Braintree Town Council
Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS
David Ringius, Chairman
Steven Sciascia, Vice-Chairman
Julia Flaherty, Member
Lawrence Mackin, Member

AGENDA
Monday, APRIL 20, 2020

Starting Time – 5:30 p.m.

REMOTE via ZOOM Webinar

Please log in to join the webinar:
https://zoom.us/j/99702244945
Telephone: Dial 1 312 626 6799
Webinar ID: 997 0224 4945

Roll Call

Approval of Minutes
- March 11, 2020

Old Business
- 002 20 Council President: Town Council Rules or take up any action relative thereto
  (Rule Fifty-Six: Adoption of Rules)

New Business
- 20 034 Councilor O'Brien: Chapter 8.800 Single Use Plastic Bag By-Law or take up any action relative thereto (TABLED)

Adjournment

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Julia Flaherty, Member
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March 11, 2020
MINUTES

A meeting of the Committee on Ordinance & Rules was held in the Johnson Chambers on Wednesday, March 11, 2020 beginning at 6:00pm.

Chairman Ringius was in the Chair.
Clerk of the Council, Susan Cimino conducted the roll call.

Present: David Ringius, Jr, Chairman arrived @6:32pm
Steven Sciascia, Vice-Chairman
Julia Flaherty, Member
Lawrence Mackin, Jr, Member

There was a moment of silence for all those serving in our armed services, past and present, and the meeting was opened with the pledge of allegiance to the flag.

Approval of Minutes

- None

Old Business

- 002 20 Council President: Town Council Rules or take up any action relative thereto
  (Rule Fifty-Six: Adoption of Rules)

  Members were provided an updated copy of the Town Council Rules which shows the redline changes and what has been added and/or deleted.

  Councilor Sciascia, Vice-Chairman of the Committee on Ordinance & Rules stated we will begin going over the list provided to each of us of Town Council Rules to re-visit from our previous meetings.

  Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated this was a lot to go through but it is important work.

New Business

- 20 034 Councilor O'Brien: Proposed Bylaw – Single-Use Plastic Bag Reduction

Chairman Ringius stated Councilor O'Brien added this item to the agendas. Councilor Ringius stated I wanted to have it added to the Committee on Ordinance & Rules agenda because I want it clear we are moving forward with this but multiple groups want to speak on this. I would like to see this continue to be tabled at this time and give people the ability to weigh in. There will be no discussion at this time.

Motion: by Councilor Sciascia to continue to TABLE Order 20 034
Second: by Councilor Mackin
Vote: For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

It was unanimously voted to adjourn the meeting at 7:20 p.m.

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- 002 20 Council President: Town Council Rules or take up any action relative thereto
- Minutes October 3, 2019
- Minutes December 3, 2019
- Minutes February 26, 2020

Clerk Cimino,

Please file along with sending to the Chair and members of the Ordinance & Rules committee in reference to Council Rules.

Chairman Ringius,

Thank you for reviewing the Council Rules in accordance with Rule Fifty Six: Adoption of Rules and making the Council aware of your time-line. Please accept this opinion as a result of reviewing the updated rules provided with the April 7, 2020 Town Council Meeting documents. These comments assume the Council Rules dated March 2020 in hand; I did not feel it necessary to enclose it in it's entirety:

1). Rule Four - I find the changes "continue to" and "in the presence…" to be confusing as to the President's ability to opine. Since I could find no previous or other reference to the Presidents ability to opine, this Rule seems to introduce that. My opinion is either reword the paragraph to ensure there is no confusion that the President may opine to the "current" "or "Substitute Chair". Or, perhaps, the President's ability to opine could be included as a new rule and I would ask for consideration to include the President sitting as ex-officio; I feel it meaningful but missing in our rules. Robert's Rules does allow this to be defined by us.

2). Rule Fifteen - It is greatly appreciated that "present" is now included in this Rule. However, the yeah's (aye) and nay's (proper Viva Voce voting) are missing. Later in the Rules document, Rule Nineteen introduces yeah and nay but excludes the "yes, no, etc." options listed in Rule Fifteen.

