

**CITY OF GLOUCESTER
CITY COUNCIL RULES OF PROCEDURE 2022**

(Revised by Vote of the City Council: 1/11/94; 4/5/94/ 7/12/94; 7/19/94; 9/6/94; 4/2/96; 2/18/97; 2/17/98; 11/10/98; 2/29/00; 1/15/02/ 10/08; 11/23/10; 08/11/15, 02/28/17, 09/25/18, 2/9/21; 3/8/22)

Roberts Rules of Order shall prevail on all matters not specifically covered by these Council Rules of Procedure.

Rule 1: Meetings

- A. Regular City Council meetings, beginning January of 2011 shall be held on the second and fourth Tuesday of each month and shall begin at 7:00 p.m. unless the City Council votes otherwise. During the emergency order, Council voted to begin meetings at 6:00 p.m. Meetings will return to 7:00 p.m. when our regularly scheduled City Council meetings return to in person.
- B. All regular meetings shall be concluded on or before 11:00 p.m. unless extended as follows: the first extension of the meeting shall require a two-thirds vote of the Council members present and shall not exceed 30 minutes in length; subsequent extensions during the same meeting shall be approved by unanimous vote of the Council members present. If necessary, the meeting shall be continued to another evening.
- C. Special meetings of the City Council may be called in accordance with Section 2-5 of the City Charter.
- D. When a City Councillor is unable to be present or arrival will be delayed at a City Council meeting, he or she shall report same in advance to both the City Council President and the City Clerk or if a Standing Committee meeting, to the Committee Chair, and in all cases to the Clerk of Committees.
- E. Remote Participation at City Council and Standing Committee meetings: It is the express desire of the Council that remote participation at meetings is an infrequent event. Chairs of Council and Committees are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule due to the inherent benefits of physical presence in a meeting.

A Council member may attend a meeting through electronic conferencing if his or her physical presence at a meeting is prevented due to extenuating circumstances such as: personal illness or disability; a family or other emergency, military service or geographic distance.

Acceptable Methods of Remote Participation: Accommodations shall be made for any Council member who requires TTY service, video relay service, and other adaptive communications: 1) Telephone, internet or satellite enabled audio or video conferencing; 2) Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible and, if possible, clearly visible to all persons at the meeting location.

Procedures for Remote Participation:

1. Any member of the Council who wishes to participate remotely shall, at least 48 hours in advance, or as soon as reasonably possible prior to the meeting, notify the

City Clerk of his or her desire to do so and the reason for and facts supporting his or her request.

2. Prior to the meeting the Chair shall make every effort to ensure the equipment is available and functioning properly. If the required equipment is not available or not functioning, then the Chair shall deny the request for remote participation.
3. At the start of the meeting the chair shall announce the name of any member who will be participating remotely and the general reason under 940 CMR 29.10(5)n for his or her remote participation. This information shall also be recorded in the meeting minutes.
4. All votes taken during any meeting in which the member participates remotely shall be by roll call vote as mandated by 940 CMR 29.10. Members may participate in the meeting remotely even if they are not qualified to vote on a particular matter (i.e. if they must recuse themselves on a particular matter).
5. Remote participants shall preserve the confidentiality of the executive session. The remote participant shall state in 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 simple majority vote of the public body and that the session is not being remotely recorded by any device.
6. If technical difficulties arise as a result of utilizing remote participation the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with participant's ability to hear or be heard clearly by all persons at the meeting locations. These efforts shall be concluded after 15 minutes. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection, if achieved, shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.
7. Rules of Procedure for Participation in Remote Meetings

On March 10, 2020, Governor Baker declared a statewide emergency and implemented certain restrictions to combat the spread of Covid-19. The emergency measures required, among other things, the discontinuation of all in-person meetings. As a result, the City Council began to hold remote meetings using a video conferencing platform. The use of such a video conferencing platform may continue well into the future. Accordingly, the City Council has created the following rules to govern attendance at its meetings that are held using video conferencing platforms.

