City of Northampton

MASSACHUSETTS

In City Council January 5, 2016

Upon recommendation of the Northampton City Council

O-16.001
An Order

To Adopt the attached Rules of the 2016-2017 City Council of the City of Northampton

Ordered, that, the attached "Rules of the 2016-2017 City Council of the City of Northampton" are adopted for the 2016-2017 City Council.

In City Council, January 5, 2016
Passed First Reading, on a Roll Call Vote of 9 Yes, 0 No
Attest: Pamela D. Powers, Clerk of Council

In City Council, January 21, 2016
Passed Second Reading, on a Roll Call Vote of 8 Yes, 0 No, 1 Absent (Councilor Adams)
Attest: Pamela D. Powers, Clerk of Council

Per Charter Chapter 3-6, matters relating to the internal affairs of the City Council do not need to be presented to the Mayor for approval.
Rules suspended, passed two readings and enrolled

I hereby certify that the above Order passed the Northampton City Council on January 21, 2016

Attest: Pamela D. Powers, Clerk of Council

RULES OF THE 2016-2017 CITY COUNCIL OF THE CITY OF NORTHAMPTON

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1. These Rules

1.1. ADOPTION. When adopted by the City Council, these Rules shall take effect at the time of the first Council meeting following January 1, 2016.

1.2. REPEAL OR AMENDMENT. City Council Rules may only be repealed or amended with a two-thirds majority vote of quorum present. The latest version of these Rules shall be published online.

1.3. PRECEDENCE. The City Council Meetings shall conform to parliamentary practices as set forth in the Rules of the City Council. The procedures defined in the most current version of Robert's Rules of Order will resolve questions not addressed by the Council Rules.

1.4. SUSPENSION. Suspension of these rules or any part thereof shall require a two-thirds majority of the quorum present. Nothing herein shall be construed to authorize suspension of any provision of the Charter of the City of Northampton, or any ordinance of the City of Northampton.

2. Organization

2.1. PRESIDING OFFICER

2.1.1. DUTIES. When present, the Council President shall be the presiding officer of the City Council at every meeting. The duties as presiding officer shall be only those set forth herein:

2.1.1.1. To open the meeting at the appointed time by taking the chair, calling the meeting to order, and ascertaining that a quorum is present.

2.1.1.2. To announce in proper sequence the business that comes before the City Council.

2.1.1.3. To recognize members who are entitled to the floor.

2.1.1.4. To state and to put to vote all questions that legitimately come before the City Council as motions or that otherwise arise in the course of proceedings (except questions that relate to the presiding officer as noted below), and to announce the result of each vote or, if a motion that is not in order is made, to rule it out of order; or, to refuse to recognize obviously frivolous or dilatory motions as defined by Robert's Rules;.

2.1.1.5. To expedite business in every way compatible with the rights of all members of the body.

2.1.1.6. To respond to inquiries of City Councilors relating to parliamentary procedure or factual information bearing on the business of the City Council.

2.1.1.7. To declare the meeting adjourned when the City Council so votes or, when applicable, at the time prescribed in the order of business, or at any time in the event an emergency.

2.1.1.8. To determine whether an amendment is germane to the motion under consideration.

2.1.2. PARTICIPATION. The Presiding Officer may make statements, ask questions and give opinions during debate without relinquishing the chair.

2.1.3. ORDER OF SUCCESSION. In the absence of the Council President, the first of the following list of persons who is not absent shall preside and shall retain voting privileges:

First, the Council Vice-President
Second, the Chair of the Committee on Finance
Third, the Chair of the Committee on Legislative Matters

If none of the above are present or able to preside, the City Council shall elect by majority vote a President pro-tempore who shall preside for that meeting and shall retain voting privileges. Should the City Council fail to elect a President pro-tempore the meeting shall be adjourned.

2.2. ELECTION OF COUNCIL PRESIDENT AND VICE-PRESIDENT.

2.2.1. The City Council President and Vice-President shall be elected:

2.2.1.1. At the first City Council meeting of a two-year session; and

2.2.1.2. In the event of a vacancy for either office.

2.2.2. At any meeting when a City Council President is to be elected, the previous Council President will preside. If the previous Council President is absent or no longer a member of the Council, the longest serving member of the Council will preside. If two members of the Council are equal in seniority, a coin toss will determine which Councilor presides over the election of the Council President. If more than two members of the Council are equal in seniority they will draw lots to determine which Councilor will preside over the election of the Council President.