3). Rule Thirty-Three (and/or Rule Thirty-Four)— I've redrafted (attached) as I feel it essential documents are provided upon **introduction** of measures; something our previous Mayor habitually ignored even after several council members strongly requested behavior change.

But I actually would like consideration of language which I titled Rule 59 when I drafted this last calendar year. Rule 59 was never actually introduced because I was advised that the former Chief of Staff was *going to be more complaint*; but compliance was short-lived. See the attached document titled "Rule 59 - Council Business Pre-Filing".

4). Rule Fifty-Two - Doesn't Rule 52 conflict with Rule 35? One example is presentation length. I'm not certain Rule 52 is necessary.

5). Rule Fifty-Six - The communication distribution should be listed as two (2) "business days" (or other language as seen fit).

6). Rule Fifty-Nine - There was some discussion in the "halls of the chamber" about modifying the "newspaper" publication requirement since newspaper circulation has been greatly reduced. I found this on the AG's website for open meeting requirements;

"Local public bodies are required to post notices in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located. This may be a bulletin board, an electronic display, or a binder. As an alternative method of notice, a municipality may adopt a website as the official notice posting method for all the public bodies within the municipality, and must notify the Attorney General's Office in writing of the website's address. Municipalities that have not adopted websites are noted in the spreadsheet as posting a "physical notice.""

We (like some of the other 351 cities and towns) could take advantage of this requirement and save the Council potentially $17k (See Council's FY2020 advertising budget). This is easily accomplished by having the Council Clerk notify the Executive Branch of our desire to change and, once authorized, a simple notice in writing to the AG is all the Town has to do.

Rule Sixty-Three - What do you mean by "upon review" at the end of the last sentence? Is it as-it-relates to the Clerk authorizing bills? It's confusing…

Rule Sixty-Five - I object to the reduction of the current authorization from $2,500 to $1,000. While I admit I do not always submit my bills and I MAY be a rare politician without a committee, I do submit bills. Since I don't have a committee, my expenses are out of my personal pocket and I don't understand the intent behind this reduction.

Rule 59 - Pre-filing of Town Council Business

(a) At any time between regular Town Council sessions, but no later than ten (10) days before the beginning of a regular session, measures including proposed ordinances, appropriation orders, loan authorizations, or any other measures in general, must be pre-filed with the Town Clerk and Clerk of the Council for introduction at the next Town Council session. However, no measure shall be pre-filed between final adjournment of the last regular session of a legislative term and promulgation of the returns of the Town Election for members of the Council for the next succeeding term. After promulgation of the election returns, any member-elect or the executive branch may then pre-file measures for introduction at the next regular session.

(b) No measure shall be pre-filed without the complete measure including all supporting documentation being set forth in full in the filing. Summarized measures will be rejected and sent back to the original author.

(c) The author of a pre-filed measure may amend the measure at any time prior to introduction to the Town Council by written request to the Town Clerk. In such case, the Town Clerk shall accept the amendment but will be required to once again begin the pre-filing time-line.

(d) The author of a pre-filed measure may withdraw it at any time prior to introduction to the Town Council by written request to the Town Clerk and Clerk of the Council. In such case, the measure shall be reclaimed from the Council and its withdrawal with be entered on the Town Council Agenda.

BRAINTREE
TOWN COUNCIL
RULES
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Rule One: The President – Call of Meeting to Order

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

Rule Two: The President - Limitations

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

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

Rule Three: Appeals from Decision of the President

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

Rule Four: Substitute Chair

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

Rule Five: Viva Voce and Rising Votes

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

Rule Six: Seating Arrangements

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

Rule Seven: Admission to Council Floor

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

Rule Eight: Committee Appointments

The Council President shall appoint all members of all committees of the Town Council, whether special or standing. (Appointments are subject to Rule Two: Appeals from Decision of the President).