 - A. If the City Council president is unable to access a City Council meeting held via a video conferencing platform for whatever reason then the City Council vice president shall continue to run the meeting unless and until the president returns to the meeting.
 - B. If the City Council president and vice president are both unable to access a City Council meeting held via a video conferencing platform for whatever reason then the City Councillor with the most seniority on the Council shall continue to run the meeting unless and until the president or the vice president returns to the meeting provided there is still a quorum of the City Council.
 - C. If the City Council president, vice president and councillor with the most seniority are unable to access a City Council meeting held via a video

conferencing platform for whatever reason then the meeting shall immediately adjourn to be re-scheduled at a later date.

- D. If the City Clerk is unable to access a City Council meeting held via a video conferencing platform for whatever reason then the meeting shall continue provided there is still a quorum of the City Council.
- E. If one or more City Councillors are unable to access a City Council meeting held via a video conferencing platform for whatever reason then the meeting shall continue provided that there is still a quorum and those councillors who were unable to access the meeting, should they return to the meeting, shall not vote on the matter being considered at the time they lost access. The chair of meeting may, at his discretion, call for a five (5) minute recess to wait for the councillor(s) to return.
- F. If a councillor has the capability to be on video, the councillor should continue to be on the video, with the exception that if a councillor calls in, that is acceptable as the only medium of communication.

Rule 2: Order of Business

The following list establishes the Order of Business for regularly scheduled City Council meetings. It is understood that in special situations, the City Clerk and the Council President may rearrange the calendar(s) in the interest of public convenience.

1. Flag Salute & Moment of Silence
2. Oral Communications*: Oral Communications will be allowed for 60 minutes at the beginning of each regular City Council meeting. Members of the public who are unable to speak during the 60 minute time allocation will be given the opportunity to speak later in the meeting under agenda item #9.
3. Presentations/Commendations**
4. Confirmation of New Appointments
5. CONSENT AGENDA
 - A. Confirmation of Reappointments
 - B. Mayor's Report
 - C. Communications/Invitations
 - D. Information Only
 - E. Applications/Petitions
 - F. Councillors Orders
 - G. Approval of Minutes from Previous Council & Standing Committee meetings
6. Standing Committee Reports
7. Scheduled Public Hearings
8. For Council Vote
9. Continued Oral Communications if Applicable
10. Individual Councillors' Discussion including reports by appointed Councillors to Committees
11. Councillors' Requests to the Mayor
12. Roll Call

13. Listing of Minutes from miscellaneous Boards, Commissions and Committees filed for record

*Oral Communications: The public shall have the opportunity at every regular City Council meeting to be heard under ORAL COMMUNICATIONS on matters not appearing on the agenda. Oral Communications shall allow any resident or nonresident who has a request or complaint of any nature relative to City Business to appear before the Council, state their problem without debate and the matter shall be referred to the proper agency through the Office of the Mayor. The resident or nonresident must be notified in writing within a two-week period of disposition of same by the Office of the Mayor and a copy shall be forwarded to the City Council. Residents speaking on the same topic at consecutive meetings under Oral Communications will not receive additional dispositions from the Office of the Mayor. Persons speaking under oral communications shall be limited to three minutes each and shall submit a copy of their prepared communication to the Clerk of Committees. The Council President shall not allow complaints as to individual performance or character.

**Commendations: When Councillors submit orders for commendations the Council President shall schedule them on an agenda as soon as practicable after the final approval of the order.

Rule 3: Agenda Procedure

- A. All matters to be presented at regular City Council meetings shall be filed timely with the City Clerk's office no later than 4:00 p.m. on Wednesday preceding regular Tuesday City Council meetings, and must be received in accordance with the time lines prescribed in the Open Meeting Laws or the matter will be held over to the next regularly scheduled City Council meetings. Emergencies according to the City Charter are the exception hereto.
- B. Standing Committee reports shall be electronically mailed ~~delivered~~ to the City Council with the agendas as part of the Council packets. Reports of the Committee meetings held on Mondays preceding the regular City Council meetings shall not be considered until the next regular meeting (except by a two-thirds vote of the City Council).
- C. The City Clerk shall arrange electronic delivery of the agendas and Council packets (calendars of business and enclosures) to the City Councillors on the Friday preceding the regular Council meetings.
- D. Any addendum or other matter filed after the closing time noted shall be listed on a "Unanimous Consent Calendar" and shall be considered at said Council meeting provided that no member objects. If any member objects, then said item(s) shall be considered at the next regular Council meeting.
- E. Whenever correspondence, written reports or other pertinent documents are received by the Council President or an individual Councillor (in the name of the City, the Council or agencies of the Council) copies of said document(s) shall be filed with the City Clerk for inclusion on the next Council calendar of business; and when possible copies shall be forwarded to individual City Councillors.