2.2.3. After nominations are made by members of the Council, candidates may present to the council.

2.3. COUNCIL PRESIDENT POWERS AND DUTIES. The powers and duties of the Council President shall include all duties pursuant to the Charter and also:

2.3.1. To assign councilors to serve on any committee established by the City Council.
2.3.2. To remove members of a committee from a committee, or reassign them, at any time.
2.3.3. To appoint members to select committees, as provided below.
2.3.4. To determine seating arrangements for the members of the City Council.
2.3.5. To appoint the membership of Enrollment Committee and modify the membership meeting to meeting for any reason.
2.3.6. To set an agenda for the City Council.
2.3.7. To hire the Administrative Assistant to the City Council and to supervise the individual in that position generally.
2.3.8. To issue a Committee Study Request to any committee. Such a request shall require a committee to report to the full Council on a particular policy or issue area within 120 days optionally accompanied by legislation. However a committee may by majority vote decline to consider or respond to such a request.

2.4. COUNCIL VICE-PRESIDENT - POWERS AND DUTIES. The powers and duties of the City Council Vice-President will include all duties pursuant to the Charter.

2.5. ADMINISTRATIVE ASSISTANT TO THE CITY COUNCIL

2.5.1. DUTIES. The Administrative Assistant shall report to the City Council President, who may assign duties in addition to the following:

2.5.1.1. To maintain a record of all matters and their status as they proceed through various legislative stages and committees, as well as all amendments and related documents.
2.5.1.2. To provide staff support and recordkeeping to all standing Council committees and select committees and to assist committees with all aspects of reporting.
2.5.1.3. To act as custodian of all books, documents and papers belonging to the City Council and to keep an accurate list thereof.
2.5.1.4. To notify the chair of any Council committee, board, executive commission, or other body when a matter is referred to it and to provide the body with all documents relative to the matter.
2.5.1.5. To ensure that all documents addressed to the Council shall be provided to each Councilor, and become part of the record of Council meeting at which the documents are distributed.
2.5.1.6. To secure two video records of meetings of the City Council that were so recorded.
2.5.1.7. To notify the appointees to all Council committees in writing upon their appointment.
2.5.1.8. To assist in preparing requests for proposals for an independent auditor in accordance with Sec 7-6 of the Charter.

2.5.1.9. To advise the Council President on matters of parliamentary procedure.

2.6. COUNCIL COMMITTEES

2.6.1. ESTABLISHMENT OF STANDING COMMITTEES. The following committees are established as described below.

2.6.1.1. COMMITTEE on FINANCE

2.6.1.1.1. The Committee shall review all orders authorizing a loan, supplemental appropriation, or financial transfer submitted by the Mayor in accordance with such authority by either the Massachusetts General Laws, the Charter of the City of Northampton, or the Code of Ordinances of the City of Northampton and make recommendations on the matter to the City Council.

2.6.1.1.2. In addition to the outside audit provided by Section 7-6 of the Charter, the Committee may request access to all books, vouchers, notes, securities, and bonds in the possession of the Treasurer-Collector, City Auditor or any board or executive commission and make a report thereof to the City Council.

2.6.1.1.3. The Committee shall review all proposals to sell or lease any City-owned land or building not put to public use that are submitted to the City Council for approval and all proposals to purchase or lease real property that are submitted to the City Council for approval. The Committee shall make recommendations to the City Council on the matter. All instruments of conveyance and leases approved by the City Council shall be executed by the Mayor on behalf of the City unless otherwise provided by Massachusetts General Laws.

2.6.1.1.4. The Committee shall consist of four Councilors.

2.6.1.1.5. Related departments, boards and agencies. Finance Department; Treasurer/Collector; Auditor; Assessor; Management Information Systems.

2.6.1.2. COMMITTEE on COMMUNITY RESOURCES

2.6.1.2.1. The Committee may develop, review and recommend policies on matters including economic development, local business, tourism, the environment, the arts, planning, zoning, sustainability, land use, housing and affordability, among others.

2.6.1.2.2. The Committee may review and make recommendations on licenses and permits.

2.6.1.2.3. The Committee shall consist of four Councilors.
2.6.1.2.4. Related departments, boards and agencies: Arts Council; Planning and Sustainability; Housing Authority; Housing Partnership.