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

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Rule Nine: Clerk and Employees

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

Rule Ten: Addressing President or Chair

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

Rule Eleven Debate Limitation

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

Rule Twelve: Speaking Decorum – Members

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

Rule Thirteen: Speaking Decorum - Public

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

Rule Fourteen: Point of Order

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

Rule Fifteen: Voting

Every member present when a question is put may vote either "yes" or "no" or "abstain" or "present". No member is required to vote on any matter and any member may leave the Council Chambers without explanation.

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

Rule Sixteen: Election of Officers

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

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In case of a tie in votes on any proposal, the proposal shall be considered lost.¶
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Rule Sixteen: Division of a Question¶
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On demand of any member, a question under consideration covering two or more points shall be divided where the question permits of such division.

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Rule Seventeen: Tie Vote

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

Rule Eighteen: Division of a Question

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

Rule Nineteen: Demand for Roll Call

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

Rule Twenty: Motions and Procedure During Debate

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

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

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

Rule Twenty-One: Motion to Reconsider

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

Rule Twenty-Two: Motion to Lay on Table

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

Rule Twenty-Three: Adjournment and Recessing

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

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

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

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

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Rule Twenty-Four: Written Proposals and Resolutions

All proposed ordinances, orders and resolutions shall be in writing and every motion shall be reduced to writing if the President or any member of the Council so directs; and no member shall be allowed to submit a written notice or resolution until he/she has read the same in his/her place or has provided the same in writing to every member of the council present.
Any proposal or proposition seeking Council endorsement of a particular course of action shall be presented in the form of a resolution. Every resolution shall be reduced to writing and shall be signed by the Councilor(s) presenting such resolution. A copy of the original resolution shall be provided to all the Councilors prior to any vote on said resolution.

Rule Twenty-Five: Personal Privilege

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

Rule Twenty-Six: Suspension of Rule

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

Rule Twenty-Seven: Council Meetings

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

Rule Twenty-Eight: Executive Session

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

Rule Twenty-Nine: Special Meetings – Notice

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

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

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

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

Rule Thirty-One: Attendance at Public Hearings & Voting

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

Rule Thirty-Two: Order of Business

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

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

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

Rule Thirty-Three: Agenda Requests from Other Town Departments

All items for the agenda including communications and reports from the Mayor, other Town Officers and Town Boards shall be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

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Rule Thirty-Four: Agenda Requests from Council Members

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

Rule Thirty-Five: Citizen Participation at Council Meetings

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

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

Rule Thirty-Six: Anonymous Communications

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Unsigned communications shall not be introduced in the Council.

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Rule Thirty-Seven: Standing Committees

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

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

ORDINANCE & RULES to consist of four (4) members

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

PUBLIC WORKS to consist of three (3) members

PUBLIC SAFETY to consist of three (3) members

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

EDUCATION/LIBRARY to consist of three (3) members

PERSONNEL ISSUES to consist of three (3) members

TRAFFIC & SAFETY to consist of three (3) members

COMMUNITY PLANNING to consist of three (3) members

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

The *Ways and Means Committee*
Section 2-10 of the Town Charter. Assessor's business

i. Tax Classification
ii. Over-Lay Budget
iii. Payment-in-Lieu of Taxes program
iv. Property Valuations (all Classes)
v. Exemptions
vi. Appellate Tax Board Representation (As needed)

b. Capital Planning Budget
c. Stabilization Fund (requires major emphasis after years of spending down our "rainy day fund").
d. Free Cash Appropriations
e. Reserve Fund Items
f. Most Other Municipal Finance Items

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

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

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

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

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

The *Education and Library Committee* may consider and report on all matters relating to the educational and library operations and programs and any other matters referred to it by the Council or Council President.

