




Conor M. Baldwin
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MEMORANDUM

TO: Thomas A. Golden, Jr., City Manager 

FROM: Conor Baldwin, Chief Financial Officer

CC: Michael Q. Geary, City Clerk

DATE: November 2, 2022

SUBJECT: MOTION RESPONSE: 10/4/2022 – C. Robinson - Req. City Mgr. Have Proper Department Put Council Rules On City Website So They Are Accessible To The Public.

As the legislative body of the City, the City Council meets weekly throughout the year (except during the summer) to exercise general and specific powers as outlined in the Rules of the City Council according to the Plan E Charter Organization. Those rules have been established and enacted by the Lowell City Council over the years and are distributed to new members of the Lowell City Council, after their election, by the City Clerk.

At the request of the Council, pursuant to the above referenced motion, the finance department has worked with the City Clerk to obtain the latest version of the Council Rules (last amended in 2014) and has upload a PDF version to the city's website at <https://www.lowellma.gov/517/City-Council>. A link to the Rules has been prominently featured on the page for the City Council and a copy of the Rules is included here in this memorandum, for reference. The rules have also been as stored electronically in the document library.

Please let me know if there are any questions.

CITY COUNCIL RULES

RULE 1

Pursuant to Section 17 of Chapter 43 (M.G.L.), the City Councilors-elect shall meet for organization at ten o'clock in the forenoon of the first Monday of January following the regular municipal election and the members of the City Council shall severally make oath, before the City Clerk or a Justice of the Peace, to perform faithfully the duties of their respective offices, except that any member-elect not present shall so make oath at the first regular meeting of the City Council thereafter which he or she attends. The organizational meeting shall not be postponed to observe a holiday unless the City Clerk after polling all nine City Councilors-elect, shall determine that two-thirds of the City Councilors-elect wish to postpone the organizational meeting to the following day. The City Clerk shall only poll the nine City Councilors-elect if requested to do so by a City Councilor-elect.

For the purposes of organization, the City Clerk shall be temporary Chairman until the Mayor or Vice Chairman has qualified.

Thereupon the City Council shall, by a majority vote of all the members elected, elect a Mayor and Vice Chairman from its own members and the persons elected as such shall likewise make oath to perform faithfully, the duties of the respective offices to which they are so elected and they may so make oath at the same meeting at which they are so elected.

The organization of the City Council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve or non-election of one or more of the members; provided that a majority of all members elected to the City Council are present and have qualified. *(M.G.L. Ch. 43, Sec 97, Plan E Charter as amended)*

RULE 2 - VACANCY IN OFFICE OF MAYOR OR VICE-CHAIRMAN

If the office of Mayor or Vice-Chairman becomes vacant, the City Council, in the manner provided in Rule #1, shall elect one of its members to fill such office for the unexpired term; provided that no such vacancy shall be filled so long as there is any vacancy in the City Council. In addition to said duties, the Vice Chairman will assist the Mayor in the discharge of his legislative and ceremonial functions as so designated by the Mayor. *(G.L. Ch. 43, Sec 97, Plan E Charter as amended)*

RULE 3 - SEATING OF COUNCILLORS

The seats in the Council Chamber occupied by the Councilors other than the Mayor shall be arranged in a semicircle of eight chairs facing the rostrum. The Councilors shall be seated alphabetically from left to right with relation to the rostrum.

RULE 4 - MEMBER'S LOBBY

No person shall be admitted within the rail in the City Council Chamber or in the members lobby connected therewith, except upon permission of the Mayor or other presiding officer.

RULE 5 - REGULAR MEETINGS

Regular meetings of the City Council shall be held weekly on Tuesday Evenings at 6:30 o'clock PM in the Council Chamber, or as otherwise designated, except when a meeting date falls on a holiday and during June, July, August and September when meetings shall be held on the second and, fourth Tuesdays.