2.6.1.3. COMMITTEE on CITY SERVICES

2.6.1.3.1. The Committee may develop, review and recommend policies on matters including public safety and public health, veteran's affairs, social services, libraries, disability, aging and recreation, among others.
2.6.1.3.2. The Committee shall serve as the standing committee to review all candidates for appointment to boards and commission in accordance with Section 2-10 of the Charter.
2.6.1.3.3. The Committee shall consist of four Councilors.
2.6.1.3.4. Related departments, boards and agencies: Recreation; Veteran's Affairs; Council on Aging; Forbes and Lilly Libraries; Community and Economic Development; Police; Fire/Rescue; Health Department; Parking Enforcement.

2.6.1.4. COMMITTEE on LEGISLATIVE MATTERS

2.6.1.4.1. The Committee shall have the power to make recommendations on ordinances, orders, resolutions and the rules of the City Council. The Committee shall also make recommendations on all proposed ordinances, in consultation with the City Solicitor.
2.6.1.4.2. The Committee may choose to be the last committee to review any matter that is also referred to another Council committee. The Committee shall not be required to wait to receive the report of any executive commission.
2.6.1.4.3. The Committee shall consist of four Councilors.
2.6.1.4.4. Related departments, boards and agencies: Legal Services; City Clerk; License Commission; and any other department, board or agency.

2.6.1.5. COMMITTEE on PUBLIC WORKS AND UTILITIES

2.6.1.5.1. The Committee may develop, review and recommend policies on matters including public works, streets, infrastructure, solid waste, water treatment, buildings and all utilities including water, sewer and stormwater.
2.6.1.5.2. The Committee may hold public hearings on water, sewer, stormwater and other municipal utility rates.

2.6.1.5.3. The Committee shall consist of four Councilors.

2.6.1.5.4. Related departments, boards and agencies: Department of Public Works; Central Services; Building Commissioner.

2.6.2. POWERS AND DUTIES OF COUNCIL COMMITTEES. The following shall apply to all committees unless otherwise stated:

2.6.2.1. Election of officers. Council Committees shall elect officers from among their members, such as Chair and Vice-Chair.

2.6.2.2. Meetings. Committees shall meet as required by the City Council, the Committee's Chair, or at the request of two members. Committees shall hold an initial meeting no later than three months after the appointment of its members.

2.6.2.3. Requests to appear before committees. A committee may make information requests pursuant Section 2-7 of the Charter.

2.6.2.3.1. Requests of city departments, boards and commissions. At the request of any member of a committee, and through its Chair, a committee by majority vote may request members of any multi-member body or a city employee, to appear before it to provide any information relative to the services, functions and powers within the jurisdiction of that multi-member body or city employee and not within the jurisdiction of the School Committee.

2.6.2.3.2. Other requests. Through its Chair, a committee by majority vote may invite, individuals, organizations or bodies not falling under the committee's specific jurisdiction as provided in the section of these Rules that establishes the committee, provided the question of the invitation be first placed on a the committee's agenda and receives a majority vote of the Committee.

2.6.2.3.3. Notice. A committee shall give a minimum of 7 days notice to a person it may require to appear before it. No person shall be required to respond to any question not related to those questions presented in advance and in writing. The Committee will notify the Mayor of any Information Request under this section.

2.6.2.4. Committees shall have the power to hold hearings on any matter within their jurisdiction.

2.6.2.5. Power to amend. Council committees may recommend amendments to any measure. However, when a measure has been referred to the Committee on Legislative Matters, the Committee on Legislative Matters shall consider all amendments previously proposed by other committees and report one version of an amended measure to City Council.

2.6.2.6. Duty to report. For the purposes of this section, "to report" shall mean transmitting a positive, negative or neutral recommendation and associated votes as well as any suggested textual amendments and related documents.

2.6.2.6.1. For matters referred to the Committee on Legislative Matters, among others: All committees other than the Committee on Legislative Matters shall report to the Committee on Legislative Matters and the City Council within 60 days, whereupon the Committee on Legislative Matters shall report to the full City Council within an additional 30 days.

2.6.2.6.2. For matters referred to the Committee on Legislative Matters exclusively: The Committee on Legislative Matters shall report to the full City Council within 60 days.

2.6.2.6.3. For matters referred to committees not including the Committee on Legislative Matters: Committees shall report to the full City Council within 90 days.

2.6.2.6.4. Committees shall make all reports in writing.

2.6.3. SELECT COMMITTEES. The City Council may establish select committees for the purpose of considering a particular policy or issue or for other purposes. Such committees may make recommendations and may sponsor ordinances, resolutions or other matters. Such committees may be created by resolution approved by a two-thirds vote of a quorum. The resolution shall specify the composition and scope of the select committee. No such committee shall exist beyond the current term of the Council. No such committee shall consist of fewer than two City Councilors. The Council President shall appoint all members to such committees, and may appoint members of the public who are residents of the City of Northampton or city employees provided the Mayor approve the appointment of any city employee. Select Committees shall elect their own Chair from among those appointed.

