

RESOLUTION #2011-10

AS AMENDED

A Resolution Relative to

Adopting Rules of Order for the Town Council

First Reading: 06/06/11

Continued First Read: 06/20/11

Adopted: 06/20/11

WHEREAS the Town Council adopted revisions to Title I of the Municipal Code at its May 16, 2001 meeting; and

WHEREAS Section V of Chapter V requires the Town Council to adopt Rules of Order not inconsistent with the Town Charter;

NOW THEREFORE BE IT RESOLVED that the Londonderry Town Council adopts the attached Rules of Order.

Sean O'Keefe

Sean O'Keefe, Chairman
Town Council

(TOWN SEAL)

Marguerite A. Seymour

Marguerite A. Seymour
Town Clerk/Tax Collector
06/06/11



**RULES OF ORDER
TOWN COUNCIL
LONDONDERRY, NEW HAMPSHIRE**

A. PURPOSE:

Pursuant to Section 3.6 D of the Town Charter, these Rules of Order describe the duties and methods of operation of the Londonderry Town Council.

B. ORGANIZATION:

1. Responsibilities of Members:

All members shall make every effort to attend each scheduled meeting.

The Council shall act in all matters as a body. Except as expressly provided elsewhere in this Charter, neither the Council nor any of its members shall direct or request the appointment of any person to office or employment; or direct the removal, suspension, discipline, adjustment in pay, benefits, or working conditions of any employee by the Manager or of any of the Town department heads.

No Councilor shall give orders to or interfere with the performance of the duties of any of the administrative officers or employees, either publicly or privately. Nothing contained in this section shall prohibit the Council from meeting with the Manager to discuss the operation or conduct of any department head or employee and to recommend an investigation and report by the Manager of any complaint. Any violation of the provisions of this section by a Councilor shall constitute grounds for forfeiture of office under the provisions of Town Charter Section 3.3. (*Charter, Section 4.8*)

2. Officers:

- (a) Election - A Chairman and Vice-Chairman shall be elected for a term of one (1) year at the first regular meeting within 10 calendar days following the annual election of officers. Election shall be by a majority vote of those present. (*Charter, Section 3.2*)

Vacancies occurring in the office of Councilor at any time shall be filled, by appointment, until the next regular election, by the Council at its next regular meeting by majority vote of the Councilors, provided, however, that, if the vacancy occurs fewer than ninety (90) days prior to the next regular election, the vacancy shall not be filled by appointment, but shall be filled at the next regular election. (*Charter Section 3.4*)

- (b) Duties - The Chairman shall preside at all meetings of the Council and perform all duties required by law.

In the absence of the Chairman, the Vice-Chairman shall preside and assume all duties and responsibilities of the Chair.

3. Committees:

The Chairman may delegate members of the Council to serve on committees and to perform other duties.

C. OPERATION:

1. Meetings:

- (a) Organizational Meetings - An organizational meeting to elect officers shall be held in accordance with B.2(a). The Council may adopt the previous Council's Rules of Procedure, subject to amendment as provided in these Rules of Procedure. The Council shall establish a schedule for meetings.
- (b) Regular Meetings - A formal meeting of the Council generally conducted in accordance with the order of the "Agenda" contained herein.
- (c) Workshop Meetings - A less formalized meeting of the Council generally conducted for the purpose of providing Council members with a more detailed understanding of a limited number of issues or to permit discussion of issues in greater depth.
- (d) Non-Public Meetings - A meeting of the Council held in accordance with RSA 91-A:3.
- (e) Special Meetings - May be called by the Chairman upon the written request of at least three (3) members of the Council or the Town Manager through the Chair. The method of delivery of notice for special meetings shall be by established Council rule. (*Charter, Section 3.6.C*)
- (f) Emergency Meetings - May be called by the Chair when immediate un-delayed action is deemed to be imperative by the Chair, who shall employ whatever means are reasonably available to inform the public and all council members that an emergency meeting is to be held. (*Charter, Section 3.6.C*)
- (g) Committee Meetings - Meetings shall be called by the Chairman of the committee under the rules governing special meetings.

2. Schedule of Meetings:

Shall be published monthly on the Town's website. Each meeting shall be posted in accordance with RSA 91-A.

3. Reports of Committees:

Written/Oral reports from committees received by the Council shall be filed with and distributed with the minutes of the Council.

