

ORGANIZATIONAL MEETING OF THE CITY COUNCIL, January 4, 2010

Meeting was called to order at 7:47 P.M.

Attendance was taken by roll call vote; all members were present.

The City Clerk opened nominations for Council President.

Councillor Wayne Nickel was nominated by Councillor Lanciani, seconded by Councillor Cormier.

Councillor Wayne Nickel was elected Council President by a roll call vote. Vt. 9 “yeas”

Council President Wayne Nickel took the chair.

Councillor President Wayne Nickel opened nominations for Vice-President.

Councillor John Dombrowski was nominated by Councillor Lanciani; seconded by Councillor Salvatelli.

Councillor John Dombrowski was elected Council Vice-President by roll call vote. Vt. 9 “yeas”

Council President Wayne Nickel moved that Mason’s Rules and the City Council Rules of Procedure be adopted. Vt. 8 “yeas” and 1 “nay”, Councillor Freda did not vote.

Council President Wayne Nickel distributed the Committees for 2010.

The 2010 Committee’s are as follows:

FINANCE COMMITTEE

Robert Salvatelli Chairman
James Lanciani, Jr. Clerk
Richard Marchand 3rd member

LEGAL AFFAIRS COMMITTEE

David Rowlands Chairman
John Dombrowski Clerk
Susan Chalifoux Zephir 3rd member

PUBLIC SAFETY COMMITTEE

James Lanciani, Jr. Chairman
David Cormier Clerk
Claire Freda 3rd member

WAYS & MEANS POST AUDIT COMMITTEE

Claire Freda Chairperson
Robert Salvatelli Clerk
John Dombrowski 3rd member

PRESIDENT'S DRINKING WATER OVERSIGHT COMMITTEE*

John Dombrowski Chairman
Richard Marchand Clerk
David Cormier 3rd member
David Rowlands Consulting Member

PUBLIC SERVICE COMMITTEE

Richard Marchand Chairman
Susan Chalifoux Zephir Clerk
David Cormier 3rd member

CITY PROPERTY COMMITTEE

John Dombrowski Chairman
Claire Freda Clerk
James Lanciani, Jr. 3rd member

COMMITTEE ON SCHOOLS

David Cormier Chairman
David Rowlands Clerk
Robert Salvatelli 3rd member

SMALL BUS. & ECON. DEV. COMMITTEE

Susan Chalifoux Zephir Chairperson
Richard Marchand Clerk
David Rowlands 3rd member

SOLAR POWER ENERGY EXPLORATORY COMMITTEE*

Claire Freda Chairperson
David Rowlands Clerk
Susan Chalifoux Zephir 3rd member

* President's Special Committees

Council President Wayne Nickel moved that an appointment of Legal Counsel be established. Vt. 7 “yeas” and 2 “nays”, Councillor Lanciani and Freda opposed.

MEETING ADJOURNED AT 8:08 p.m.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

RULES OF PROCEDURE
ORDER AND COMMITTEES

2010

RULE 1 MEETINGS

Regular meetings of the City Council shall be held in the municipal building on the second and fourth Monday evenings of each month at 7:30 P.M., except as otherwise provided by ordinance.

“In the event of a public emergency or other condition which renders it impossible for the Council to hold any meeting in the City Hall, the Council will hold a meeting at the Leominster High School.”

Special meetings of the City Council shall be held at the call of the Mayor, as provided in Section 2-6(b), on the call of the Council President, or on the call of any three members of the City Council, by written notice delivered in hand or to the place of residence or business of each member at least forty-eight (48) hours in advance of the time set, and which includes notice of the subjects to be acted upon at such meeting.

At any Special City Council meeting there must be a Public Forum held prior to the meeting.

The City Council shall conduct its public hearings on the first and third Monday evenings of the month or on any evening which is convenient for the public and the Council. All subcommittee meetings shall be scheduled at the discretion of the subcommittee chairperson and shall only be called to discuss or act on items presented to the Council President for action by the full Council and referred to that Sub-committee during the normal course of Council business. Notice of subcommittee meetings shall be posted at least forty-eight (48) hours in advance of the time set.

Except as may be otherwise authorized by law, all sessions of the City Council, and of any committee thereof, shall be open to the public and to the media.

A full accurate, written, up-to-date record of the proceedings of the City Council shall be kept and shall be available for examination of the public. It shall include a record of each roll call vote.

RULE 2 PRESIDENCY

The City Council shall annually, on the first Monday in January, or on the day following when said first Monday is also New Year's Day, meet for the purpose of organization. The City Clerk, or in his/her absence, the Assistant City Clerk or next, the member present senior in years of service and in age, shall preside at such meeting. The City Council shall elect, from among its members, by separate roll call votes, a President and a Vice-President. A majority of the full Council shall be necessary for such election.