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

The *Traffic and Safety Committee* to consist of three (3) members or their designees as follows; the Chair of Public Safety, Chair of Ordinance & Rules, and the Chair of Public Works. The Traffic and Safety Committee may consider and report upon those matters relating to traffic and safety and any other matters referred to it by the Council or Council President. (Passed in Council - December 6, 2016)

The *Community Planning Committee* may consider and report upon all matters relating to short-term planning and community renewal projects as well as long term community planning and visioning. (Passed in Council April 25, 2017)

Rule Thirty-Eight: Attendance of Councilors at Public Meetings

The attendance of a Councilor at a committee meeting or at a meeting of another board, committee or commission or like entity of the Town shall be in his/her capacity as the representative of his/her constituency and shall not be counted or constituted as part of a quorum of the Council, unless the Council has called for and convened a meeting of the Council in accordance with the Town Charter, Rules of the Council or other provisions of applicable law.

Rule Thirty-Nine: Special Committees

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

Rule Forty: Committee Meetings

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

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

Rule Forty-One: Chair-Quorum at Committee Meetings

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

Rule Forty-Two: Committee Reports

Every committee of the Council to which any subject may be referred, shall report thereon to the Council.

Rule Forty-Three: Town Council Action on Committee Reports

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

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

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Rule Forty-Four: Failure to Report by a Committee

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

Rule Forty-Five: Relieving a Committee From Further Consideration

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

Rule Forty-Six: Secretary to Committees

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

Rule Forty-Seven: Reference to Committees

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

Rule Forty-Eight: Town Solicitor

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

Rule Forty-Nine: Town Auditor

At the request of the Council President, the Town Auditor shall be required, either in person or by deputy, to attend Council meetings. Any member of the Council may at any time call upon the Town Auditor for oral or written opinions of the financial conditions of the town. This request shall be in writing and approved by the Council President. If rejected by the Council President it may be voted on at the next Town Council meeting and require 2/3rds vote of the Council.

Rule Fifty: Department Heads

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

Rule Fifty-One: State or Federal Cooperation

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

Rule Fifty-Two: Permission to Address the Chair

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

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Rule Fifty-Three: Councilor/Citizen Side-Bar

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

Rule Fifty-Four: The Council Chambers

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

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

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

Rule Fifty-Six: Communications from Mayor

A list of the communications from the Mayor with their subject matter to be submitted to the Council shall be distributed at least two (2) days before the Council meeting to every Town Councilor.

Rule Fifty-Seven: Council Expression

The Council President or Vice President is authorized to convey the expression of interest shown by the Council on all occasions affecting its members and their families.

Rule Fifty-Eight: Notification of Committee Meetings

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

Rule Fifty-Nine: Publication

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

Rule Sixty: Amendment and Repeal

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

Rule Sixty-One: Parliamentary Procedure

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

Rule Sixty-Two: Adoption of Rules

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

Moved up [3]: Rule Forty-Seven: Permission to Address the Chair¶
¶
Persons other than members of the Council, Town officials and news reporters, shall not be permitted upon the floor of the Council, or to address the Council, except upon introduction by a member of the Council with the consent of a majority of said Council. The Chair shall limit the time for the remarks of such person to five (5) minutes and such remarks shall be confined to the subject matter which is under consideration at that meeting.

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Rule Sixty-Three: Authorization to Sign Bills

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

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

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

Rule Sixty-Five: Travel/Conference Reimbursement Policy For Braintree Town Councilors

Expenses – Subject to appropriation, the Town Councilors shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of their duties (including but not limited to conference and meals). This policy will be considered prior authorization by the Town Council that also allows mileage reimbursement in accordance with IRS federal tax regulations. Such reimbursement should be submitted to the President of the Braintree Town Council. This prior authorization will be limited to $1,000 per year for each Braintree Town Councilor and will not need an additional vote by the Braintree Town Council. Should a Councilor exceed this amount, they will still be able to submit a request to the full Braintree Town Council for approval.