4. Review of Audit Reports:

The Council shall review the audit report as soon as the report is made available and take any action related thereto.

5. Town Manager

Annually, the Town Council is responsible for evaluating the job performance of the Town Manager. It is the Chairman's responsibility to coordinate the evaluation, including obtaining input from the other members of the Council, aggregating that information, and presenting to the Council a comprehensive draft of the evaluation document. The Town Council shall complete the final evaluation document during the budgetary process. (*Charter, Section 4.2*)

The final evaluation document shall remain on file with the Human Resources Manager in the Finance and Administration Department.

D. RULES OF ORDER:

1. **Quorum** - A quorum of the Council for the transaction of any business shall be three (3) of the members currently in office. However a smaller number may adjourn the meeting to another time or date. (*Charter, Section 3.6.B*)
2. **Agenda** - Shall be published with meeting notice, and included in the minutes. A suggested agenda is provided below. It may be changed by the chair or by vote of the Council.

AGENDA

- Call to Order
 - Public Comment
 - Public Hearing
 - Old Business
 - New Business
 - Meeting Minutes
 - Other Business
 - Liaison Reports
 - Town Manager's Report
 - Board/Committee Appointments/Reappointments.
 - Adjourn
- (a) Councilors wishing to place an item on the agenda must notify the Town Manager or his Executive Assistant before Wednesday at 5:00 p.m. prior to a Monday meeting. Citizens wishing to place an item on the Councilors' agenda and plan to make a presentation must provide a copy of all presentation material and documentation to be included in each Councilor's "packet" by Thursday at 9:00 a.m.
 - (b) Adjournment - A motion for adjournment will usually not be in order until after the completion of the order of business, unless a motion has been made at the start of the meeting to adjourn at a specified time.

3. Role of the Chairman:

The Chairman's duties are as follows:

- To open the session at the time at which the Council is to meet by calling the members to order; to announce the business before the Council in the order in which it is to be acted upon;
- to recognize members entitled to the floor;
- to state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings and to announce the result of the vote;
- to protect the Council from annoyance;
- to assist in expediting all business in every way compatible with the rights of the members, as by allowing brief remarks when un-debatable motions are pending or by calling a brief recess to permit restoration of order or clarification of an obscure point if the Chair thinks it advisable;
- to restrain the members when engaged in debate within the rules or order;
- to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal by any two (2) members) unless the Chair prefers to submit the question for the decision of the Council;
- to inform the Council on a point of order or practice pertinent to pending business;
- to authenticate by their signature, when necessary, all resolutions, orders and ordinances as directed by vote of the Council.

The Chairman shall issue calls for candidates and specify dates for return of applications for positions appointed by the Council.

The Chairman shall vote as a member of the Council.

Discussions which are not addressing the business before the Council, or which are conducted in a disorderly or disrespectful manner, shall be ruled out of order. The Chairman shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.

4. Role of the Vice-Chairman:

Please see section 2(b) above.

5. Conduct of Meetings:

Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters a vote of the Council shall be the final deciding authority.

- (a) **Motions** - All matters of business shall be brought before the Council by motion from a Councilor, duly seconded by another Councilor. All matters duly seconded will be subject to debate, discussion, amendment (by motion) and approval by a majority of the present Councilors. (*Charter, Section 3.6. A, D*).
- (b) **Motion to Table** - A Councilor may move to table any pending matter of business. The motion to table shall be seconded and requires approval by a majority of the present Councilors. The motion is not debatable. Approval of the motion is equivalent to defeating the question tabled. Successive motions to table a matter of business previously voted on and defeated shall not be permitted. (*Charter, Section 3.6. A, D*).
- (c) **Motion to Reconsider** - A Councilor who voted on the prevailing side in the original vote on a motion may make a motion to reconsider that vote. A motion to reconsider may only be made during the same meeting that the vote whose reconsideration is sought passed. A motion to reconsider, made by a Councilor who was on the prevailing side, shall be seconded (by any Councilor) and is debatable. The motion to reconsider requires approval of a majority of the present Councilors. (*Charter, Section 3.6. A, D*).