3. Duties and Powers of the City Council.

The City Council shall have those duties and powers pursuant the Charter and also:

3.1. SELECTION OF AN OUTSIDE AUDITOR. Pursuant Section 7-6 of the Charter, the City Council shall select an independent auditor according to the following provisions:

3.1.1. The Council shall by October 1 of the fiscal year for which the audit is to be done establish a Select Committee for the purpose of making a recommendation on an independent auditor to the full Council.

3.1.2. The Council shall award a contract to audit on or before March 1 of the fiscal year for which the audit is to be done.

3.1.3. The Council shall require the report of the audit to be filed in final form with the Council not later than January 15 in the year following its award.

3.2. STATE LEGISLATIVE AGENDA. The City Council shall annually by December 1st consider a resolution of state legislative priorities that would benefit the City of Northampton. For this purpose, the City Council may establish a select committee to recommend a resolution.

4. Order

4.1. QUORUM. The presence of 5 members shall constitute a quorum of the City Council.

4.2. CALLING MEETINGS TO ORDER. The presiding officer shall call the City Council to order at the time appointed for the meeting or to which it may have adjourned, if a quorum be present, which shall be determined by calling the roll. The names of members not present at the meeting shall be recorded by the Administrative Assistant to the City Council.

4.3. RECOGNITION OF MAYOR AND DEPARTMENT REPRESENTATIVES. The Mayor and all City department representatives are recognized at all Council Meetings.

4.4. CONSENT AGENDA

4.4.1. When any item of business requires action by the City Council, but is of a routine nature, such item may be presented at a regular meeting of the City Council as part of the Consent Agenda. Items eligible for consideration on

the Consent Agenda include: approval of minutes, appointments, licenses, and petitions.

4.4.2. The Consent Agenda may be introduced by a motion "To approve the Consent Agenda," and may be considered by the City Council as a single item.

4.4.3. The presiding officer shall read the title of each item contained in the Consent Agenda before a vote.

4.4.4. There shall be no debate or discussion by any City Council member regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

4.4.5. Any item may be removed from the Consent Agenda upon the request of any City Council member prior to the taking of a vote on the motion to approve it. All such items will be considered individually, in the order in which they were removed, immediately following consideration of the Consent Agenda.

4.4.6. Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption, referral or enactment of each item of business thereon, exactly as if each had been acted upon individually.

4.4.7. When an appointment has not received a recommendation from the standing committee pursuant Sec 2-10 of the Charter, a vote within the Consent Agenda shall be equivalent to a motion to refer it to said standing committee. Otherwise a vote shall be equivalent to approval.

4.5. ORDER OF BUSINESS.

4.5.1. The order of business at every regular meeting of the Council shall be as follows:

Public Comment
Roll Call
Public Hearings
Recognitions and One-Minute Announcements by Councilors
Communications and Proclamations from the Mayor
Resolutions
Presentations
Consent Agenda
- Approval of minutes
- Licenses and Petitions
- Appointments

Recess for Committee on Finance
Financial Orders
Orders
Ordinances
Updates from Council President and Committee Chairs

Information Requests (Charter Provision 2-7) and Committee Study Requests
New Business

4.5.2. The agenda shall be published in this manner and adhered to at all meetings. The presiding officer may implement a change in the order of business unless any single Councilor objects, in which case the rules may be suspended as provided in these Rules.

4.6. MINUTES OF PREVIOUS MEETING. The Administrative Assistant to the City Council shall submit the minutes of the previous meeting with the Council agenda for the next regular scheduled meeting of the City Council.

4.7. CONDUCT. City Councilors and members of the public shall conduct themselves with civility and respect at all times.

4.8. PUBLIC COMMENT. Members of the public shall be permitted to address the Council and all Council Committees on any matter for a period of three minutes. This period may be extended or reduced at the discretion of the presiding officer. Individuals wishing to speak will be recognized by the presiding officer and shall state their name and address to the Administrative Assistant to the City Council. The presiding officer shall rule out of order during the public comment session any remarks that clearly constitute defamation, with due regard for the distinction between elected officials and city employees who are public figures and those city employees who are not public figures. The presiding officer may order any member of the public who breaks this rule to cease speaking. Councilors will not respond to any comments from the public.

