the day and hour of holding or adjournment of any regular meeting. No Town Council meeting shall be scheduled on the eve of a Preliminary or Final Election in the Town of Braintree. These meetings will be held on the first Wednesday following said election. The Town Council Meeting Calendar shall be reviewed and adopted within 30 days after the first Council Meeting in every year.

Rule Twenty-Eight: Executive Session

Executive session may be entered only after the Council has first convened in open session for which notice has been appropriately posted. The President shall cite the reason for going into executive session and indicate whether the Council shall leave executive session for the purpose of adjournment or return to open session. The President shall ask for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate executive session.

Rule Twenty-Nine: Special Meetings – Notice

The President of the Council, or any four (4) members thereof, may at any time call a special meeting of the Council by causing written notices stating the time, place and purpose of the meeting and signed by the person or persons calling the same, to be delivered in hand to each member of the Council, or via electronic means, at least forty-eight (48) hours before the time of such meeting.

Rule Thirty: Public Hearings

The time devoted to public hearings at any meeting of the Council shall not be more than three (3) hours at any one sitting. Any hearing not completed within the specified time may be continued to another meeting. Hearings which are authorized by the order of the Council shall have precedence and shall be followed by public presentations. Five (5) minutes shall be allowed each speaker to express his/her views on the matter being heard by the Council. **Additional time may be granted at the discretion of the Council President or Chairperson or by a majority vote of the Council after a motion by any Councilor.**

In all hearings before the Council, the case of the petitioner shall be first submitted, except where the President of the Council rules otherwise.

Rule Thirty-One: Attendance at Public Hearings & Voting

Any Councilor may vote on enactment of an ordinance or measure if that Councilor is absent from the public hearing on the said ordinance or measure, provided that the Councilor, in his or her opinion, is fully informed of all testimonial and other matters before the Council at the public hearing as provided by available video tapes, audio tapes or the record of minutes, etc. of that public hearing.

Rule Thirty-Two: Order of Business

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

1. Pledge of Allegiance/Moment of Silence
2. Roll Call
3. Announcements
4. Act on Minutes
5. Citizen Concerns/Council Response
6. Old Business
7. Communications and Reports from the Mayor, Town Officers and Town Boards
8. Reports of Committees
9. New Business
10. Motions, Orders and Resolutions
11. Adjournment

The above order shall not be changed except by vote of a majority of all the members of the Council and upon the motion to change the order, no debate shall be allowed. New Business items will be assigned to an appropriate Committee for review and response unless otherwise ordered by the Council.

The agenda will be prepared by the Clerk of the Council or his/her designee and the President. All matters to be brought before the Council shall be numbered by the Clerk of the Council or his/her designee at the time they are filed. Each item shall be numbered sequentially beginning with the first item filed in a calendar year.

Rule Thirty-Three: Agenda Requests from Other Town Departments

All items for the agenda including communications and reports from the Mayor, other Town Officers and Town Boards shall be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. No measure shall be filed without all supporting documentation. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

Rule Thirty-Four: Agenda Requests from Council Members

All items for the agenda requested by Council Members shall be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced. If a request cannot be on the next agenda the Council President shall specify when it will be placed on the agenda and must be placed within 3 meetings unless agreement between the Councilor making the request and the Council President.

Rule Thirty-Five: Citizen Participation at Council Meetings

Individuals requesting time to address the Council under "Citizens Concerns/Council Response" shall make their request no later than 10:00 AM on the Wednesday preceding the Council meeting. Speakers shall mutually agree in advance with Council President and/or Clerk of the Council as to presentation length. All items including but not limited to letters, written communications, reports or other materials being submitted from individuals addressing the Council must be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting.

Rule Thirty-Six: Anonymous Communications

Unsigned communications shall not be introduced in the Council.

Rule Thirty-Seven: Distribution of Council Correspondence

Correspondence received by any Councilor that is intended for distribution to the Full Council shall be distributed to the Full Council within (5) five business days if received electronically and (10) ten business days if received in any other form. Council member will forward to the Clerk of the Council for distribution.

Rule Thirty-Eight: Standing Committees

There shall be appointed standing committees of the Council as follows:

WAYS AND MEANS to consist of four (4) to five (5) members

ORDINANCE & RULES to consist of four (4) to five (5) members

PUBLIC PARKS & RECREATION to consist of three (3) members

PUBLIC WORKS to consist of three (3) members

PUBLIC SAFETY to consist of three (3) members

ELDER AFFAIRS/VETERAN'S SERVICES to consist of three (3) members

EDUCATION/LIBRARY to consist of three (3) members

PERSONNEL ISSUES to consist of three (3) members

TRAFFIC & SAFETY to consist of three (3) members

COMMUNITY PLANNING to consist of three (3) members

The following are presented as guidelines for consideration by each committee:

The Ways and Means Committee

Section 2-10 of the Town Charter. Assessor's business

- i. Tax Classification
- ii. Over-Lay Budget
- iii. Payment-in-Lieu of Taxes program
- iv. Property Valuations (all Classes)
- v. Exemptions
- vi. Appellate Tax Board Representation (As needed)
- b. Capital Planning Budget
- c. Stabilization Fund (requires major emphasis after years of spending down our "rainy day fund").
- d. Free Cash Appropriations
- e. Reserve Fund Items
- f. Most Other Municipal Finance Items

The Ordinance & Rules Committee may consider and report on all matters relating to general ordinances of the town, including proposed amendments to the Zoning Ordinances or Zoning Map, land use and planning, special permits, consider Councilor rules and such other matters as may be referred to it by the Council or Council President.