6. Council Objection:

On the first occasion that the question on adoption of a measure is put to the Council, if a single Councilor objects to the taking of the vote, the vote shall be postponed until the next meeting of the Council whether regular or special. If two (2) or more other Councilors shall join in the objection, such postponement shall be until the next regular meeting. This procedure shall not be used more than once for any agenda item. Any item once postponed shall not be further postponed under this section. The Council objection privilege is not available with respect to the emergency ordinance. (*Charter, Section 3.6. E*)

7. Ordinances:

- A. An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Clerk shall distribute a copy to each Councilor and to the Manager, shall file a reasonable number of copies in the office of the Clerk and shall post a copy in such other public places as the Council may designate.
- B. Every proposed ordinance of the Council shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The Town of Londonderry ordains.....". Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics. After passage of the ordinance's first reading, it shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final

passage. The first such publication shall precede the date of said hearing by at least five (5) working days. Publication for purposes of this section shall mean the publication of a notice in any paper distributed in the Town of Londonderry, stating the number and title of the ordinance and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any interested person may obtain a copy of the complete ordinance.

- C. Every ordinance, including zoning ordinances, adopted by referendum, shall take effect upon passage and publication as ordinances required by law, or at a later date as specified in the ordinance. No ordinance shall be introduced and adopted during the same meeting.
- D. All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council Chair and the Clerk and the Town Seal, and kept on file in the office of the Clerk. The Clerk shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the Town. Copies of all ordinances shall be available to the public, and the Clerk may charge a fee to defray the printing costs. (*Charter, Section 3.7*)

8. Emergency Ordinances:

Notwithstanding other provisions of the Town Charter to meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money, except as provided in Section 3.9 of the Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but two-thirds majority vote of the councilors present shall be required for adoption.

After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption. Every emergency ordinance, except one made pursuant to Sec. 3.10 of the Charter, shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. (*Charter, Section 3.8*)

9. Recording of Votes:

Votes shall be by a voice vote or by a roll call. Every matter coming before the Council for action shall be put to a vote and all members shall vote "aye", "nay", or abstain and give a reason for abstaining. The results of such voting shall be duly recorded. All votes shall be recorded by roll call except votes on procedural matters.

10. Requests for Information:

Should it become apparent to the Chairman or an individual Council member, in the interim between meetings, that additional information relative to a specific item may be needed for Council use at the next regularly scheduled meeting, a request for this information shall be submitted to the Town Manager before the agenda is set.

Any information provided to any individual Councilor shall be provided to the rest of the Council.

E. EMPLOYEES:

1. Duties:

The Executive Assistant shall be the official recorder of the minutes of the Town Council and an official copy of the records are to be filed in the Town Manager's Office and open to inspection by any person at reasonable times. In addition to keeping the minutes of the meetings, it is the duty of the Executive Assistant to keep a roll of members and to call the roll when required. The Executive Assistant shall record the essentials called "the minutes" of the proceedings as follows:

- (a) The type of meeting - regular, special, work session, or recessed.
- (b) Time of meeting and place of meeting
- (c) The presence/absence of Council members
- (d) Whether the minutes of the previous meeting were approved or amended.
- (e) All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.
- (f) The hour of adjournment.

The Executive Assistant shall record the essentials of the proceedings, the name of the member who introduced a main motion or amendment and the name of the second, and should enter the number and names of votes on each side.

In addition to the strict record of what is transacted, the public minutes should contain the list of speakers on each side of every question with an abstract of all relevant points.

Reports of committees should be printed exactly as submitted. The minutes should show what action was taken by the Council in regard to them.

F. AMENDMENT PROCEDURE:

An amendment to these Rules of Procedure may be moved at one Council meeting but shall not be voted upon until the next regularly scheduled meeting, not less than seven (7) days later. A copy of any amendment shall then be certified and submitted to the Town Clerk for inclusion in the Town Records.

G. APPOINTMENT TO COUNCILS AND COMMISSIONS:

1. The Chair shall request from members their choices of committees, Councils and commissions they wish to serve on as Councilor Liaison. The Chairman shall distribute to the Council all choices and set a meeting date as to when the Chair shall make appointments.
2. The term of all appointments of Councilor Liaison, including the terms of any ex-officio members (voting members) of the Town Council serving on local land use Boards (i.e., Planning Council, Conservation Commission) shall be for one (1) year, or until the Council's organizational meeting, whichever is sooner.