

# **CITY OF GARDNER MASSACHUSETTS**



## **RULES OF THE CITY COUNCIL**

**Amendments through February 3, 2025**



## **CITY OF GARDNER, MASSACHUSETTS**

### **RULES OF THE CITY COUNCIL**

#### **Rule 1**

The City Council shall hold regular meetings on the first and third Mondays of January, February, March, April, May, June, September, October, November and December and the first Mondays of July and August. Whenever a meeting falls on a legal holiday, the meeting shall be held the following night at the same time and place. All regular meetings shall be called at 7:30 o'clock p.m. in the Council Chamber in the City Hall. An annual calendar of regular meetings shall be compiled, published, and distributed to Council members at the first regular meeting of the year. Special meetings of the City Council may be called by the President and shall be called at any time upon the written request therefore being made to the City Clerk by at least two members of the City Council.

#### **Rule 2**

The President shall take the chair at the hour of the regular meeting of the Council or at the hour to which the Council has adjourned, whether in special or regular meeting, and call the members to order on the appearance of a quorum. They shall cause the minutes of the preceding meeting to be read, at which time errors or omissions, if any, shall be corrected. They shall preserve order and decorum and shall decide questions of order, subject to an appeal to the Council. They may call any member to the chair for a period of time not exceeding beyond an adjournment; and when out of the chair the President may participate in any debate; but shall not resume the chair while the same question is pending. They shall appoint all standing committees of the Council. In their absence a President Pro Tempore shall be chosen by roll call vote.

#### **Rule 3**

The President may, at their discretion, appoint a Councillor to act as a Council liaison on a particular matter. The particular matter and the Councillor so appointed shall be communicated in writing to the Mayor and the Council at the time of appointment.

#### **Rule 4**

All principal or main motions shall be reduced to writing if the Chair or any member requires it. When made and seconded, it shall be stated by the President, or, being written shall be read by the President or Clerk and may be withdrawn before decision or amendment or any disposition thereof has been made, or vote thereon.

### **Rule 5**

To obtain the floor, a member shall address themselves to the Chair, upon recognition by the Chair; they shall not speak more than twice on any one question without permission of the Council, nor more than five minutes at any time.

### **Rule 6**

On all questions and motions, the President shall take a vote of the Council by voice vote of the yeas and nays, except those questions and motions so required by rule, ordinance, or law to require a roll call vote, or those that require more than a simple majority, or when so requested by any Councillor that a roll call vote be taken.

### **Rule 7**

No ordinance shall be passed finally on the date on which it is introduced, except in case of special emergencies involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving affirmative vote of two-thirds of the members of the Council.

No ordinance making a grant, renewal or extension whatever its kind or nature of any franchise or special privilege shall be passed as an emergency nature, except as provided in Sections 70 and 71 of Chapter 164 of the General Laws and in Chapter 166 thereof, no such grant, renewal or extension shall be made otherwise than by ordinance.

Every proposed ordinance, except emergency measures as hereinbefore defined, shall at least ten days before its passage, be published in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance.

After final passage, it shall in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinabove provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment.

No appointment shall be acted on by the Council until at least ten days after it shall have been filed with the City Clerk, whose duty it will be forthwith to notify the members of the Council of the filing of said appointment. After an ordinance shall have been passed, a written or printed copy shall be prepared by or under the direction of the clerk, and, after having been compared by the Clerk with the original, the same shall be signed by the Mayor, or in the absence of the Mayor, by the President of the Council, and shall be thereupon preserved by the Clerk in a book provided for the purpose.

### **Rule 8**

Amendments may be offered to all questions and motions before the Council and shall be in order until the vote to which the amendment is offered is called. A Councillor offering an amendment is exempt from Rule 5 floor access limitations and permission requirements. A Councillor in receipt of a newly

offered amendment may request a 10 minute recess at any time prior to the vote being called on the question or motion to which the amendment is offered, and the President shall call the requested recess prior to the vote being called.

### **Rule 9**

A motion to reconsider a motion shall only be in order at the same meeting, or at the next regular meeting, when a motion for reconsideration is decided, the decision shall not be reconsidered. No motion to reconsider shall be entertained unless made by a member voting on the prevailing side. For purposes of the application of Robert's Rules of Order, a session is defined as the two-year term in which the members of the Council were elected.

### **Rule 10**

All papers addressed to the Council shall be presented by the President or by a member in their place and they shall lie on the table to be taken up in the order in which they are presented unless the Council otherwise directs. 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 Gardner."

### **Rule 11**

The Clerk shall attend and keep the records of all meetings of the Council, shall have the care and custody of all records, of all documents, maps, plans and papers respecting the care and custody of which no other provision is made. They shall prepare for the Council a copy of the Orders of the Day, to which shall be added a list of matters laid on the table or postponed to a day certain, provided, however, that any matter may be admitted by a two-thirds vote of the Council.

### **Rule 12**

Each Standing Committee of the City Council shall maintain records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions in a manner as determined by the Standing Committee. Said records shall be delivered to the City Clerk who shall maintain them as the Keeper of the Records.