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Rule Fifty-Six: Adoption of Rules¶
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These rules will be reviewed and adopted within 90 days after the first Council Meeting in every even year.¶

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Be it Resolved this day January 5, 2016 that the process of the Town Council re-organization will not be encumbered by the standing tradition of automatically elevating its Vice President to President.¶
Resolve that the de-facto standard of electing a, President in waiting, 2 years in advance be modified and revised, And...¶
Resolve that because the informal tradition of Town Council re-organization was never formally considered, through Council Rules, or Charter that it be addressed formally now this day January 5, 2016, And… ¶
Resolve that the re-organization process shall be open to all Council members to nominate their candidate of choice, And…¶
Resolve this open process become effective immediately this day January 5, 2016 and recorded in the Town Council Rules and Charter, as appropriate. (Passed in Council – January 5, 2016)¶

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BRAINTREE
TOWN COUNCIL
RULES
2012

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Rule One: The President –Call of Meeting to Order

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

Rule Two: The President - Limitations

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

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

Rule Three: Appeals from Decision of the President

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

Rule Four: Substitute Chair

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

Rule Five: Viva Voce and Rising Votes

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

Rule Six: Seating Arrangements

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

Rule Seven: Admission to Council Floor

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

Rule Eight: Committee Appointments

The Council President shall appoint all members of all committees of the Town Council, whether special or standing. (Appointments are subject to Rule Two: Appeals from Decision of the President).

Rule Nine: Clerk and Employees

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

Rule Ten: Addressing President or Chair

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

Rule Eleven Debate Limitation

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

Rule Twelve: Speaking Decorum – Members

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

Rule Thirteen: Speaking Decorum - Public

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

Rule Fourteen: Point of Order

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

Rule Fifteen: Voting

Every member present when a question is put may vote either "yes" or "no" or "abstain" or "present". No member is required to vote on any matter and any member may leave the Council Chambers without explanation.

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

Rule Sixteen: Election of Officers

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

Rule Seventeen: Tie Vote

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

Rule Eighteen: Division of a Question

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

Rule Nineteen: Demand for Roll Call

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

Rule Twenty: Motions and Procedure During Debate

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

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

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

Rule Twenty-One: Motion to Reconsider

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

Rule Twenty-Two: Motion to Lay on Table

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

Rule Twenty-Three: Adjournment and Recessing

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

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

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

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

Rule Twenty-Four: Written Proposals and Resolutions

All proposed ordinances, orders and resolutions shall be in writing and every motion shall be reduced to writing if the President or any member of the Council so directs; and no member shall be allowed to submit a written notice or resolution until he/she has read the same in his/her place or has provided the same in writing to every member of the council present.
Any proposal or proposition seeking Council endorsement of a particular course of action shall be presented in the form of a resolution. Every resolution shall be reduced to writing and shall be signed by the Councilor(s) presenting such resolution. A copy of the original resolution shall be provided to all the Councilors prior to any vote on said resolution.

Rule Twenty-Five: Personal Privilege

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

Rule Twenty-Six: Suspension of Rule

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

Rule Twenty-Seven: Council Meetings

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

Rule Twenty-Eight: Executive Session

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

Rule Twenty-Nine: Special Meetings – Notice

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

Rule Thirty: Hearings

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

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

Rule Thirty-One: Attendance at Public Hearings & Voting

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

Rule Thirty-Two: Order of Business

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

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

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

Rule Thirty-Three: Agenda Requests from Other Town Departments

All items for the agenda including communications and reports from the Mayor, other Town Officers and Town Boards shall be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Wednesday preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

Rule Thirty-Four: Agenda Requests from Council Members

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

Rule Thirty-Five: Citizen Participation at Council Meetings

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

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

Rule Thirty-Six: Anonymous Communications

Unsigned communications shall not be introduced in the Council.

Rule Thirty-Seven: Standing Committees

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

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

ORDINANCE & RULES to consist of four (4) members

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

PUBLIC WORKS to consist of three (3) members

PUBLIC SAFETY to consist of three (3) members

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

EDUCATION/LIBRARY to consist of three (3) members

PERSONNEL ISSUES to consist of three (3) members

TRAFFIC & SAFETY to consist of three (3) members

COMMUNITY PLANNING to consist of three (3) members

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

The *Ways and Means Committee*
Section 2-10 of the Town Charter. Assessor's business

i. Tax Classification
ii. Over-Lay Budget
iii. Payment-in-Lieu of Taxes program
iv. Property Valuations (all Classes)
v. Exemptions
vi. Appellate Tax Board Representation (As needed)

b. Capital Planning Budget
c. Stabilization Fund (requires major emphasis after years of spending down our "rainy day fund").
d. Free Cash Appropriations
e. Reserve Fund Items
f. Most Other Municipal Finance Items

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

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

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

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

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

The *Education and Library Committee* may consider and report on all matters relating to the educational and library operations and programs and any other matters referred to it by the Council or Council President.