The first order of business shall be for the City Clerk to call the roll of members. The Clerk shall then open nominations for the Presidency. Each nomination must be made and seconded by one or more Councillors. When no further nominations are received from the floor, a motion to close nominations will be in order.

After ten ballots, if no nominee is elected, the Council shall adjourn to 7:00 P.M. the following day or time set by the City Clerk to resume election.

Immediately following the election of a President, he/she shall take the chair and continue as presiding officer. The President of the City Council shall serve for a period of one year. No President may serve for more than two years in succession.

The President of the City Council shall preside at all meetings of the City Council, regulate its proceedings and decide all questions of order. He/she shall have such other powers and duties as may be provided by charter, by ordinance, or by other vote as any other City Councillor. In the event of the absence or disability of the Council President, the Vice-President shall act as Council President. The Vice-President shall also be responsible for the reviewing of previous meetings' minutes.

The President shall preside fairly and shall be arbitrator of all points of debate or challenge. He/she shall decide all matters of parliamentary procedure and rule accordingly.

He/she shall vote on all matters before the Council. He/she shall not enter into debate on any matter. He/she shall offer explanation or clarification on motions before the Council. If the President wishes to debate or speak before the Council, he/she must relinquish his/her chair to the Vice-President; if Vice President is absent, then to a member of his choosing. Upon conclusion, the President shall resume his chair.

RULE 3 COMMITTEES

There shall be eight standing committees of the City Council.

- a.....FINANCE COMMITTEE
- b.....PUBLIC SERVICE COMMITTEE
- c.....LEGAL AFFAIRS COMMITTEE
- d.....PUBLIC SAFETY COMMITTEE
- e.....CITY PROPERTY COMMITTEE
- f.....SMALL BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
- g.....WAYS & MEANS AND POST AUDIT COMMITTEE
- h.....COMMITTEE ON SCHOOLS

The President of the City Council may not chair a standing committee and no member of the City Council may chair more than one standing committee, unless there are more than eight standing committees

The President of the City Council shall name all chairmen and members of standing committees.

NOTE: In the event a Councillor refuses to accept a Chairmanship, the President may then allow a Councillor to serve as chairman of more than one committee.

The President of the City Council may appoint additional members of the Council to a standing committee to serve as consulting members. Such consulting members shall not be voting members and shall not serve as chairman or clerk of the standing committee.

FINANCE COMMITTEE

The Finance Committee shall consist of three members. The Finance Committee shall determine and recommend action to the Council on all matters pertaining to finance and appropriations.

PUBLIC SERVICE COMMITTEE

The Public Service Committee shall consist of three members. The Public Service Committee shall determine and recommend action to the Council on all matters pertaining to public service, which will include the functions of the Department of Public Works, Streets, Sewer and Cemetery.

LEGAL AFFAIRS COMMITTEE

The Legal Affairs Committee shall consist of three members. The Legal Affairs Committee shall determine and recommend action to the Council on all matters dealing with ordinances, special acts of the legislature, resolutions and legal affairs.

PUBLIC SAFETY COMMITTEE

The Public Safety Committee shall consist of three members. The Public Safety Committee shall determine and recommend action to the Council on all matters dealing with public safety, Fire Department, Police Department, Civil Defense and street lighting.

CITY PROPERTY COMMITTEE

The City Property Committee shall consist of three members. The City Property Committee shall determine and recommend action to the Council on all matters dealing with the purchase, sale or use of city property.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

The Small Business and Economic Development (SBED) Committee shall consist of three members. The SBED Committee shall ensure that all economic planning is objective. The SBED Committee shall strive to create a positive economic climate and opportunities to encourage economic growth. The Committee shall determine and recommend action to the Council on all matters dealing with economic growth and development, economic policy, planning strategies and environmental protection.

WAYS & MEANS AND POST AUDIT COMMITTEE

The Ways & Means Committee shall consist of three members. The Ways & Means Committee shall meet with the Mayor, when necessary, in order to keep the City Council and executive office in constant communication. The Ways & Means Committee may discuss all appointments and internal matters, federal and state grants and revenue sharing programs, including CDA funds. The Ways & Means Committee will also determine and recommend action to the Council on all matters dealing with salaries, Council rules, license requests and elections.

COMMITTEE ON SCHOOLS

The Committee on Schools shall consist of three members. The Committee on Schools shall meet with the Superintendent of Schools and the School Committee on matters pertaining to the budget and to petitions which are referred to the committee and may set up meetings between the two committees when necessary.

RULE 4 SPECIAL COMMITTEES

A special committee may be appointed by the President of the City Council or by a majority of the City Council. Each special committee must act only on the matters for which it was created. The President of the City Council will be designating authority for all special committees. The President of the City Council may serve as a member or as chairman of any special committee.