Rule 4: Public Hearings

All public hearings conducted by the City Council shall proceed with the following format which shall be printed on the back of the Council meeting agenda:

- A. PUBLIC HEARING OPENED by Council President;
- B. PROCEDURES FOR ELECTRONIC PRESENTATIONS BEFORE THE CITY COUNCIL:
 - In addition to paper renditions of plans, presentations and documents to the City Council, persons making presentations before the City Council shall provide the Council through the office of the City Clerk with electronic versions of such presentations and documents. Electronic versions shall be submitted no later than 48 hours before the meeting at which they are to be presented, unless specific permission is received from the Council President.
 - In the case of documents that will not become part of a permit or other action by the Council, paper versions of documents are not required though they are encouraged.,
 - Persons making presentations before the Council shall be sufficiently versed in the software used to display the documents as to not require technical assistance from City of Gloucester staff.
 - Presentation materials may be submitted in the following formats: a) Adobe Portable Document Format (.PDF); b) Microsoft PowerPoint (.PPT or .PPTX); c) Microsoft Word (.DOC or .DOCX); d) Other electronic document formats are permitted, provided the presenter brings his or her own device to present the document which is capable of interfacing to the projection equipment in the Kyrouz Auditorium at City Hall (currently VGA and HDMI interfaces are acceptable); e) In the case where document formats other than those specified above are used, paper renditions of the document must be submitted to the office of the City Clerk. During Zoom meetings, Applicants are asked to share their screens during their presentation. In addition, their screen share presentation shall be submitted no later than 48 hours before the meeting at which they are to be presented, unless specific permission is received from the Council President.
- C. PRESENTATIONS FROM PROPONENTS. In matters related to Special Permits, petitioners may make initial oral presentations up to fifteen (15) minutes; others speaking in favor shall be allowed up to three (3) minutes each. Proponents are required (OML) to enter into the record, documentation of their presentation testimony. For Public Hearings considering general matters, each individual may speak up to three (3) minutes.
- D. PRESENTATION FROM OPPONENTS. Opponents shall be allowed initial oral presentations up to fifteen (15) minutes in total; others speaking in opposition shall be allowed up to three (3) minutes each. Opponents are also required (OML) to enter into the record documentation of their testimony.
- E. REBUTTALS. Proponents shall be allowed one person to make rebuttal up to three (3) minutes and opponents shall be allowed a total of three (3) minutes by one person representing the opposition.
- F. COMMUNICATIONS to be read into the record and filed.
- G. QUESTIONS by City Councillors to either side.
- H. PUBLIC HEARING OFFICIALLY CLOSED.
- I. STANDING COMMITTEE REPORTS.
- J. COUNCIL DISCUSSION
- K. ROLL CALL VOTE(s). Unless the Council chooses to postpone the vote pending further information.

Rule 5: When both the Council President and Vice President of the Council are unable to Preside at a Meeting

When both the President and Vice-President of the City Council are unable through absence or other reason to preside at Council meetings, the following shall be the process for selecting a presiding officer:

The Senior Councillor shall preside, followed in order of precedence by Councillors in order of seniority.

In cases where Councillors have identical seniority the presiding officer shall be chosen by lot administered by the City Clerk from among those of equal seniority.

For the purposes of this Rule of Procedure, seniority shall mean length of total years of service on the Council.

Rule 6: Rules of Debate

1. City Council debate shall be guided by the Council President within the following constraints:
 - A. No member shall speak more than once on the same question until all other members desiring to speak have spoken;
 - B. No member shall have or hold the floor for more than three (3) consecutive minutes during debate on the same question, and
 - C. No member shall discuss any individual or company in a derogatory manner without first notifying the party(ies) involved. Upon notice, the matter shall be placed on the agenda for a future meeting.

These constraints may be lifted by the Council President for good cause or by a majority Roll Call vote of Councillors present.

Rule 7: Manner of Voting

Roll Call votes shall be conducted in the following manner:

The Clerk shall call the name of each City Councillor in alphabetical order. The first name on the roll call sheet shall be rotated at every new meeting.

