

## **Rules and Orders of the City Council**

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### Meetings, Quorums, Proceeding, Etc.

#### Rule 1. Meeting dates and time

Regular meetings of the City Council shall be held on the first and third Tuesdays of each month at 7:00 p.m. Notice of the meeting shall be made by electronic mail sent to each Alderman at least five (5) days before the meeting.

#### Rule 2. Quorum

At all meetings of the Council a majority shall constitute a quorum for the transaction of business.

#### Rule 3. Calling meeting to order; Absence of President; Duties of President

The President shall take the chair at the hour to which the Council has adjourned or has been called together and shall call the members to order. He shall then rise and lead the Council in the salute to the flag as follows:

“I pledge allegiance to the flag of the United States of America,  
And to the Republic for which it stands,  
One nation, under God, indivisible,  
With liberty and justice for all.”

On appearance of a quorum, the City Council shall proceed to business, In the absence of the President, the oldest senior member in years of service may call the Council to order and preside until the President pro tempore shall be chosen by roll call, and a plurality of votes shall elect.

He shall preserve order; may speak on points of order in preference to other members; and shall decide all questions

or order, subject to an appeal to the Council, by a motion regularly seconded, and no other business shall be in order until the question on the appeal shall have been decided.

He shall declare all votes; but if any member doubts a vote the President, without further debate, shall require the members voting in the affirmative and in the negative, respectively, to rise and stand until they are counted.

He shall rise to address the Council; but may put questions, or read, sitting.

#### Rule 4. President relinquishing the Chair

The President may call any member to the chair, but such substitution shall not continue longer than one meeting.

When a subject is under debate, the President may state facts and give his opinion on questions of order or wisdom of procedure without leaving his place; if he desires to debate the question, he shall leave the chair, appointing some other member to preside, and shall not assume the chair while the question is pending, provided the question is taken before adjournment.

When the Council shall determine to go into committee of the whole, the President shall have the Chairman of said Committee take the chair.

#### Rule 5. Roll call votes

On all questions and motions which involve the authorizing of a loan, the appropriating of money, the transferring of an appropriation, or the passing of an ordinance, the sense of the Council shall be taken by roll call, and when one member requests, any vote shall be so taken. In all cases the President may vote.

#### Rule 6. Order of motions

The President shall put all questions in the order in which they are moved unless the subsequent motion shall be previous in its nature; except that in naming sums and fixing time, the smallest sum and the longest time shall be put first. When a motion is made to refer any subject and different committees are proposed, the questions shall be taken in the following order: I. A Standing Committee of the Council, II. A Select Committee of the Council.

#### Rule 7. Motions; Withdrawal

After a motion is stated or read by the President, it shall be in the possession of the Council and may be disposed of by vote; but the mover may withdraw it by unanimous consent at any time before a decision or amendment.

### Rule 8. Motion and procedure during debate

The President shall consider a motion to adjourn as always in order, except upon an immediate repetition. When a question is under debate he shall receive no motion but to adjourn; to postpone indefinitely; to lay on the table, the previous question; to postpone to a day certain; to commit; or to amend; which several motions shall have precedence in the order in which they stand arranged, and the first three shall be decided without debate.

No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

He shall put the previous question in the following form: "Shall the Main Question Be Now Put?" and all debate upon the main question shall be suspended until the previous question shall be decided. The effect of a negative decision upon the previous question shall be to leave the main question under debate.

On the previous questions, not exceeding five minutes shall be allowed for debate, and that only to give reason why the main question should not be put; and no member shall speak more than two minutes.

### Rights and Duties of Members

#### Rule 9. Addressing the Chair

Every member when about to speak shall rise and address the Chair; shall confine himself to the questions under debate, and avoid personalities.

#### Rule 10. Speaking decorum

No member shall be interrupted while speaking, but by a call to order, or for the correction of a mistake; nor shall any conversation be allowed among the members while a question is being stated, while a member is speaking or a paper is being read.

#### Rule 11. Matters affecting private right of Member

No member shall vote, or serve on any committee, or any question where his private right is immediately concerned distinct from the public interest.