4.9. NEW BUSINESS. Any Councilor may introduce any written proposed order, ordinance, or resolution to be considered by the Council at the next meeting, but not to be debated during new business.

4.10. RECESS. Any Councilor may call for and be granted a recess the length of which will be determined by the presiding officer.

4.11. ORDER AND MANNER OF SPEAKING. No City Councilor shall speak more than once on a question, to the prevention of any other who has not spoken~~,~~ and is desirous of speaking. The presiding officer may allow a brief immediate response to any statement posed directly to a particular City Councilor by a City Councilor. The presiding officer may request that any speaker discontinue any overly lengthy speech, but the right of a City Councilor to speak shall not be limited unless a formal motion is passed to set limits to debate for all City Councilors.

4.12. ORDER DURING DEBATE. No member should be interrupted while speaking, but by a call to order, or a request for information, or a question of privilege to appeal a decision from the presiding officer, or for the correction of a mistake, nor shall there be any conversation among the members while a paper is being read, or a question stated from the presiding officer

4.13. VOTING

4.13.1. DECIDING VOTES. The presiding officer shall decide all votes, but if a member rises to doubt a vote the presiding officer shall order a roll call vote.

4.13.2. VOTES REQUIRED TO PASS MEASURES

4.13.2.1. The affirmative vote, taken by roll call, of 6 members shall be required to adopt an appropriation order or transfer.

4.13.2.2. The affirmative vote, taken by roll call, of 6 members shall be required to adopt a zoning ordinance.

4.13.2.3. In the absence of statutory requirements providing otherwise, the affirmative vote, taken by roll call, of 5 members shall be required to adopt any other ordinance.

4.13.2.4. In the absence of statutory requirements providing otherwise, an affirmative vote of a majority of a quorum shall pass any other measure.

4.13.3. ROLL CALL VOTES.

4.13.3.1. REQUEST. Any member may request a roll call vote on any question before the City Council and the Administrative Assistant to the City Council shall take the census of the Council in that manner.

4.13.3.2. METHOD OF RECORDING. Roll call votes shall be conducted by this method. The first roll call vote of every session of the City Council shall be in alphabetical order. Each roll call vote after that shall progress to the next City Councilor in the alphabet to be the first Councilor voting, so that at the end of every nine roll call votes each Councilor has by alphabetical progression voted first in one of the nine roll call votes.

4.13.4. RECONSIDERATION.

4.13.4.1. When a vote has passed, except for adjournment or to lay on the table, any member voting with the majority may move a reconsideration, to be acted upon at the same meeting. Any member voting with the minority may move a reconsideration to be acted upon at the next meeting.

4.13.4.2. Minority reconsideration shall have priority over majority reconsideration. Minority reconsideration shall be used to allow

time for the submission of new or additional information. Reconsideration shall not be used in a dilatory manner as defined in Robert's Rules of Order.

4.13.4.3. No motion shall be twice reconsidered.

4.14. ENDING TIME OF MEETING. Council meetings shall end no later than 11:00 p.m.

4.15. REMOTE MEETING PARTICIPATION. Councilors may participate remotely in meetings pursuant to the following regulations:

4.15.1. Requirements

4.15.1.1. Any Councilor who participates remotely and all persons present at the meeting location shall be clearly audible to each other;

4.15.1.2. A quorum including the presiding officer shall be physically present at the meeting location;

4.15.1.3. Any Councilor who participates remotely may vote and shall not be deemed absent.

4.15.1.4. Any Councilor may not participate remotely more than six times in a calendar year.

4.15.2. Permissible Reasons for Remote Participation. Any Councilor may participate remotely if the presiding officer determines that one or more of the following factors make the participation of the Councilor's physical attendance unreasonably difficult:

4.15.2.1. Personal Illness;

4.15.2.2. Personal Disability;

4.15.2.3. Emergency;

4.15.2.4. Military Service: or

4.15.2.5. Geographic Distance

4.15.3. Technology

4.15.3.1. The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any Councilor who requires TTY service, video relay service, or other form of adaptive communications.

4.15.3.1.1. Telephone, Internet, or satellite-enabled audio or video conferencing;

4.15.3.1.2. Any other technology that enables the remote participation and all persons present at the meeting location to be clearly audible to one another.

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

4.15.3.3. The presiding officer may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to call a brief recess while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all

persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

4.15.3.4. All costs associated with remote participation, if any, shall be borne by the Councilor remotely participating.