Rule 8: Committees

- A. Council Committees shall be established as set forth in the City Charter Sections 2-9 a, b, c and d.
- B. When a member of a Standing Committee is absent, the Committee Chairman should appoint another Councillor as an alternate member of said Committee with voting authority. The Standing Committee Chair should refer to the designated list of alternates, in the order that they are listed, for his/her Standing Committee.
- C. Ad Hoc Committees may be established by the City Council, the members of which shall be appointed by the Council President.

- D. Should a Committee schedule a daytime meeting and any Councillor objects, the meeting shall be rescheduled to an evening meeting.

Rule 9: Vacancy in a Council Position and filling same

Procedures for filling the City Council seat left vacant by death, resignation or removal from office of a City Councillor or removal from the City, shall be followed when a candidate to fill the vacancy is not available pursuant to Section 2-13 of the City Charter as follows:

- 1) The chair shall publically announce the following procedures and post them as part of the agenda of the meeting at which the vacancy is to be filled.
- 2) Persons to be considered for election must meet the qualifications for office specified in Section 2-1 of the City Charter.
- 3) Persons to be considered for election must be nominated and seconded by a member of the City Council.
- 4) Councillors shall be limited to one (1) nomination and one (1) seconding of nominees for the vacant Council seat.
- 5) Candidates for election may make a presentation of up to five minutes in length to the Council. Councillors may ask questions of the candidates following the presentation.
- 6) Election of a new Councillor shall require a majority of the eight remaining members of the City Council (five votes).
- 7) Once nominated and seconded, no candidate shall be removed from consideration unless the candidate or his or her designee indicates that the candidate no longer wishes to be considered.

Rule 10: Procedure for selecting an interim mayor

- 1) In accordance with Gloucester City Charter, Sec. 3-11(b), the candidate to be elected interim mayor must be a member of the City Council.
- 2) At the time of election only those candidates who have been nominated and seconded by a member of the City Council shall be considered for election.
- 3) Councillors shall be limited to one (1) nomination and one (1) second of any candidate.
- 4) Candidates for interim mayor shall be allowed to make a five-minute presentation prior to the Council vote. Councillors may ask questions of the candidates following the presentations.
- 5) Election of the post of interim mayor shall require a majority vote of the Council (five votes).
- 6) Balloting shall continue until a candidate receives five votes.
- 7) Once nominated and seconded, no candidate shall be removed from consideration unless the candidate or his or her designee indicates that the candidates no longer wishes to be considered.

Rule 11: Vacancies in Positions of City Clerk or City Auditor

- A. Within a reasonable time after the Council learns of a vacancy or impending vacancy in the City Clerk or City Auditor's position, the appropriate City Standing Committee (Ordinance & Administration for City Clerk; Budget & Finance for City Auditor) shall submit an updated draft job description to the Human Resources Department for preparation of posting job advertisement. The Human Resources Department may also assist with the drafting of the job description upon request.

- B. Standard recruitment practices to be exercised by the Human Resources Department will include posting/advertising in the following mediums; the city website, the Massachusetts Municipal Association, the Gloucester Daily Times, and other current recruiting mediums, i.e. Indeed.com, etc.. The City Council Standing Committee may request additional recruitment efforts such as outreach to local institutions of higher education, professional associations, diversity affinity groups, etc.
- C. The Human Resources Department shall encourage electronic submissions of all letters of interest and resumes for the specified position and said submissions shall be kept confidential. Within one week of the closing date of the postings advertisements, the Human Resources Department shall organize the resumes and deliver them to the appropriate City Council Standing Committee, along with, items such as, an alphabetized spreadsheet to assist the screening process, suggested interview questions, and a draft interview ranking sheet.
- D. The Standing Committee shall then determine if the resumes received constitute an adequate of applicant pool for the selection process to continue or if additional recruitment efforts, including a re-advertisement, are needed.
- E. At the conclusion of the recruitment process, the members of the City Council Standing Committee shall review and evaluate all resumes received and rank each candidate in writing in order of preference submitting said ranking to the Chair of the Standing Committee.
- F. The City Council Standing Committee Chair shall select the top six candidates who meet the minimum entrance requirements from those ranked by the Standing Committee member to participate in the interview process. The Standing Committee shall maintain confidentiality regarding all applicants and shall conduct the first round interview in Executive Session.
- G. After conducting candidate interviews and reviewing reference checks conducted by the Human Resources Department, the City Council Standing Committee shall identify two to three finalist for the vacant position. The Standing Committee shall then inform each finalist that their status will become subject to public disclosure if they chose to move forward; so that each candidate may determine if they wish to proceed with the selection process. The Standing Committee shall then submit the name of one finalist to the full City Council no later than four weeks from the closing date of the application period.
- H. **City Clerk:** Ordinance and Administration, on behalf of the Council, identifies a finalist to whom a term of employment is offered. Upon acceptance of that offer, the finalist comes before the Ordinance and Administration to be recommended to the Council for election of a two year term as per City Charter Sec 2-7. Election then takes place at the next scheduled City Council Meeting.
- I. **City Auditor:** Same as above with the exception that Budget & Finance will identify a finalist for recommendation to City Council.