RULE 5 No committee shall sit during the sitting of the City Council without special leave.

RULE 6 Every committee to which a subject is referred shall report thereon within two months from the time of referral or ask for further time. At four month intervals thereafter, all petitions shall be placed upon the calendar for a report of any action. Within two years following the date a petition is presented to the City Council, it shall be finally acted upon by the City Council, or given leave to withdraw. Reports shall be in writing and signed by a majority of the committee; if requested by a majority of the Council.

RULE 7 All standing committees shall meet regularly before each Council meeting, at the discretion of the chairperson or any two members of the standing committee. All records of meetings and information dealing with committees shall be kept by the chairman of that committee.

At any meeting of a standing committee, there shall also be posted notice of a meeting of a "Committee of the Whole" which shall consist of the entire membership of the City Council. In the event that less than a quorum of the City Council is present at such time, no committee of the whole shall take place. In the event that a quorum of the City Council is present at such time, the meeting shall proceed as a joint meeting of the standing committee and the committee of the whole, and the minutes shall reflect that a joint meeting took place. The chairman or acting chairman of the standing committee shall also serve as the chair of the committee of the whole at such joint meetings, unless the committee of the whole determines otherwise.

This rule shall not preclude the City Council from meeting at any time as a committee of the whole, pursuant to these rules and/or chapter 63 of Mason's Manual of Legislative Procedure.

RULE 8 ORDER OF BUSINESS

The order of business shall be as follows:

- a....Report of the records of previous meetings.
- b....Communications from the Mayor
- c....Appointments
- d....petitions, applications, licenses, remonstrance's shall be called for and disposed of by reference or otherwise.
- e....Reports of committees.
- f....Old Business.)including hearing reports held prior to regular
- g....New Business.) meeting.
- h....Tabled petitions upon which action is proposed.

RULE 9 RULES OF ORDER OF BUSINESS

The order of business shall be disposed of in the order designated. All business shall be disposed of immediately and in accordance with the rules of procedure.

All petitions listed on the agenda shall be followed by the committee or committees to which the petition shall be referred. Designation of committee referral shall be made by the City Clerk and President of the City Council. In the event the President of the City Council has not determined his preference of referrals before agenda publication, the Clerk will designate referrals. The President shall have the power to designate additional committees at the request of the City Council.

Any petition not applicable to the City Council should not be placed on the Council Agenda. Therefore the Council President and the City Clerk shall meet or confer to set the agenda for a subsequent regular or special council meeting. If, in the President's determination, a petition requests action of the Council which is outside of the Council's lawful jurisdiction, the President, City Clerk or designee of the President may contact the petitioner(s) and state the reasons why said petition cannot be acted on by the Council. The petitioner(s) may be requested to voluntarily withdraw the petition, and any petition so withdrawn shall not be placed on the Council's agenda. If the petitioner(s) refuse to withdraw said petition, however, the petition shall be placed on the agenda and taken up in the Council's regular course of business, and the Council may vote to indefinitely postpone the petition or take any other action which the council deems appropriate.

RULE 10 MOTIONS

After a motion is seconded and stated by the chair, it shall be disposed of by vote of the Council, but the maker may withdraw his or her motion before a decision or amendment.

When a question is under debate, the chair shall receive no motion except

1. To adjourn,
2. To lay on the table,
3. To move the previous question,
4. To commit or refer,
5. To amend,
6. To postpone to a date certain,
7. To postpone indefinitely,
8. To recess

which motions shall have precedence in the above order. The above motions numbered 1, 2 and 3 are not debatable. A motion for the previous question requires a two-thirds vote, while the other motions listed above require a majority vote.

A motion to lay on the table is in order when the Council wishes to temporarily suspend consideration of a particular matter, in order to act on more immediate or emergency business, and to return to the tabled matter later in the same or a subsequent meeting. A motion to indefinitely postpone is in order when the Council does not wish or lacks jurisdiction to consider a particular matter.

A motion for the reconsideration of a vote shall be debatable, but such a motion shall not be considered unless made by a member voting with the majority in the original vote, nor unless such motion is made at the meeting at which such vote is passed, or notice of an intent to make such motion is given at said meeting, in which case