Provided that an agenda item is not then under consideration, City Council Meetings shall adjourn at or before 10:00 o'clock PM; and all unconsidered items remaining on the agenda at adjournment, be forwarded to the next regularly scheduled meeting, unless otherwise voted by a majority vote of the City Council.

A Regular Meeting may be postponed due to weather or extraordinary circumstances if the City Clerk after polling the membership by telephone or electronically, determines that a majority of the City Council favors a postponement. The Mayor or the Vice Chairman may request that the City Clerk poll the membership and a determination shall be made not later than two hours before the meeting is scheduled to begin.

RULE 5A - SUB/COMMITTEE MEETINGS

Sub/Committee Meetings of the City Council shall be held on weekdays after 4:00 PM in the Council Chamber, or as otherwise designated. Said meetings shall be held on an as needed basis and shall be televised, unless local cable services are unavailable.

RULE 6 - SPECIAL MEETINGS

The Mayor or Vice-Chairman of the City Council, or any four members thereof, may at any time call a special meeting by causing written notices, stating the date, time, place and the specific business to be transacted at such meeting and signed by the person or persons calling the same, to be delivered in hand to each member of the City Council, or left at his or her usual dwelling place, at least 48 hours before the time of such meeting. No business except that specified in the call of such meeting shall be acted on.

RULE 7 - QUORUM

Five members of the City Council shall constitute a quorum. (*G.L. Ch. 43, Sec 99, Plan E as amended*)

RULE 8 - PRESIDING OFFICER

The Mayor, if present, shall preside at the meetings. In the absence of the Mayor, the Vice-Chairman of the City Council shall preside and, in the absence of both, a temporary chairman shall be chosen, who shall serve during the absence of both the Mayor and the Vice-Chairman. (*GL 43, Sec 99, Plan E Charter as amended*)

RULE 9 - DUTIES OF PRESIDING OFFICER

The presiding officer shall preserve decorum and order; may speak to points of order in preference to other members; shall decide all questions of order, subject to an appeal to the City Council, regularly seconded; and no other business shall be in order until the question on the appeal shall have been decided. The vote upon the appeal from the ruling of the chair shall be by roll call and shall stand unless a majority of the votes are to the contrary. The chair shall be allowed to vote on any question of appeal.

The presiding officer shall declare all votes and, if the result be in doubt, may call for a standing vote. Such declaration, if not the result of a roll call, shall stand unless it is reversed by a roll call called for by any member.

RULE 10 - MANNER OF VOTING

All final votes of the City Council on questions involving the expenditure of fifty dollars or more, all votes requiring a 2/3 vote, or upon the request of any member, any vote of the City Council shall be by yeas and nays and shall be entered on the records. (*GL Chi 43, Sec 99, Plan E Charter as amended*)

Except as above provided, the vote may be taken by voice.

On a roll call vote, each member, including the chair, shall be called upon to vote in his or her alphabetical order at the inaugural and first meeting, of the City Council. At the next meeting, regular or special, the roll call shall begin with the member who would have been the second to vote on any roll call at the previous meeting, regular or special, and shall end with the member who would have been first to vote at the previous meeting; regular or special, otherwise the alphabetical order shall be followed. This process shall be continued at each subsequent meeting, regular or special, to the end that the order of voting shall be rotated at each succeeding meeting, regular or special. At any recessed meeting, the members shall vote in the same order as if there had been no recess.

Prior to the announcement by the chair of the result of a roll call, any councilor may ask to have his or her name called again in order to record him or herself differently.

RULE 11 - RECONSIDERATION

On the question of reconsideration, a motion must be made by one who voted with the prevailing side, provided notice of same has been given to Council Clerk by noon on the Friday following the meeting at which the motion was passed.