Rule 12: Special Permits

All Special Council Permits require the City Council to deliberate on the requisite criteria for the Gloucester Zoning Ordinance being requested.

~~During discussion~~ of For Special Permits involving Sec. 2.3 “Use Tables,” the Council must additionally consider the six standards in Sec. 1.8.3 “Standards to be Applied,” but not be required to cover all of the six standards in making their decision.

Rule 13: Minutes

Minutes of City Council meetings and Standing Committees shall only be altered or approved by the full City Council at regularly scheduled meetings.

Rule 14: Transfers and Authorizations for Sign-Off

- A. City Council Transfers are to be signed by the Department Head, being defined as the Chairman or Vice Chairman of the appropriate Standing Committee of the City Council. In the absence of the Chairman or Vice Chairman, the Council President is authorized to sign.
- B. Sign Off Authority:
 - Authority to sign off on City Council Personal Services to City Clerk
 - Authority to sign off on City Council, Ordinary – Contracted Services to City Clerk
 - Authority to sign off on City Council, Ordinary Account to Budget and Finance Committee Chairperson or, in his/her absence, Budget and Finance Committee Vice Chairperson

Rule 15: Procedures for voting the annual city budget

1. The chair of the Budget and Finance Committee will make a single motion for the General Fund budget.
2. The budget amounts for each city department other than the School Department will be part of one overall motion to be made by the Budget and Finance chair. The departmental amounts for personal service, ordinary maintenance, capital outlay (if appropriate) and any special transfers will be read by the chair of Budget & Finance. After the total appropriation is read for each department, the President will call for the vote for that department and announce the results of that vote. The single vote will apply separately to the personal service, ordinary maintenance, capital outlay and special transfers as if they were individually voted. The bottom line for each department is for reference only and is not voted.
3. The roll will be called only if there is a dissenting vote. The roll will be called for each line item in the department budget that was not voted unanimously.
4. The School Department Budget will be voted by a simple majority vote.
5. Motions related to Revenues, Free Cash, Enterprise Funds, Community Preservation Act Funds, Revolving Funds and the water and sewer rates will be moved and voted separately from the General Fund departmental budget motions.

Rule 16: Council Citations

1. If a City Council citation is to be given on behalf of the entire City Council, it shall be signed by the entire Council.
2. If a City Councillor objects to signing a citation, his/her name can be omitted from the signature area.
3. If a City Council citation is to be given by one City Councillor, it only has to be signed by that City Councillor.

Rule 17: Civility Resolution and Code of Conduct Resolution

1. A City Council Civility Resolution Review & Approval will be placed on a City Council Meeting Agenda during the month of January of each new term of office.
2. A City Council Code of Conduct Resolution Review and Approval will be placed on a City Council Meeting agenda during the month of January of each new term of office.

Rule 18: Use of Social Media

1. If using Social Media to share City Facebook posts and or City website updates, City Councillors are asked to share the post from the City so that updates are factually updated and maintained by department heads.
2. Social media posts that are appropriate and compliant with OML includes distribution of meeting agendas, scheduling information or other procedural information, or the distribution of reports or

documents that may be discussed at a meeting, provided that no opinion of a member is expressed, are excluded from the definition of deliberation under the Open Meeting Law.

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