4.15.4. Procedures

4.15.4.1. Any Councilor who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the presiding officer of their desire to do so and the reason for and facts supporting their request.

4.15.4.2. At the start of the meeting, the presiding officer shall announce the name of any member who will be participating remotely and the reason for their remote participation. This information shall be recorded in the meeting minutes.

4.15.4.3. All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

4.15.4.4. Any Councilor participating remotely may participate in executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location. Any Councilor participating remotely who cannot certify that no other person is present and/or able to hear the discussion at the remote location may not participate in executive session.

4.15.4.5. When feasible, the presiding officer shall distribute to remote participants, in advance of the meeting, copies of any documents of exhibits that they reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be a part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with Massachusetts General Law Chapter 30A Section 22.

4.15.5. Application. This rule shall apply to Council Committees.

4.15.6. Amendment. This section may not be amended unless it is in accordance with the Mayor's Remote Meeting Participation Policy, Massachusetts General Law Chapter 30A Sections 18-25 and 940 Code of Massachusetts Regulations 29.10.

4.16. MINUTES OF EXECUTIVE SESSION. The City Council shall create and maintain accurate minutes of all executive sessions in accordance with the following:

4.16.1. The minutes shall set forth the day, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

4.16.2. Any vote taken in an executive session shall be recorded by roll call and entered into the minutes.

4.16.3. The minutes of any executive session and the notes, or other materials used in the preparation of such minutes, and all documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, according to the provisions of M.G.L. Chapter 4 § 7 (26) (a), as long as publication would defeat the lawful purposes of the executive session, but no longer.

4.16.4. Approving minutes.

4.16.4.1. Votes to approve executive session minutes may be, but are not required to be, taken in executive session.

4.16.4.2. Review of, deliberation on and amendments to executive session minutes shall be done in executive session.

4.16.5. Releasing minutes.

4.16.5.1. As provided in MGL Ch 30A, Sec 22(g)(1), The Council President, with the assistance of the Administrative Assistant to the City Council and City Solicitor, shall, at reasonable intervals, not to exceed three months, review the minutes of executive sessions to determine if the relevant statutory provisions warrant continued nondisclosure. Such determination shall be announced at the City Council's next meeting and such announcement shall be included in the minutes of that meeting.

4.16.5.2. Whenever the Council President requests that a vote of the Council be taken to determine whether to release executive session minutes, that vote must be taken in executive session.

4.16.6. Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the Council shall respond to the request within 10 days following receipt and shall release any such minutes that would not defeat the lawful purposes of the executive session.

4.16.7. Any notes, documents or other exhibits used in the preparation of the minutes of executive sessions shall be retained for at least 60 days following the approval of the minutes of the executive session by the Council. The Council President shall periodically review said notes and other documents prior to the discarding or destruction thereof.

5. Legislative Process

5.1. PROPOSED MATTERS

5.1.1. TIMELY FILING. All orders, ordinances, resolutions, contracts and any other-written business to be transacted by the City Council shall be filed with the Administrative Assistant to the City Council by close of business three days prior to a regular City Council meeting in accordance with the open meetings law to allow for review and timely posting.

5.1.2. PRESENTATION TO COUNCIL, MAYOR. Every new ordinance, order and resolution or other matter proposed by a City Councilor, Council committee, the Office of the Mayor including City Departments and Executive Commissions to be submitted for City Council action shall be forwarded to the Mayor, Council President and Administrative Assistant to the City Council for placement on the agenda of the City Council.

5.1.3. ADDING MATTERS TO COUNCIL AGENDA. The Council President shall have discretion over the items added to Council agendas, except that if the addition of an item has been once requested and at the discretion of the Council President is not placed on an agenda of a regular Council meeting, then before the next Council meeting any two members of the City Council may petition the Council President who shall then add the item to the agenda of the next Council meeting.

5.1.4. PRESENTATION AND ENACTING STYLE OF MATTERS

5.1.4.1. Matters shall be presented in a format as indicated in the table below:

Line	Ordinances	Orders	Resolutions
1. Date	"In the Year 2016"	"In the City Council, February 2, 2016."	"In the Year 2016"
2. Sponsorship	"Upon the recommendation of…"		
3. ID Number	Not prefaced	Prefaced by "O"	Prefaced by "R"
4. Type of Matter	"An Ordinance"	"An Order"	"A Resolution"
5. Short Title	"Relative to…" "Entitled the … Ordinance of 2016", or "To …" et al.	"To…" et al.	"To…", "In support of…", et al.
6. Enacting Clause	"Be it ordained by the City Council of the City of Northampton in City Council assembled, as follows"	"Ordered, that"	"Be it resolved by the City Council of the City of Northampton in City Council assembled, as follows"

5.1.4.2. Administrative ID Number. The Administrative Assistant to the City Council shall assign each matter, upon formal submission, a unique identification number, in the form of the last two digits of the calendar year followed by an incrementally increasing number. The incrementally increasing portion shall reset to "1" every Council session.