RULE 12 - AGENDA

All petitions, motions, requests, reports or other papers of every description relative to business requiring the action of the City Council shall be submitted or filed with the City Clerk by noon in the afternoon of the Friday preceding a regular meeting of the City Council and the Clerk shall prepare a brief synopsis of all matters to be acted on and have such synopsis and copies of reports related thereto delivered in hand to each member of the City Council, or left at his or her usual dwelling place and/or delivered by electronics means to whatever extent practicable, no later than one o'clock in the afternoon of the Saturday preceding the next regular meeting; except that matters, including communications and emergency appropriations, emanating from the Office of the City Manager, shall be submitted or filed with the City Clerk by two o'clock in the afternoon of the Monday preceding a regular meeting and the Clerk shall prepare a brief synopsis of such matters and place the same upon the desk of each councilor prior to the designated time for the opening of the meeting.

In the case of special meetings called under these rules, copies of reports submitted in connection with the specified business to be transacted shall be delivered with the call of the meeting.

RULE 13 - AGENDA

At the end of each City Council Agenda, each City Councilor shall have the privilege of propounding questions of municipal importance to the City Manager, restricted to items on the agenda.

RULE 14 - AGENDA

At all regular meetings of the City Council, matters shall be taken up in the following order; See attached Addendum "A" incorporated additional headings to coincide with Agenda.Net.

1. Unfinished Business
2. Communications etc. from City Manager.
3. Communication (Reports from City Officer).
4. Reports of Committees.
5. New Business, Communications, Petitions, Motions etc.
6. Questions of Municipal Importance to the City Manager and unanswered motions which shall be only entered by the City Council and must be submitted to the City Clerk's Office consistent with the rule for filing motions.

RULE 15 - RELINQUISHING THE CHAIR

When the presiding officer desires to relinquish the chair, he or she may call any Councilor to it; but such substitution shall not continue beyond the will of the presiding officer so relinquishing the chair, or beyond adjournment, except as hereafter provided.

If the presiding officer wishes to express an opinion on any subject under debate, he or she shall relinquish the chair as above provided and shall not resume the chair until he or she is through speaking and all points of order arising there from have been decided.

The presiding officer may, however, state facts and give opinions upon questions of order without relinquishing the chair.

RULE 16 - GAINING THE FLOOR

Every Councilor, when about to speak, shall respectfully address the chair, and wait till he or she is recognized. Pursuant to Robert's Rules of Order, the maker of a motion shall have the prerogative of speaking first on his/her motion.

RULE 17 - RULES OF DEBATE

Upon all debatable matters, no councilor may speak more than twice or more than five minutes at any one time, however, this shall not apply to the questioning of the City Manager, Department Heads, or to persons appearing before the City Council. However, the councilor who is the maker of the original motion shall have the prerogative of speaking last, even if the councilor has already spoken twice.

RULE 18 - RULES OF DEBATE

Nothing in Rule 17 shall prevent any councilor at any time, from interrupting another for the purpose of a motion of personal privilege, or points of order.

RULE 19 - DISCIPLINE OF MEMBERS

Any member of the City Council who refuses to maintain order and decorum as provided by these rules, or otherwise, at a meeting of the City Council, conducts himself or herself in a manner unbecoming a member of the City Council, shall be subject to such discipline, including the exaction of an apology or expulsion from the City Council Chamber for the balance of the meeting, as the majority of those present shall deem just and proper.

RULE 20 - MOTIONS AND THEIR WITHDRAWALS

- All motions or other proposals shall be duly seconded.
- A motion may be withdrawn by its maker before it has been stated by the chair.
- A motion which has been stated by the chair may be withdrawn before it is seconded provided no one objects.

- If there is objection to the withdrawal of a question, any Councilor may move to grant withdrawal.
- A motion which has been stated by the chair and seconded by a Councilor may be withdrawn provided that the Councilor who has seconded the motion does not object.