- the motion shall be made at the next Council meeting, and only one motion for the reconsideration of any vote is permitted.
- RULE 11 Mason's Manual of Legislative Procedure shall govern in modes of proceeding not otherwise provided for.
- RULE 12 No member in debate shall mention another member by name or mention any constituent by name, but may describe him/her by the ward he/she represents or resides in, the place he/she sits in or such other designation as may be intelligible, respectful and in an appropriate manner.
- RULE 13 No member shall be interrupted by another, but by calling order, to correct a mistake or for explanation. If any member in speaking, or otherwise transgresses the rules of the Council, the President of the Council, or any member, shall call the offender to a point of order. The President shall then designate if the point of order is valid and rule accordingly.
- RULE 14 When a motion is made and seconded, it shall be considered by the Council, and not otherwise.
- RULE 15 Every motion shall be reduced to writing if the chair so directs or if any member of the Council requests it.
- RULE 16 No member shall vote or serve on any committees or any question where his/her private right is concerned distinct from the public interest.
- RULE 17 When a member yields the floor to another member, the floor will be yielded to that member and not necessarily returned to the original member after explanation, subject to the discretion of the President. The President of the Council is not bound by personal agreement.
- RULE 18 Every matter which comes before the City Council shall be put to a vote, the result of which shall be recorded. Every member of the City Council present shall be required to vote on every question coming before the City Council, unless specifically excused by reason of interest. In the event a member refuses to vote on any question or motion prior to being excused from voting by the Council, his refusal shall be considered as a negative vote.
- RULE 19 No member may leave the Council Chambers without permission of the President or when his/her presence is necessary to make a quorum.
- RULE 20 ORDERS AND RESOLUTIONS
- All papers addressed to the Council shall be presented by the President or by a member in his/her 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.
- RULE 21 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 Leominster."
- RULE 22 The title of all bills and resolutions shall be prefixed upon their introductions.
- RULE 23 In all votes by which the City Council shall express anything by way of command, the form of expression shall be "ordered," and whenever it shall express opinions, principles, facts or purposes, the form shall be "resolved."
- RULE 24 Whenever an ordinance, order or resolution or vote which is required by law to be presented to the Mayor shall be finally passed by the City Council, the City Clerk shall present the same after its passage without unnecessary delay, and shall enter upon the records of the City Council, the date upon which it was presented and approved
- RULE 25 Whenever any ordinance, order or resolution relating to any subject which may be properly examined and reported upon by an existing committee of the City Council is presented, it shall upon presentation, unless otherwise ordered, stand referred to such committee. Every order or resolution appropriating money, authorizing the expenditure thereof, to be charged to an existing appropriation shall upon presentation stand referred to the standing Committee on Finance.
- RULE 26 All orders and resolutions shall require but one reading except as follows:
- ORDER AUTHORIZING THE LEVYING OF A TAX AND ORDERS OR RESOLUTIONS AUTHORIZING LOANS AND ORDINANCES SHALL HAVE TWO READINGS.
- RULE 27 No petitions will be entered under suspension of the rules unless they are of an emergency nature or for the purpose of setting up a hearing. Any petition presented under suspension of rules must have attached an emergency preamble stating purpose of the emergency. Ref. Sec. 3-9(b) city charter. The preamble must be voted upon first before acting on suspension of rules.
- RULE 28 Should the chairman of a Council committee contemplate action on tabled petitions, said action proposed for the next regular meeting, he/she will notify the office of the City Clerk prior to the closing hour for business pertaining to that meeting and stating:
- 1) The number and original date of the tabled petition.
 - 2) A summary of the contents of the petition.
- RULE 29 Tabled petitions or communications on which no action is proposed by the committee chairman after sixty days of the filing of the original petition or communication, may be placed on the Council agenda upon request of

three members of the Council in writing to the City Clerk by 12 noon Thursday prior to the regular City Council meeting. At the Council meeting a majority vote of the Council is required to approve a motion to “remove from the table” and placed on the calendar for action.

Final disposition of the petition or communication will require a simple majority only where appropriate.

RULE 30 USE OF TERM “REGULAR COURSE”

Any Councillor may request regular course for any item, matter, or measure (as defined in the City Charter) before the Council for the first time.

Once regular course has been requested, no further discussion, debate, or comment is allowed, except that said item, matter or measure may be referred to the appropriate city board and or department head.

No consenting vote is necessary to implement regular course.

RULE 31 AMENDMENTS OF RULES AND PROCEDURE

In order to amend, delete or add to these rules of procedure, they must first be presented in petition form to the Council; a majority vote of the Council is required.

RULE 32 Whenever the Mayor wishes to speak during a City Council meeting he/she shall approach the City Council Chamber and raise his/her hand to the Council President in order to be recognized. The City Council President shall allow all City Councillors to finish debating the petition or communication on the floor and at that point the Council President shall recess the City Council meeting to allow the Mayor to speak.

RULE 33 DVD’S, Audio or Video Tapes of City Council Meetings may be destroyed after two years. No DVD’s Audio or video tapes shall be destroyed if the subject council meeting or hearing, or the record itself, is the subject of ongoing litigation or a pending public records request. Such records may thereafter be destroyed in accordance with this rule and the Public Records Law.