### **Rule 13**

The following Standing Committees shall be appointed by the President and the President shall be a ex-officio member without voting rights:

1. The Committee on Public Service, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Cemetery Commission, Conservation Commission, Engineering & Survey, Flood Plain, Municipal Grounds Commission, and the Public Works Department
2. The Committee on Public Safety, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Animal Control, Flammable Storage Licenses, Automobile Dealers Class I, II and III, Fruit/Vegetable Peddlers, Board of Health, License Commission, Bowling Alley/Billiard Table Licenses, Office of Emergency Management, Building and Inspectional Services, Police

Department, Constables, Sealer of Weights & Measures, Dealers in Second Hand Articles, Traffic Commission, Fire Department, and Transportation

3. The Committee on Public Welfare, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Airport Commission, Library Trustees, Cable TV Commission, Montachusett Regional Vocational Technical School, Council on Aging, Planning Board, Cultural Council, Public School Department, Disability Commission, Recreation, Golf Course Commission, Severy School Trustees, Greenwood Memorial Pool Trustees, Veterans Agent, Historical Commission, Youth Commission, Housing Authority, Zoning, Industrial Development, and the Zoning Board of Appeals.
4. The Committee on Finance, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Board of Assessors, Human Resources, Budget, Information Technology, City Auditor, Law Department, City Clerk, Purchasing, City Collector/Treasurer, Redevelopment Authority, City Hall, Registrar of Voters, Civil Code Enforcement, Rules, Claims, Salary, Vacancies, and the Contributory Retirement Board.
5. The Committee on Appointments, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Appointments.
6. The Committee on Economic and Community Development, composed of three members, the first named member thereof to be Chair; this Committee shall have oversight of legislative matters associated with the following: Community Development and Planning

Every Council member must be appointed to a committee, unless they make a request, in writing, to the President that they not be appointed to any committee.

#### **Rule 14**

All items, complaints, applications, or referrals shall be made in writing to the Clerk. The Clerk in consultation with the President shall assign the matter to the proper Committee for study, report, and other action as determined by the Committee. No matter referred to a Committee may be taken up by the Council during a regular meeting absent a report of the Committee to which the item has been referred. An item may not appear on the Council Calendar without first being referred to a Committee unless such request is made in writing to the Clerk, and the Clerk attains the assent of the Council President and the Chair of the Committee to which the matter would have otherwise been referred.

#### **Rule 15**

The following order of business shall be adopted for Council meetings:

1. Call to Order
2. Roll Call
3. Opening Prayer
4. Pledge of Allegiance
5. Announcement of Open Meeting Recordings

6. Reading of Minutes of Prior Meetings
7. Public Hearings
8. Communications from the Mayor
9. Petitions, Applications, Communications, Etc.
10. Report of Standing Committees in the following order:
  - a. Public Service
  - b. Public Safety
  - c. Public Welfare
  - d. Finance
  - e. Appointments
  - f. Economic and Community Development
11. Unfinished Business and Matters for Reconsideration
12. New Business
13. Council Comments and Remarks
14. Closing Prayer
15. Adjournment

#### **Rule 16**

Whenever an ordinance, resolution or vote is required by law to be presented to the Mayor, the City Clerk shall present the same without delay and shall enter upon the records of the City Council the date upon which it is presented and approved.

#### **Rule 17**

All officers not appointed shall be elected by a voice vote, each member who is present answering to their name when it is called by the Clerk or other proper officer, and stating the name of the person for whom they voted, or declining to vote, as the case may be; and the Clerk or other proper officer shall record every such vote.

#### **Rule 18**

In case of a vacancy which occurs for the position of City Clerk, City Treasurer, City Auditor and Collector of Taxes, which appointments are made by the City Council as provided by Section 9 of the City Charter; therefore, any qualified person who files an application for any one of the above mentioned positions shall be accorded the privilege of not having their application disclosed until the day of appointment.

#### **Rule 19**

These rules shall be the rules for all standing and special committees of the Council unless otherwise determined by the standing or special committee.

#### **Rule 20**

A rule may be suspended for a defined portion or entirety of a single meeting by majority vote of the Council on the motion of a Councillor. Motions to suspend a rule shall be prevailing, do not need a

second, shall go into effect be there no objection, and in the event of an objection shall immediately be subject to a vote without discussion.

These rules shall be in force for the duration of the session unless suspended. A rule may be amended by a two-thirds vote of the Council after the proposed amendment has appeared on the Council agenda for two consecutive regular meetings. Any accepted amendment shall go into force at the next regular meeting following an affirmative vote unless otherwise determined by unanimous vote of the Council.

### **Rule 21**

Robert's Rules of Order shall be the authority governing the conduct of business at all Council meetings, except as otherwise indicated in these rules.

---

#### History of Council Rules

---

Rules adopted by the City Council January 7, 1980

Rule 13 & 15 – Amended January 21, 1980

Rule 2 & 13 – Amended June 2, 1980

Rule 2 – Amended October 21, 2019

Rule 10 – Amended October 21, 2019

Rule 13 - Committee assignments amended 1/4/1982; 1/3/1983; 7/6/2010; 12/17/2012.

Rule 14 – Amended March 19, 1984

Rule 13 – Amended January 20, 1987

Rule 12A – Added January 3, 2005

Rule 13.3 – Amended February 20, 2007

Rule 13.4 – Amended 2/20/07; 1/22/2008; 7/6/2010.

Rule 14 – Amended June 21, 2010; 11/15/2010.

Rule 15 – Amended April 21, 2009 (Effective 5/4/2009); October 21, 2019.

Rule 16 – Amended October 21, 2019.

Rule 20 – Amended January 19, 2010 (Demeter's to Robert's Rules)

Rule 13.5 – Amended January 3, 2022

All Rules Amended December 2, 2024

Rule 13 – Amended February 3, 2025, Economic and Community Development Standing Committee

Rule 15 – Amended February 3, 2025, subsection 10, Economic and Community Development Standing Committee