

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Amending City Council Rules #1, 3, 6, 7, 12, 14, 26, 33, and 36, and adding Rules #39 and 40 in accordance with Attachment "A."

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, BY A TWO-THIRDS VOTE, as follows:

That Rules 1, 3, 6, 7, 12, 14, 26, 33, 36, 39, and 40 are adopting the changes set forth in Attachment "A" attached hereto and made a part hereof.

V:AmendCouncilRules

Attachment "A"

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~~ **eleven** City Councilors-elect, shall determine that two-thirds (**eight**) of the City Councilors-elect wish to postpone the organizational meeting to the following day. The City Clerk shall only poll the ~~nine~~ **eleven** 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.

RULE 3

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

RULE 6

The Mayor or Vice-Chairman of the City Council, or any ~~four~~ **five** 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 electronically and additionally, at the request of the City Councilor, delivered in hand to the requesting City Council member**, 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

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

RULE 12

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~~ **close of business of the Thursday** 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 electronically and additionally, at**

the request of the City Councilor, delivered in hand to the requesting City Council member, 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 14

At all regular meetings of the City Council, matters shall be taken up in the following order:

1. **Old Business/Unfinished Business**
2. **City Council - Motions**
3. Communications etc. from City Manager.
4. Communication (Reports from City Officer).
5. Reports of Committees.
6. New Business, Communications, Petitions, **Motions** etc.
7. 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 26

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~~ **4:30** 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 three** 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 33

No amendments shall be made to these rules except at a regular meeting and by the vote of ~~six~~ **two-thirds (eight) of the** 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 36

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~~ **A majority of (six)** 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.

NEW RULES

RULE 39

Remote participation of City Council members and department heads shall be permitted subject to the following procedures and restrictions. Physical attendance is strongly encouraged whenever possible.

1. Minimum Requirements for Remote Participation.
 - (a) Members who participate remotely and all persons present at the meeting location shall be clearly audible to each other, as required by M.G.L. c. 30A, § 20(d);
 - (b) A quorum of the City Council, including the mayor or, in the mayor's absence, the vice mayor, shall be physically present at the meeting location, as required by M.G.L. c. 30A, § 20(d);
 - (c) Members who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, § 23D.

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

2. Procedures for Remote Participation.

(a) Any member who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the Clerk of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the mayor shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes.

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

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the Clerk shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, § 22.

RULE 40

To help promote greater participation in government, remote participation for members of the public may be permitted subject to the following procedures and restrictions. Physical attendance is strongly encouraged whenever possible.

1. Minimum Requirements for Remote Participation.

(a) Members of the public who participate remotely and all persons present at the meeting location shall be clearly audible to each other, as required by M.G.L. c. 30A, § 20(d);

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

(c) Any member of the public who wishes to participate remotely shall notify the Clerk of his or her desire to do so before 4:00 o'clock on the evening of the meeting.