RULE 21 - SUFFICIENCY OF VOTE

The affirmative vote of a majority of all members elected to the City Council shall be necessary for the passage of any order, ordinance, resolution or vote, except that the affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the City Council. *(G.L. Ch. 43, Sec 99, Plan E Charter as amended)*

RULE 22 - TAKING FROM THE TABLE

When a matter has been laid on the table, consideration of the matter shall end and the matter shall remain on the table and shall not be taken from the table unless a motion to that end is made. A motion to take up a matter that has been laid on the table may be taken up at any time, but only once during a regular meeting. If the motion to take a matter from the table is not successful, it can be made again at a subsequent meeting, but the matter shall be considered dead if it remains on the table for 30 days after the meeting at which the matter was laid on the table. A motion to lay a matter on the table or to take a matter from the table shall not be debatable.

RULE 23 - ORDERS, ETC. APPROVED BY CITY MANAGER

All orders, petitions, communications or other matters submitted by departmental heads for action by the City Council shall bear the signed approval of the City Manager.

RULE 24 - REFERRED TO THE CITY MANAGER

An order, vote, resolution, ordinance, petition, remonstrance, or other communication shall, if it relates to a matter, which may properly be examined and acted upon by the City Manager as the administrative head of the City, be referred thereto by the chair unless the chair, upon objection by some Councilor, is overruled by the City Council.

RULE 25 - ATTENDANCE OF CITY MANAGER

The City Council at any time may request from the City Manager, specific information on any municipal matter within its jurisdiction and may request him to be present to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt by the City Manager of said questions. The City Manager shall personally, or through the head of a department or member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. *(G.L. 43, Sec 19 as amended)*

The City Manager, the City Solicitor or his or her designee and the City Auditor or his or her designee shall attend all City Council Meetings.

RULE 26 - MEETINGS OPEN TO THE PUBLIC

At any meeting open to the public, citizens and employees of the City, and business owners or counsel who represents each group shall have a reasonable opportunity to be heard in regard to any matter on the agenda, subject to the following regulations; any person desiring to be heard shall register his or her name and address and the matter, upon which he or she desires to be heard with the City Clerk in a book to be provided therefore no later than 6:30 o'clock on the evening of the meeting. Such person shall speak on the matter on which he or she has registered and shall keep all comments germane to that issue. Such person shall speak for not more than five minutes and shall be subject to Rule #9, with respect to the preservation of decorum and order. In addition, people may register by telephone prior to the closing of the City Clerk's Office as well as by mail by giving their names and addresses and the matter on the Agenda they desire to speak on. As far as possible and within the above limits, the Chair shall allow equal time to both sides of the question. *(G.L. Ch 43, Sec 98A Plan E as amended)*

Persons who do not reside within the City or who are not employees of the City and business owners or counsel who represent each group will not be permitted to speak unless they are endorsed by a member of the City Council and providing that a majority of the City Council does not object.

Where the public interest requires, any matter may be laid over for hearing from a regular or special meeting of the City Council to a meeting of the committee of the whole.

RULE 26A - BUDGET HEARINGS

A public hearing on the annual budget shall be held as provided in Massachusetts General Laws, Chapter 44, Section 32 as amended. At said budget hearing, citizens and employees of the City shall have the opportunity to speak for not more than five minutes at the commencement of the hearing, or on the entire budget and on any specific items therein, in addition, or in the alternative, said citizens and employees shall have the opportunity to speak prior to the consideration by the City Council of the particular portion of the budget concerning one or more of the various departments, but each person shall speak not more than five times and for not more than three minutes each time.

Individual speakers shall not be permitted to assign their allotted time to another individual.

RULE 27 - STAGES OF LEGISLATION

All orders, votes, resolutions or ordinances of a legislative nature shall have two readings before final passage. The second reading shall be by title only, if at the same meeting as the first and if no member objects. For matters that require a public hearing, the second reading will not take place until after the public hearing has been held.

RULE 28 - STAGES OF LEGISLATION

Subject to Rule 30, any ordinance, order or resolution of a legislative nature may be passed through all its stages of legislation at one session, provided no member of the Council objects, but if a member of the Council objects, the measure shall be postponed for that meeting. (*G.L. Ch. 43, Sec 22 as amended*)

Such objection shall take the form of an objection to the second reading and shall be in order only when final passage is proposed at the same meeting at which the measure received its first reading and when the measure is not an emergency ordinance as defined in G.L. Ch. 43, Sec 20 and as declared by the City Council there under.