#### Rule 12. Voting; excused from voting

Every member, except the President, present when a question is put, and not excluded by interest, shall vote unless the Council by vote excuse him; application to be so excused on any question must be made before the Council is divided, or the calling of yeas and nays, and shall be decided without debate. No member shall leave without permission, if his presence is necessary to make a quorum.

### Rule 13. Reconsideration

When a vote has passed it shall be in order for any member of the prevailing party to move for reconsideration thereof, at the same meeting, or he may give written notice to the Clerk within twenty-four hours of adjournment, of his intention to move reconsideration at the next regular meeting; in which latter case the Clerk shall retain possession of the papers until the said meeting; and when a vote for reconsideration is decided that vote shall not be reconsidered. If the motion to reconsider be not made until the next regular meeting, the subject shall not be reconsidered unless a majority of the whole Council voted therefor.

### Rule 14. Reconsideration of certain motions not permitted

No vote on either of the following motions shall be reconsidered, viz: to adjourn, to lay on the table; to take from the table; the previous question.

A question containing two or more propositions capable of division shall be divided whenever any member so requests.

No motion shall be twice reconsidered.

### Order of the Day

### Rule 15. Order of business at regular meeting

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

1. Roll Call of Members.
2. The Journal of the previous meeting shall be read.
3. Communications from His Honor, the Mayor.
4. New petitions and similar papers.
5. Public Hearings.
6. Unfinished business of preceding meetings.
7. Reports of Committees.
8. Citizens Participation time.
9. Communications and reports from City officers.
10. Appointments and elections.
11. Motions, Orders and Resolutions.

And the above order shall not be departed from, except by vote of the majority of all the members present; and all questions relating thereto shall be decided without debate.  
(amended 4/2/2019)

#### Rule 16. Reading of papers into the record

All papers shall be presented by President, or a member in his place; and shall be read by the President, Clerk, or such other person as the President may request.

#### Rule 17. Assignment of City Council seating

The desks shall be numbered, and the seats of the members shall be allotted in presence of the Council, by drawing the names of the members and the numbers simultaneously; and each member shall be entitled for their term to the seat so drawn and shall not change it after the first regular meeting.

#### Rule 18. Adjournment of meeting

The members of the Council shall not leave their places on adjournment until the President shall declare the Council adjourned.

#### Rule 19. Preparation of Order of the Day

The Clerk shall prepare for use of the Council at each meeting a Meeting Notice consisting of a list of topics that the President reasonably anticipates will be discussed at the meeting including, but not limited to, a schedule of all Ordinances, Petitions, Committee reports, Communications from City Official or Others, Orders and Resolutions, which are filed in the Office of the City Clerk by 1:00 p.m. on the Thursday before the meeting. For Special Meetings, the Meeting Notice shall consist of all matters relevant to the call of the Special Meeting, or such other matters as authorized by the President, filed in the Office of the City Clerk by 1:00 p.m. on the second business day before the meeting. The list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed at the meeting. The same shall be termed the "Order of the Day". Any Committee report filed in the Office of the City Clerk at least by 1:00 p.m. on the day of a Regular or Special Meeting of the City Council shall be read by the City Clerk into the Order of the Day under the designation "Committee Reports" and may be taken up by the City Council as a timely filed matter so long as the matter addressed by the Committee Report was identified as a topic to be discussed at the meeting in the Meeting Notice.

The Meeting Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting.

The Clerk shall timely post the Meeting Notice in the manner set forth in M.G.L. c.30A, section 20 and the regulations promulgated by the Attorney General as set forth in 940 CMR 29.00 as the same may be amended from time to time.

In an emergency, the notice shall be posted as soon as reasonably possible prior to such meeting.

## Rule 20. Standing committees

The following standing committees shall consist of five Aldermen: a. Finance; b. Infrastructure and Public Lands; c. Ordinances, Charter and Rules; d. Public Safety and License; e. Special Permits.