The Public Parks & Recreation Committee may consider and report upon all matters relating to public park and recreation operations and programs and any other matters referred to it by the Council or Council President.

The Public Works Committee may consider and report upon all matters relating to public works operations and programs, including but not limited to streets, including requests for the appropriation of funds from the Chapter 90 State Highway Fund Account, sidewalks, snowplowing, street sweeping, rubbish collections, recycling, water works, drains and sewers, public buildings and grounds, traffic, and any other matters referred to it by the Council or Council President.

The Public Safety Committee may consider and report on all matters relating to the Police Department, Fire Department, the Police and Fire Auxiliary, the Emergency Management Department, and local Emergency Planning Committee, Public Health, and any other matters referred to it by the Council or Council President.

The Elder Affairs and Veteran Services Committee may consider and report on all matters relating to the elder affairs and veteran operations and programs and any other matters referred to it by the Council or Council President.

The Personnel Committee may consider and report on all matters relating to personnel issues and any other matters referred to it by the Council or Council President.

The Community Planning Committee may consider and report upon all matters relating to short-term planning and community renewal projects as well as long term community planning and visioning and issues of sustainability and the environment and any other matters referred to it by the Council or Council President.

Rule Thirty-Nine: Attendance of Councilors at Public Meetings

Councilors may attend committee meetings or meetings of another board, committee or commission or like entity of the Town; however, when a quorum of councilors is in attendance they may not deliberate on matters within the Town Council's jurisdiction.

Rule Forty: Special Committees

Special Committees may be authorized at any time by majority vote and shall be appointed by the President to consider such matters as the Council may refer to them.

Rule Forty-One: Committee Meetings

Committees shall meet on the call of the Chair, or a majority of its members, to be communicated by the Clerk of the Council or his/her designee. In case the Chair of any committee shall fail for ten (10) business days from the time the subject has been referred to it, to call a meeting of the committee, a majority of the committee may call a meeting.

Notice of all committee meetings must be given at least forty-eight (48) hours before the time for meeting, but meetings may be held at any time by unanimous consent of all the members of the committee.

Rule Forty-Two: Chair-Quorum at Committee Meetings

The Chair of a Committee shall be the member named first, and the member named next shall be the Vice-Chair. A majority of the members of a Committee shall constitute a quorum.

Rule Forty-Three: Committee Reports

Every committee of the Council to which any subject may be referred, shall report thereon to the Council. Bi-annually all committees shall provide a report to the Full Council summarizing the results of the committee meeting(s).

Rule Forty-Four: Town Council Action on Committee Reports

The President of the Council or the presiding officer, upon receipt of the Committee Report, shall call the vote on the motion, petition or order as introduced so that the vote would be on the order, not on the committee report.

Documents referred to in committee shall be returned with the report. Nothing in this rule shall be construed to prohibit the introduction of minority reports.

Rule Forty-Five: Failure to Report by a Committee

When a committee to which a matter is referred, with instructions to report at a time named in the order of reference, is not ready to report at such time, the matter so referred shall, unless further time is granted **by a majority vote of the Council**, be considered as though reported back without recommendation. In such case, the committee shall forthwith return to the Clerk the documents pertaining to the matter, and the matter shall take its proper place in the order of business.

Rule Forty-Six: Relieving a Committee from Further Consideration

Upon motion, the Council may, by **a majority vote** of the Council, relieve a committee of further consideration of a matter referred to it and order the same placed on the calendar.

Rule Forty-Seven: Secretary to Committees

The Clerk of the Council or his/her designee shall act as secretary to the several committees, and keep a record of the attendance and business transacted at their meetings.

Rule Forty-Eight: Reference to Committees

All petitions, orders, resolutions and ordinances may be referred to appropriate committees for investigation and report.

Rule Forty-Nine: Town Solicitor

At the request of the Council President, the Town Solicitor shall be required, either in person or by deputy, to attend Council meetings. Any member of the Council may at any time call upon the Town Solicitor for an oral or written opinion to decide any question of law. The Town Solicitor may be requested to give an opinion on parliamentary rules. The Town Solicitor shall have a seat but no vote in the meetings of the governing board.

Rule Fifty: Town Auditor

At the request of the Council President, the Town Auditor shall be required, either in person or by deputy, to attend Council meetings. Any member of the Council may at any time call upon the Town Auditor for oral or written opinions of the financial conditions of the town.

Rule Fifty-One: Department Heads

At the request of the Council, any Department Head shall, either in person or deputy, attend meetings of the Council. Any member of the Council may at any time call upon the Department Head by email request through the Clerk of the Council for oral or written opinions relative to his/her department.