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

The *Traffic and Safety Committee* to consist of three (3) members or their designees as follows; the Chair of Public Safety, Chair of Ordinance & Rules, and the Chair of Public Works. The Traffic and Safety Committee may consider and report upon those matters relating to traffic and safety and any other matters referred to it by the Council or Council President. (Passed in Council - December 6, 2016)

The *Community Planning Committee* may consider and report upon all matters relating to short-term planning and community renewal projects as well as long term community planning and visioning. (Passed in Council April 25, 2017)

Rule Thirty-Eight: Attendance of Councilors at Public Meetings

The attendance of a Councilor at a committee meeting or at a meeting of another board, committee or commission or like entity of the Town shall be in his/her capacity as the representative of his/her constituency and shall not be counted or constituted as part of a quorum of the Council, unless the Council has called for and convened a meeting of the Council in accordance with the Town Charter, Rules of the Council or other provisions of applicable law.

Rule Thirty-Nine: Special Committees

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

Rule Forty: Committee Meetings

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

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

Rule Forty-One: Chair-Quorum at Committee Meetings

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

Rule Forty-Two: Committee Reports

Every committee of the Council to which any subject may be referred, shall report thereon to the Council.

Rule Forty-Three: Town Council Action on Committee Reports

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

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

Rule Forty-Four: Failure to Report by a Committee

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

Rule Forty-Five: Relieving a Committee From Further Consideration

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

Rule Forty-Six: Secretary to Committees

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

Rule Forty-Seven: Reference to Committees

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

Rule Forty-Eight: Town Solicitor

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

Rule Forty-Nine: Town Auditor

At the request of the Council President, the Town Auditor shall be required, either in person or by deputy, to attend Council meetings. Any member of the Council may at any time call upon the Town Auditor for oral or written opinions of the financial conditions of the town. This request shall be in writing and approved by the Council President. If rejected by the Council President it may be voted on at the next Town Council meeting and require 2/3rds vote of the Council.

Rule Fifty: Department Heads

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

Rule Fifty-One: State or Federal Cooperation

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

Rule Fifty-Two: Permission to Address the Chair

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

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

Rule Fifty-Four: The Council Chambers

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

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

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

Rule Fifty-Six: Communications from Mayor

A list of the communications from the Mayor with their subject matter to be submitted to the Council shall be distributed at least two (2) days before the Council meeting to every Town Councilor.

Rule Fifty-Seven: Council Expression

The Council President or Vice President is authorized to convey the expression of interest shown by the Council on all occasions affecting its members and their families.

Rule Fifty-Eight: Notification of Committee Meetings

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

Rule Fifty-Nine: Publication

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

Rule Sixty: Amendment and Repeal

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

Rule Sixty-One: Parliamentary Procedure

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

Rule Sixty-Two: Adoption of Rules

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

Rule Sixty-Three: Authorization to Sign Bills

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

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

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

Rule Sixty-Five: Travel/Conference Reimbursement Policy For Braintree Town Councilors

Expenses – Subject to appropriation, the Town Councilors shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of their duties (including but not limited to conference and meals). This policy will be considered prior authorization by the Town Council that also allows mileage reimbursement in accordance with IRS federal tax regulations. Such reimbursement should be submitted to the President of the Braintree Town Council. This prior authorization will be limited to $1,000 per year for each Braintree Town Councilor and will not need an additional vote by the Braintree Town Council. Should a Councilor exceed this amount, they will still be able to submit a request to the full Braintree Town Council for approval.