The following standing committees shall consist of three Aldermen: a., Audits and Accounts; b. Personnel.

The President shall appoint three members of the Council to the Zoning Ordinance Review Committee and three members to the Commerce Way Overlay District Concept Plan Review Committee.

The Committee on Liaison shall consist of all nine Aldermen with the President serving as chairman.

Appointments shall be made to all Committees by the President as soon after the organization of the City Council as possible.

A quorum of any committee shall consist of a majority of its members.

The President shall appoint one Alderman as Liaison to the following boards and commissions as soon after the organization of the City Council as possible: Conservation Commission; Council on Aging; Golf & Ski Authority; Handicapped Commission; Historical Commission; Recreation Commission; School Building Committee; School Committee; Woburn Housing Authority; Woburn Public Library; Woburn Redevelopment Authority; and Fire Building Committee.  
(amended 12/17/2019; 3/10/2020)

## Rule 20a. Applications for licenses

All applications for licenses to be granted by the City Council shall be referred to the Committee on Public Safety and License.

## Rule 21. Committee Chair

The member of the City Council first named on every committee shall be its chairman, and, in case of the chairman's absence, the other voting members in the order in which they are named shall call meetings of the committee and act as chairman.

## Rule 22. Committee proceedings

No meetings of Standing Committees of the City Council shall be held on nights of sessions of the City Council previous to such sessions.

All Committees shall cause records to be kept of their proceedings.

No report shall be received unless agreed to in committee actually assembled.

It shall be the duty of every committee to which any subject may be specifically referred to report thereon within four weeks or ask for further time.

And the Clerk shall place on the Order of the Day a list of Committee reports due in accordance with the terms of this rule.

No date shall be decided or announced for a meeting of any Standing Committee by its Chairman until the proposed date for the meeting has been mentioned and discussed with the other two members of the Committee to ascertain their availability for the date proposed.

Notice of the meeting shall be made by electronic mail sent to each Alderman.

### Ordinances, Orders, Resolutions, Etc.

#### Rule 23. Form of ordinances

All By-Laws, passed by the City Council shall be termed "Ordinances", and the enacting style shall be: "Be it ordained by the City Council of the City of Woburn".

#### Rule 24. Orders and resolutions

In all votes, when the City Council expresses anything by way of command, the form of expression shall be "Ordered", and in all opinion, principles, facts, or purposes, the form shall be "Resolved".

#### Rule 25. Transfers referred to Committee on Finance

When application shall be made for an appropriation to be provided for by transfer or loan, such appropriation shall not be made until the matter has been referred to and reported upon by the Committee on Finance.

#### Rule 26. Annual Order of Appropriations

After the Annual Order of Appropriations have been passed no expenditures shall be authorized, unless provision for the same shall be made by specific transfer from some of the appropriations contained in the Annual Order by appropriations from any funds in the City Treasury not otherwise appropriated, or by expressly creating therefor a city debt, subject to the provisions of Section 15 of the Revised City Charter.

#### Rule 27. Expenditures exceeding appropriations

In all contracts or expenditures to be made under the authority of the City Council whenever the estimate exceeds the appropriation especially made therefor the committee having such matter in charge shall submit the same to the City Council for instructions before such contract is made and signed, or any expenditures for the object incurred.

#### Rule 28. Form of papers filed with City Council

All reports and other papers submitted to the City Council shall be written or printed, and no endorsement of any kind shall be made on them excepting by the President or Clerk.

Every report of a committee shall be signed by a member belonging to the committee making such report, unless otherwise directed by the committee.

Every order and notice of reference shall have endorsed upon it the name of the member offering it or making the motion; and such member shall be informed by the clerk of the committee to which the matter is referred, of the time fixed for its consideration.

#### Rule 29. Introduction of ordinances

Every ordinance shall pass through the following stages before it shall be considered as having received the final action of the City Council, viz: First Reading; Second Reading; Passage to be ordained.

Every order against a General Municipal Loan order shall have two readings, both of which shall not be on the same day.

No ordinance shall pass through all its stages in one day, and the vote on its final passage shall be taken by roll call.

#### Rule 30. Parliamentary Procedure

The rules of Parliamentary Practice comprised in Roberts Rules and the Principles of Parliamentary Law set forth therein shall be authorities on all questions of debate under parliamentary usage, whenever the same does not conflict with the rules of the City Council.

#### Rule 31. Calling Special Meetings

The President may at any time call a special meeting of the City Council by causing a written notification thereof to be delivered in hand or left at the residence of each Alderman at least forty-eight hours before the time appointed for such meeting.

### Rule 32. Pole location petitions

Whenever any petition is filed with the City Clerk for the location of poles and the attachment of wire, he shall cause said petition to be referred to the Superintendent of Public Works for investigation and report.

### Rule 33. Alterations, Repeal or Suspension of Rules and Orders.

None of the foregoing Rules shall be suspended, altered or repealed, unless by a vote of two-thirds of all the members of the City Council.

### Rule 34. Appointments

- A. Any appointment subject to confirmation by the City Council shall be referred to the Committee on Personnel after submission.
- B. In the case of a vacancy in any office to which appointment may be made by the City Council, the following shall be the procedure for appointment.
  - 1. The City Council may appoint an individual to serve in a temporary acting capacity until a successor is duly appointed and qualified or until further action by the City Council.
  - 2. The Committee on Ordinances shall forthwith review the compensation and job description as set forth in the Woburn Municipal Code for the position and recommend any modifications it finds necessary unless otherwise not subject to change due to a contractual obligation.
  - 3. Upon receiving a report from the Committee on Ordinances, the City Council shall consider any recommended revisions to the Woburn Municipal Code and take such action as the City Council deems necessary.
  - 4. Upon final action by the City Council on the report and recommendations of the Committee on Ordinances, the City Council shall direct the city Human Resources Director to advertise the vacant position and compensation for the position, to receive and coordinate the resumes and other supporting documents received from candidates applying for the position, and to forward a report of applicants to the Committee on Personnel.
  - 5. The Committee on Personnel shall act as a preliminary screening committee, conduct preliminary interviews of the applicants at its discretion, and select not more than three (3) candidates for further consideration.
  - 6. The Committee on Personnel, Sitting as a Committee of the Whole, shall conduct final interviews of the three (3) candidates and shall select not more than two (2) candidates to be referred to the full City Council for final action.
  - 7. Upon final action, the City Council shall direct the City Clerk to forward a letter by first class mail postage prepaid to the candidate selected for appointment, which shall include the salary offered as established in the Woburn Municipal Code, the effective date of the appointment and a request for the applicant to accept or decline the offer in writing.

8. Upon receipt of the applicant's signed acceptance of the position and terms set forth in the offer, the City Council shall arrange for the applicant to subscribe the oath of office.

#### Rule 35. Citizen's Participation Time

Citizen's Participation Time. Up to a maximum of twenty (20) minutes per Council meeting shall be devoted to Citizens Participation Time. Additional time may be granted beyond the twenty (20) minutes maximum by a majority vote of the City Council. Those citizens desiring to speak at a regular Council meeting, must submit to the City Clerk, in writing, prior to the Friday last preceding the meeting, the request to speak, and the subject they wish to speak on. Due to time consideration, there will be necessarily a limitation to one petition per meeting, but no limitation as to the number of speakers that may speak on the subject matter within the twenty (20) minute time period, except that no individual speaker may speak for more than five (5) minutes. Petitions shall be set for hearing in the order in which they are received in the City Clerk's Office. All requests for Citizen's Participation Time will be forwarded to the City Council at the next regular meeting for action. Upon majority of vote, request will be assigned as follows: 1. Assign a hearing date before Council of the Whole; or 2. Assign a hearing request to Specific Committee to set hearing date and report back to Council of the Whole at next regular Council meeting; or 3. Deny Citizen Participation Time for reason that public hearing has already taken place on same subject matter.