Rule Fifty-Two: State or Federal Cooperation

All proposals for projects which contemplate cooperation with, or financial participation by, the state or federal government, may be introduced to the Council by any member thereof or the Mayor. If a Town board or department head desires to propose such a project, the proposal shall be filed with the President of the Council. The Council shall refer all proposals to the Ways and Means Committee and to the Chair of the proper improvement committee. The Committee shall report their recommendations to the Council. If the Council approves the proposal, it shall by resolution, authorize the Mayor to make application to the proper authority.

Rule Fifty-Three: Permission to Address the Chair

Persons other than members of the Council, Town officials and news reporters, shall not be permitted upon the floor of the Council, or to address the Council, except upon introduction by a member of the Council with the consent of a majority of said Council. The Chair shall limit the time for the remarks of such person to five (5) minutes and such remarks shall be confined to the subject matter which is under consideration at that meeting.

Rule Fifty-Four: Councilor/Citizen Side-Bar

If anyone other than a Town official desires to speak to a member of the Council while the Council is in session, the member, if agreeable to the request, shall leave his/her seat and retire to the rear of the Council Chamber or elsewhere until the conversation is finished.

Rule Fifty-Five: The Council Chambers

The Council Chamber shall be under the supervision and control of the Clerk of the Council or his or her designee when the Council is not in session. Except as herein provided, it shall be used solely by the Council and its committees for the transaction of public business of the Town. If not required for such use, the Clerk or his or her designee may permit its use by any agency of the federal, state or local governments for the transaction of public business or by any nonpolitical organization in the Town, provided due notice is given the President of the Council. Seasonable application for such use must be made to the Clerk or his or her designee in such manner as may be prescribed by him or her. Any permission so granted may be canceled or revoked by the President of the Council forthwith where necessary for the protection of Town Property, the preservation of order, or other sufficient reason.

Rule Fifty-Six: By-Laws, Etc., of Council

All by-laws passed by the Council shall be termed ordinances and the enacting style shall be, "Be it ordained by the Town Council of the Town of Braintree." In all votes by which the Council expresses anything by order or command the form of expression shall be "Ordered" and in all votes by which the Council expresses opinions, principles, facts or purposes, the form shall be "Resolved".

Rule Fifty-Seven: Notification of Committee Meetings

The Clerk of the Council or his or her designee shall notify all Councilors of all Committee meetings.

Rule Fifty-Eight: Publication

The **Clerk of the Council** shall determine the newspaper in the Town in which shall be published any loan order or any ordinance and said publication shall be made in a newspaper of general circulation in the Town.

Rule Fifty-Nine: Amendment and Repeal

None of the foregoing rules and orders shall be amended or repealed at any Town Council meeting unless a majority of the members consent thereto and a motion for that purpose shall not be made and acted upon at the same meeting.

Rule Sixty: Parliamentary Procedure

The Council shall be governed by "Robert's Rules of Order Newly Revised" in all questions of Parliamentary practice not provided for by special rules or orders.

Rule Sixty-One: Adoption of Rules

These rules will be reviewed and adopted within 90 days after the first Council Meeting in every even year.

Rule Sixty-Two: Authorization to Sign Bills

The President of the Council is authorized to sign all bills, vouchers, payrolls, and similar documents pertaining to expenditures under the jurisdiction of the Town Council on behalf of the Town Council, and further, in the absence of unavailability of the President of the Council, the Vice President of the Council is hereby authorized to sign such documents, subject to the same restrictions. In a time sensitive matter Clerk of the Council may sign on behalf of the Council President subject to same restrictions.

Rule Sixty-Three: Clerk of the Council signing documents on behalf of Council

The Clerk of the Council shall not be authorized to sign any documents on behalf of a Council Member and shall not deliver documents that normally would have a signature until such time the document is signed by the appropriate Council Member, except for citations that have been voted by the Council and for which the Council Member has provided prior authorization for the Clerk to use a signatory stamp to affix said Council Member's signatures to said citation.

Rule Sixty-Four: Travel/Conference Reimbursement Policy for Braintree Town Councilors

Expenses – Subject to appropriation, the Town Councilors shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of their duties (including but not limited to conference and meals). This policy will be considered prior authorization by the Town Council that also allows mileage reimbursement in accordance with IRS federal tax regulations. Such reimbursement should be submitted to the President of the Braintree Town Council. This prior authorization will be limited to \$2,500 per year for each Braintree Town Councilor and will not need an additional vote by the Braintree Town Council. Should a Councilor exceed this amount, they will still be able to submit a request to the full Braintree Town Council for approval.

Rule Sixty-Five: Council Expenditure Reports

A running list of all expenditures of funds for the year by the Council will be published to the town website regularly and the list shall be updated within 30 days of the approval of the expenditure.

Rule Sixty-Six: Councilors Use of Letterhead

Letterhead use should be for Council business that everyone is in agreement with. If a Councilor wants to create their own Letterhead with the town seal, to send out individual letters, the Clerk of the Council can assist with that request.