5.1.4.3. Additions to the Code of Ordinances shall be indicated in bold and/or underline. Deletions shall be indicated by striking through.

5.1.5. SUPPORTING DOCUMENTS. Maps and visuals, along with all other supportive evidence essential to a matter, shall be presented in a clear and intelligible way.

5.2. REFERRAL OF MATTERS TO COMMITTEES.

5.2.1. In general, all matters may be referred to Council committees for their report.

5.2.2. Financial orders. No order or resolution authorizing a loan, the levying of a tax or the expenditure of money (with the exception of the printing of the annual reports) shall be voted on by the City Council until it has been referred to the Committee on Finance. It shall be the duty of such committee to report on the relation of such order, resolution, levy or expenditures to the finances of the City, but new provisions shall not be added to such resolution, order, levy or expenditure by the Committee unless directly connected with the financial features thereof, and then by recommendation only.

5.2.3. Ordinances. No ordinance shall be voted on by the City Council until it has been referred to the Committee on Legislative Matters, unless such ordinance is introduced at and originates with the Committee on Legislative Matters.

5.2.4. Licenses and permits. Licenses and permits may be referred to the Committee on Community Resources for the committee's recommendation.

5.3. SOLICITOR REVIEW OF ORDINANCES. At or before the meeting at which the Committee on Legislative Matters considers any matter for approval and/or recommendation the City Solicitor may examine the matter's form and legal character.

5.4. WITHDRAWAL OF MATTERS. If the Council has previously acted on a matter, the matter may be withdrawn by this method. At the written request of any sponsor(s) of a matter, a matter shall be withdrawn from consideration in the City Council and in all City Council Committees to which the matter had been referred provided the withdrawal be placed on the agenda of a City Council meeting. No vote shall be required. However, if at that meeting all sponsors of a

matter do not unanimously agree to withdraw a matter, the matter shall not be withdrawn. However at that time any Councilor shall upon their request have their individual sponsorship removed.

5.5. MATTERS REQUIRING TWO VOTES. To be approved, every matter shall have two separate votes on two separate days unless otherwise provided in these Rules.

5.6. MATTERS REQUIRING ONE VOTE. The following shall require only one vote of the Council:

- 5.6.1. Administrative orders submitted by the Mayor for either approval or disapproval
- 5.6.2. Licenses
- 5.6.3. Approval of minutes
- 5.6.4. Acceptances of reports
- 5.6.5. Petitions
- 5.6.6. Appointments, and
- 5.6.7. Orders to adopt or amend the Council Rules.

5.7. ENROLLMENT COMMITTEE. When matter has passed the required number of votes, it shall be signed by the Administrative Assistant to the City Council and signed by the Enrollment Committee consisting of two City Councilors.

5.8. AUTOMATIC CARRYOVER. Matters that have not passed the required number of votes by the end of the current session shall automatically carry over to the next session of the City Council and shall remain in the Council and in all committees and executive commissions to which they have been referred at the start of the next session unless:

- 5.8.1. A matter has already failed on the first of two required votes; or
- 5.8.2. A matter has received a negative recommendation from the Committee on Legislative Matters; or
- 5.8.3. The City Council votes to prevent automatic carryover of a matter to the next session. For this purpose, at the request of any City Councilor, the City Council President shall place any such pending matter on the agenda at the final meeting of the session. Only one vote shall be required to prevent automatic carryover, but 2/3 majority of the full Council shall be required; or
- 5.8.4. None of the sponsors of a matter will be serving in the next session of the City Council.

6. APPENDICES

6.1 SPECIAL PERMIT GRANTING AUTHORITY

Chair/Moderator

I. Selection of a Chair/Moderator
The City Council President will serve as the presiding officer of the hearing.

MEETINGS AND HEARINGS

II. Notice of Public Hearings
Notice of hearings shall be advertised as required by the provisions of General Law Chapter 40A. In addition to the legally required notices the City Council will make every effort to publish this notice broadly so the public will be fully informed, methods might include the City website, email distribution list and Northampton Community Television.