#### Rule 36. Taking a matter from Committee

Any member wishing to take a matter from committee which has not been reported out from that committee, may do so under a suspension of Rules. After a lapse of sixty (60) days this may be accomplished by a majority vote, unless the Chair of the Committee has requested an extension of time.

Any matter not reported out from committee within twenty-four (24) months of referral shall be removed from committee and placed on file. The Clerk of Committees shall provide a list of items to be removed from committee under this rule to the Chair of the Committee who may within thirty (30) days thereafter determine that the matter remain in committee. Such determination shall be deemed a new referral to the committee for the purposes of this rule. (amended 1/22/2019)

#### Rule 37. Anonymous Communications

Unsigned communications shall not be introduced in the Council.

#### Rule 38. Use of Handheld Electronic Devices

Electronic devices, including cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber or any city council hearing location, and any person violating this rule shall be asked to leave the chamber by the City Clerk.

Some devices interfere with the council audio system.

#### Rule 39. Council Accolades and Remembrances

The council, or any committee thereof, shall have the honor of recognizing persons, groups, and events of significant importance to the City of Woburn. Any councilor wishing to honor such individuals or groups at the start of a council meeting shall notify the Council President in writing by four o'clock PM - one business day before the meeting. Councilors may honor individuals up to six (6) times per year. Two accolades will be allowed per meeting and each accolade should not exceed five minutes. Said notification shall include the names of the individuals or groups and the reason they are being honored. The council president, at the request of any councilor, shall ask the council to recognize and acknowledge a special guest or group of guests seated in the Council Chamber.

Directly before the conclusion of a scheduled council meeting, councilors may request that the council adjourn in memory of persons with importance to the City of Woburn. Any councilor wishing to do so shall notify the council president in writing by 9:00AM the morning of the meeting. The councilor shall provide the name, with correct spelling and pronunciation where appropriate. The council president shall read the names of the councilor making the request and the people to be recognized.

#### Rule 40. Power to Summons

Pursuant to Chapter 233, Section 8 of the General Laws, the City Council has the authority to summons witnesses to attend and testify and to produce books and papers at a hearing before the City Council. An Order for Summons shall be filed by the Chair of the City Council Committee invoking the summons power or shall be filed by a member of the City Council who is seeking to invoke the summons power. An Order for Summons shall state the reason for issuing the summons, a general description of the books and papers to be sought and whether the testimony sought shall be before the City Council as a whole or a committee thereof.

An Order for Summons filed by a City Council Committee shall be taken up for consideration at the next City Council meeting or subsequent City Council meetings where the Council President shall bring the matter before the City Council for consideration.

An Order for Summons filed by a City Council member shall be referred to the appropriate standing committee as determined by the City Council as a whole. If the standing committee approves of the Order for Summons it shall be submitted to the City Council as set forth in the previous paragraph.

No Order for Summons shall issue without having been considered and approved by the appropriate committee.

If the City Council votes to approve the Order, then the Chair of the City Council Committee that voted to invoke the summons power shall sign the summons requiring a person to appear before the committee or City Council as a whole to be examined in reference to any matter within the scope of the inquiry being conducted by such committee and to produce the books and papers requested.

#### Rule 41. Special Permit Provisions

In addition to any findings and conditions otherwise required by law or as may be deemed appropriate by the City Council when granting a Petition for Special Permit, the Special Permit so granted shall include the following provisions as may be applicable:

"The plan of record shall be the plan entitled [insert name of Plan] dated [insert date of Plan and any amendments thereto] prepared by [insert name of Preparer];"

"The petitioner shall file a snow storage plan with the Building Department and Department of Public Works."

"The dumpsters shall be enclosed on all sides with a fence [insert height] feet in height of solid construction, the gate to the fence shall be locked, the dumpster lid shall be made of rubber or plastic, a continuous pest management plan for dumpsters shall be filed with the Building Department and Board of Health, and the dumpsters shall be emptied between the hours of 7:00 a.m. and 7:00 p.m. only."

"The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "[insert site plan title]" dated [insert date] (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan."

(added 3/10/2020)

*(amended through April 1, 2020)*