All General or Special Laws enacted by the House of Representatives and Senate of the Commonwealth of Massachusetts which may be accepted or rejected by the City Council shall be given a public hearing.

RULE 29 - ORDINANCES

Prior to introduction, ordinances shall be reviewed by the City Solicitor. The City Solicitor shall insure that each ordinance is properly drafted so as to conform to the Law and shall supply the City Council with a written memorandum setting forth an opinion on the legality of all material contained therein.

Upon introduction, every ordinance may receive its first reading and shall then be referred for public hearing if so voted by the City Council.

RULE 30 - ENACTING STYLE

All by-laws passed by the City Council shall be entitled ordinances and the enacting style shall be "Be it ordained by the City Council of the City of Lowell". In all votes by which the City Council expresses anything by order or command, the enacting style shall be "Ordered" and in all votes by which the City Council expresses opinion, principles, facts or purposes, the enacting style shall be "Resolved".

RULE 31 - PARLIAMENTARY PRACTICE

The rules contained in " Roberts Rules of Parliamentary Law (newly revised latest edition) shall govern in all cases to which they are applicable and in which they are not inconsistent with the by-laws or special rules of the City Council. Each City Councilor shall be furnished with his or her own manual.

RULE 32 - SUSPENSION OF RULES

Insofar as these rules are not of statutory source or origin, the same may be suspended at any meeting by a voice vote of yeas and nays unless objected to by two Councilors.

RULE 33 - AMENDMENT OF RULES

No amendments shall be made to these rules except at a regular meeting and by the vote of six Councilors; provided each Councilor has received a written copy of the proposed change(s) at least one week prior to the regular meeting at which the vote is to be taken, and provided further, that the Committee on Rules has reported on such change(s).

RULE 34 - AMENDMENT OF RULES

Every application of an appropriation Order, whether by transfer or otherwise, shall not be acted upon until a department head, at whose request and for whose department said appropriation is to be made, shall appear in person before the City Council and give a detailed explanation of the reasons for requesting such appropriation or transfer, but interrogation of said department head shall be limited to the item in question.

RULE 35 - AMENDMENT OF RULES

Except when the City Council or any City Agency is the petitioner, in accordance with Chapter 40A, Section 5 of Mass. General Laws, any petitioner who petitions for a change in the Zoning Ordinance, shall, prior to its being considered by the City Council deposit with the City Clerk a sum of money sufficient to pay the cost of publishing the notice in connection with the petition as required by the provisions of Chapter 40A, Section 5 and Chapter 43, Section 23 of the Mass. General Laws said sum to be used by the City Clerk for payment of the cost of publication as required by said sections.

RULE 36 - COMMITTEE OF THE WHOLE

The whole City Council shall constitute a Committee of the Whole for the consideration of all matters referred thereto by the City Council. The action or recommendations of the Committee of the Whole shall be reported by the City Clerk to the City Council at the next regular meeting of the City Council.

The City Council may, at any regular or special meeting, resolve itself into a Committee of the Whole.

Special meetings of the City Council as a Committee of the Whole may be called and held in the same manner as special meetings of the City Council.

Five members of the City Council shall constitute a quorum of the Committee of the Whole.

The City Council as a Committee of the Whole may declare itself in Executive Session.

Insofar as the same are open to the public, proper records shall be kept of the proceedings of the City Council as a Committee of the Whole.

RULE 37 – COMMITTEES AND MEETING NOTIFICATION

The City Council shall have such committees as may be established from time to time by the Mayor or a majority of the members. All members shall be notified by the City Clerk of any meeting to be held by a Committee of which they are or are not members.

RULE 38

During the first year of his/her term, a new Mayor may commission a portrait that will be a pictorial representation of the mayor showing his/her face consistent in content with other existing portraits.

Editor's Note: Last updated 2014