III. Calling of Public Hearing
All hearings held by the Council as a Special Permit Granting Authority Shall be open to the public.

IV. Public Hearings

1. Public hearings, when called, will be conducted in the following manner:
    A. The presiding officer will announce that it is time for a Public Hearing and will announce the subject of such hearing.
    B. The presiding officer will review evidence of adequate advertisement and legal notice and, if found to be appropriate and proper according to law, will have the advertisement read into the record. The presiding officer will then explain the procedure to be followed, including the time limits on speakers' and the fact that each speaker shall give their name and address for the record. By majority vote the City Council may extend the time granted to a particular speaker by the presiding officer. The chair may limit testimony that is repetitive.
    C. The presiding officer will report on any new or changed information pertinent to the subject, if any, and then have read into the record all memoranda, opinions, comments and recommendations or City departments or boards pertinent to the matter.
    D. The applicant will be given a reasonable amount of time to make a presentation regarding the matter.
    E. Other persons supporting the position of the proponents will then be allowed to express the fact of their support and to present such supportive information as was not included in the initial or previous presentations. A five-minute time limit shall apply but the Council could extend the time on a majority vote.
    F. Before opponents to an application or petition are called to speak, a member of the Council may move for invocation of a summary procedure and, if

seconded and approved by a majority of the quorum, may subsequently move to deny the request made by the applicant, based on a finding that the evidence presented was not adequate to justify the request. If the motion for denial is then seconded and is approved by the quorum, the public hearing may be deemed complete.

G. Those persons speaking in opposition to the position taken by the principal proponent are then allowed to speak, each being allowed to express the fact of their opposition and to present such supportive information as was not included in previous presentations before the Council. A five-minute time limit shall apply and the Council could extend the time on a majority vote.
H. After all opponents have been heard, the presiding officer will then allow the proponent and or project staff person to respond to any issues/questions raised by the opponents.
I. After the proponents have responded to the opponents, the opponents shall have an additional opportunity to respond, the presiding officer shall determine which opponent shall respond at which time. A three minute time limit shall apply but the Council may extend the time by majority vote. The motion to extend time is non-debatable.
J. The presiding officer will then enter all documents received concerning the matter into the record. The applicant or project staff may then answer any questions raised in the letters.
K. If new information is presented the presiding officer or the Council may allow additional time for the appropriate party to respond. Immediately or in writing later but before the close of the public hearing.
L. The presiding officer will then hear questions from the general public regarding aspects/issues that have not been addressed in previous testimony. The presiding officer shall refer questions to the appropriate person and may rule questions out of order if the subjects of the questions have already been addressed. Questions may also be submitted in writing.
M. At any point, a public hearing may be continued or postponed to a time, place and date certain, provided that these rules and procedures are adhered to when it is resumed, or may be continued or postponed to a time, place and date not certain, providing required advertising and notice procedures are followed to announce the time, place and date of resumption. Each meeting is a continuation of the same public hearing.

V. Votes of the Council

All votes for Special Permits shall require a 2/3 majority of the Council to pass.

Applications before the City Council

VI. Permit Applications

Applications for a Special Permit before the City Council shall be prepared in accordance with the procedures in the Northampton Zoning Ordinance and the instruction on and attached to the application form. Every application for action by the Council shall be

made on the official application form, and as approved by the Council and adopted by reference in these Bylaws and Rules of Procedure.

6.2 Examples of Presentation and Enacting Styling of Matters

In the Year Two Thousand and Fifteen
Upon the Recommendation of Councilor J. Calvin Coolidge

15.073
AN ORDINANCE

RELATIVE TO ZONING IN CENTRAL BUSINESS (OR) ENTITLED THE ZONING ORDINANCE OF 2016 (OR) TO REVISE SEC. 000 OF THE CODE OF ORDINACES

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

In the Year Two Thousand and Fifteen
Upon the Recommendation of Councilor J. Calvin Coolidge

R-15.003
A RESOLUTION

IN SUPPORT OF DEMOCRACY (OR) TO CREATE A SELECT COMMITTEE TO RECOMMEND A STATE LEGISLATIVE AGENDA

Be it resolved by the City Council of the City of Northampton, in City Council

In the City Council, January 1, 2016
Upon the Recommendation of Councilor J. Calvin Coolidge

O-15.001
AN ORDER

TO APPROPRIATE FUNDS FROM COMMUNITY PRESERVATION ACT FUNDING

Ordered, that: