

**Rules of the City Council  
Medford, Massachusetts**

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Section 1 - Organization

*Rule 1 - Organization*

The City Council shall meet for the purpose of organization at 7:00 P.M. on the first Tuesday in January so-called after the inaugural swearing-in ceremony of the Medford City Government, which includes the Mayor, City Council, and School Committee elected members.

The City Council at such inaugural swearing-in ceremonies 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 one's oath at the first regular meeting of the City Council thereafter that one attends.

For the purpose of organization, the City Clerk shall be temporary Chairperson until the President or Vice President of the Council has qualified.

The City Council shall by majority vote of all members elect a President and Vice President from its own membership, and the persons elected as such shall likewise make oath to perform faithfully the duties of their respective offices to which they are so elected. The office of the President of the City Council shall be guided by Massachusetts General Laws Chapter 43, Section 50.

## Section 2 - Meetings

### *Rule 2 - Meetings*

Regular meetings of the City Council shall be held every two weeks on Tuesday evening at 7:00 P.M., beginning on the first Tuesday in January. Meetings shall be held in the Council Chambers.

Meetings of the Committee of the Whole shall be scheduled by the Council President. Meetings of subcommittees shall be scheduled by the subcommittee chairperson. Scheduling preference for meetings of committees and subcommittees shall be on Tuesday and Wednesday evenings beginning at 6:00 P.M.

Except in an emergency no meeting of the City Council shall be held unless a notice of such has been filed at least forty-eight (48) hours prior to such meeting with the City Clerk, as required by Massachusetts Open Meeting Law. Upon receipt of such notice by the City Clerk, they shall immediately cause the same or copy thereof to be posted publicly in their office. For the purpose of this section, "emergency" shall mean a situation where immediate undelayed action is deemed to be imperative.

Unless the City Council shall vote to go into executive session, all meetings of the City Council, and of committees and subcommittees thereof, shall be open to the public and to the press, and the City Council shall provide that the residents and employees of the City shall have reasonable opportunity to be heard at any such meeting as outlined in Rule 16, Rule 19, and Rule 22.

All meetings of the City Council shall include an option for virtual participation through a video conferencing platform. Members, residents, petitioners, and interested parties shall be provided with the necessary information to access this platform and participate virtually. However, members shall make every reasonable attempt to attend meetings in-person.

Materials provided to the members of the City Council shall be posted on the city website at the same time as meeting agendas, except those materials deemed private or otherwise requiring review by the City Solicitor. The City Council shall maintain accurate records of their meetings, setting forth the action taken at each meeting. A summary of all matters voted shall be made available with reasonable promptness after each meeting. The records of each meeting shall become a public record and be available to the public upon being approved.

The City Council may at any meeting by a majority vote discontinue any further meetings herein before scheduled.

#### *Rule 3 - Executive Session*

Executive sessions may be held only for the purpose of discussing, deliberating, or voting on those matters which by general or special statute or Federal Grant-Aid requirements, cannot be made public, and those matters which if made public might adversely affect the public security, the financial interest of the City, or the reputation of any person.

The City Council shall maintain accurate records of such executive sessions, setting forth the action taken at each meeting. A summary of all matters voted shall be made available with reasonable promptness after each meeting, provided, however, that votes taken in executive session may remain secret so long as their publication would defeat the lawful purpose of the executive session, but no longer.

The City Council recognizes its responsibilities pursuant to M.G.L., Ch. 30A, s.18-25, also known as the "Open Meeting Law."

#### *Rule 4 - Special Meetings*

The President or Vice President of the City Council, or any three members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by persons calling the same, to be delivered in hand to each member of the City Council, or left at their usual dwelling place, at least forty eight (48) hours before the time of such meeting.

Every notice for a special meeting shall specify the subject matter to be acted upon, the time, and specific place if necessary. Otherwise, all special meetings shall be held in the Howard F. Alden Memorial Chambers, City Hall, Medford, Massachusetts.

#### *Rule 5 - Quorum*

Four members of the City Council shall constitute a quorum. Committee of the Whole meetings shall be postponed if a quorum is not present within twenty (20) minutes from the start of meeting.

#### *Rule 6 - Council Chamber*

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

The Medford City Council Chambers shall be open to all Medford residents for the purposes of disseminating public information, holding of public meetings and hearings, the holding of City Council and School Committee meetings when called, and all festive activities relating to the working of the City Government. At no time within the Council Chambers will banners, placards, hand held signs, or any other public display of advertising an issue before the City Council be permitted.

#### Section 3 - Presiding Officers

#### *Rule 7 - Presiding Officers*

The President of the City Council, if present, shall preside at the meetings. In the absence of the President, the Vice President of the City Council shall preside, and in the absence of both, a temporary Chairperson shall serve who is senior in length of service, or if more than one have so served, then the member both in age and length of service shall serve during the absence of both the President and the Vice President.

#### *Rule 8 - Vacancy in Office of President or Vice President*

If the office of the President or Vice President 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.

#### *Rule 9 - Duties of the Presiding Officer*

The presiding officer shall preserve decorum and order, and shall decide all questions of order, subject to an appeal by the City Council, regularly seconded. No other business shall be in order until the question on the appeal from the ruling of the Chair shall be determined. The ruling of the Chair may be overturned by majority vote of the Council.

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

### *Rule 10 - Proper Address of the Chair*

The presiding officer shall be addressed in the proper manner (i.e. Madam President, or Mr. President, or Mr. /Ms. Chairman.)

### *Rule 11 - Relinquishing the Chair*

When the presiding officer desires to relinquish the chair, they may call any Councillor to it, but such substitution shall not continue beyond the will of the presiding officer so relinquishing the chair or beyond an adjournment, except as hereinafter provided.

If the presiding officer wishes to express an opinion on any subject under debate, they shall relinquish the chair as above provided and shall not resume the chair until they have concluded speaking and all points of order arising therefrom have been decided.

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

## Section 4 - Rules of Order

### *Rule 12 - Order of Business*

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

1. Roll Call
2. Salute the Flag
3. Announcements, Accolades, Remembrances, Reports, and Records
  - a. Informational resolutions and announcements
  - b. Congratulatory resolutions
  - c. Condolence resolutions
  - d. Reports of Committees
  - e. Examination and approval of records of previous meeting
4. Hearings
5. Presentation of petitions and similar papers
6. Motions, orders, and resolutions
  - a. Resolutions regarding similar topics shall be placed consecutively in the Council agenda subject to the review of the City Clerk and Council President
7. Communications and Reports from the Mayor, City officers, and employees
8. Public Participation
9. Unfinished business of preceding meetings

The above shall not be departed from except by vote of the majority of members present. All questions relating thereto shall be decided without debate.

### *Rule 13 - Examination of Records of Previous Meetings*

At each meeting of the Council, the records of the previous meeting shall be referred to a member thereof (excepting the President of the Council) in alphabetical order, for examination, and they shall report the results thereof to the Chair who shall then place before the meeting the question of approval of the same.

### *Rule 14 - Gaining the Floor*

Every member, when about to speak, shall signal the Chair and wait to be recognized.

### *Rule 15 - Rules of Debate*

Upon all debatable matters a member shall speak no more than three (3) times or more than fifteen (15) minutes on the same issue.

### *Rule 16 - Public Participation*

Any resident, petitioner, or interested party shall be able to speak on any item included on the agenda once for no more than 5 minutes.

All petitions filed by members of the public shall either be sponsored by a member or reviewed by the City Clerk and Council President prior to placement on the agenda.

Any resident participating in-person may provide their residential address to the City Messenger and any resident participating virtually may provide their residential address to the City Clerk prior to speaking and the address shall not be included in the Council Records.

A six calendar day public comment period shall commence upon the consideration of any petition, as defined in Rule 19. Public comments shall be submitted in writing to the City Clerk. The Council can waive this requirement by a majority vote.

### *Rule 17 - Orders of Motions*

When a question is under debate, the Chair shall receive no motion, except the following order:

1. To adjourn
2. To take a recess
3. To lay matter on the table
4. For previous question in discussion
5. To limit or extend limits of debate
6. To postpone to certain date
7. To refer

8. To amend
9. To postpone indefinitely

*Rule 18 - Parliamentary Practice*

In all matters of parliamentary practice not provided for in these rules, the City Council shall be governed by Robert's Rules of Order.

The Office of the Medford City Council shall be governed by all legislative enactments inclusive of our operating rules and procedures (i.e. Massachusetts General Laws Chapter 43, Section 22).

*Rule 19 - Every Order or Resolution Must Be Endorsed*

For the purposes of this section the following definitions shall apply:

- Order: defined as a local by-law enacted by the City Council
- Resolution: defined as a paper stating an expression of opinion, fact, principle or purpose.
- Petition: defined as an application requesting Council action as required by law.

No Order or Resolution shall be received or acted upon unless endorsed by a member of the Council.

The filing of petitions shall be reserved only for matters requiring Council action per law, including but not limited to special permits, grants of location, sign variances, and common victualler licenses. Only petitions filed meeting this criteria shall be assigned a Council Paper Number.

All other petitions filed shall be placed on the public participation portion of the agenda and not assigned a Council Paper Number.

Matters requiring Public Hearing before the City Council shall be conducted as follows:

1. The petition is read into the record;
2. The Petitioner provides an explanation of the matter requiring Public Hearing;
3. The Public Hearing is conducted;
4. Following the Public Hearing a six calendar day public comment period shall commence. Public comments shall be submitted in writing to the City Clerk.
5. The Council shall neither approve nor deny any matter requiring Public Hearing until the conclusion of the public comment period, unless waived by a majority vote of the Council.

Every order, resolution, proposal, etc. appearing on the Council agenda be accompanied by an approximate amount of the costs involved if it is at all possible that those costs can be determined prior to being placed on the Council agenda.

The Medford City Council shall not approve of any bond or expenditure that does not have a written explanation of such expenditure at least 7 days prior to said vote.

Reports, presentations, or other updates provided by the Mayor, city officials, employees, or other representatives of the city administration shall always be provided in writing.

#### *Rule 20 - Withdrawing Motion*

After a motion is stated or read by the Chair it shall be deemed to be in possession of the Council, and shall be disposed of by vote, but the mover may withdraw it at any time before a decision or amendment.

#### *Rule 21 - Disposition of All Items Appearing on the Council Agenda*

All items of business appearing upon the Council agenda shall be taken up in the order of their appearance and be fully and openly debated and disposed of by vote of the Council previous to consideration of any other item of business.

No item of business shall be referred to Committee except for the following reasons:

- For the study and report at a subsequent meeting.
- For the purpose of drafting an ordinance.
- In the event that open discussion may prove damaging to the character and/or reputation of a person or persons.

All matters referred to Committee shall reappear on the on the Council agenda for the meeting four (4) weeks following its referral unless sooner presented by the Committee Chairman and/or a majority not exceeding two (2) weeks is voted by the Council upon request of the Committee Chairman and/or a majority of the Committee membership.

Any finance paper appearing on the Council agenda for the first time shall be automatically laid on the table for one week when such action is requested by any member.

#### *Rule 22 - Absence of Interested Parties*

Discussion of petitions, correspondence, and similar requests placed before the City Council shall be postponed for one week when the issue specifically involves non-present groups or organizations, so that such other interested parties may be notified and given an opportunity to be heard if they so choose.

### *Rule 23 - Previous Question*

Members shall state the previous question in one of the following forms:

- “Shall the main question be now put?”
- “I move the previous question.”
- “I call the question.”

Members must gain the floor prior to making such a motion, and the motion must receive a second. All further amendment or debate of the main question shall be suspended until the previous question is decided.

On the previous question, not exceeding fifteen minutes shall be allowed for debate, which shall be confined to giving reasons why the main question should not be put to an immediate vote, and no member shall speak more than two (2) minutes. After such debate, a majority vote shall be sufficient to end debate on the main question and require an immediate vote.

### *Rule 24 - Sufficiency of Vote*

The affirmative vote of a majority of all the members elected to the City Council shall be necessary for the passage of any order, ordinance, resolution, or vote, except as otherwise provided by the General Laws. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the City Council.

For any ordinance passed by the City Council, the City Solicitor shall review Massachusetts General Law to determine sufficiency of vote. For any paper presented by the Mayor or other officer of the city, a reference to Massachusetts General Law regarding sufficiency of vote shall be presented alongside the paper.

Massachusetts General Law references regarding sufficiency of vote are listed in Appendix A.

### *Rule 25 - Every Member Shall Vote Except As Provided In This Rule*

Every member present when a question is put before them shall vote, unless the Council, for special reasons stated before the Council is divided, or before the calling of the yeas and nays and decided upon without debate, shall excuse him or her. No member shall leave the Council Chambers without permission if their presence is necessary to make a quorum.

Any question regarding the validity of a City Council vote, when in fact a question regarding a conflict of interest arises, shall be subject to conflict of interest rules and laws via the State Ethics Commission rulings.

Any and all Council members shall have their potential conflict of interest reviewed by making inquiry to the City Solicitor to rule on a member’s right to vote when a conflict of interest is raised.

No member shall vote on any question or serve on any committee where their private right is immediately concerned, distinct from the public interest.

To permit a member's voting "present" (or that the minutes record their abstention) when the motion, order, or resolution under consideration by the Council forbids their participation as the "Conflict of Interest Law" directs, such member should so address the Council and the Chair informing them as to why such members are voting "present."

This rule shall also be governed by Massachusetts General Laws.

#### *Rule 26 - Manner of Voting*

All final votes of the City Council on questions involving the expenditures of five hundred dollars (\$500.00) or more, or upon the request of any member, any vote of the City Council, shall be by roll call, and shall be entered on the records. Except as above provided, the vote may be taken by voice.

#### *Rule 27 - Before Vote is Announced*

Prior to the announcements by the Chair of the results of a roll call vote, any member may ask to have their name called again in order to record himself differently.

#### *Rule 28 - Reconsideration*

After a vote has been taken, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, or to file with the City Clerk, not later than 4:30 P.M. of the next business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notice of reconsideration the Clerk shall place it on the calendar for the next regular meeting or for any intervening special meeting, provided the same is included in the Call thereof.

Whenever a written notice of a motion to reconsider has been filed as aforesaid, the Clerk shall notify all the members of the City Council. In the case of a question decided by a tie vote, it shall be in order for any member who voted in favor of the motion to move for reconsideration. No vote upon any of the following motions shall be reconsidered: to adjourn, to lay on the table, to take from the table, and the previous question.

#### *Rule 29 - Petitions, Hearings, Orders, and Resolutions once rejected*

When any petition, hearings, orders or resolutions has been finally rejected or disposed of by the Council or ruled out of order by the Council President, no petition, hearings, order or resolution embodying substantially the same subject shall be presented to the Council within three (3) months of its previous writing for its resubmission.

*Rule 30 - Ordinances and Bond Orders Referred to City Solicitor*

Every ordinance and every order for a bond issue shall, before its passage, be referred to the City Solicitor, who shall forthwith examine the same as to its legality and notify the Council in writing of their findings.

It shall be a standing rule of this Council that no final or definite action shall be passed by this Council in the matter of abatement of betterment assessments until such time as the legality of a proposed abatement shall be approved by the City Solicitor.

*Rule 31 - 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 Medford." 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 opinions, principles, facts or purposes, the enacting style shall be "Resolved."

*Rule 32 - Amendment or Suspension of the Rules*

Insofar as these rules are not of statutory sources or origin, the same may be amended, repealed, or suspended at any meeting by the vote of four members, with the exception of papers to be submitted under suspension which require two-thirds (2/3) approval of Council. Any paper to be submitted under suspension shall be read prior to the vote for suspension.

Any suspension of the rules shall be put on paper prior to the vote of the suspension, so all members will be fully informed of the matter on which they will vote.

Papers for consideration under suspension that are received by the City Clerk after the publication of the Council Agenda, shall be electronically transmitted to each Councilor by the City Clerk or City Clerk's Designee prior to the regularly scheduled meeting.

If any action is taken inconsistent with these rules, the same shall be construed to have been taken in suspension thereof provided four members concur in such action.

Section 5 - Committees

*Rule 33 - Committees*

After the organization of the Council, the President of the Council shall form committees and subcommittees and appoint all chairpersons and members.

The president shall give weight to such appointments via the longevity and interest of such appointees. The first-named member of all committees and subcommittees shall be chairperson.

#### *Rule 34 - Committee Reports*

Reports of committees and subcommittees shall be received by the City Council in regular session and agreed to by a majority vote of the City Council.

All papers reported out of subcommittee shall be referred to the Committee of the Whole.

#### Section 6 - Duties of the City Clerk

##### *Rule 35 - Duties*

The Clerk shall attend and keep the records of all meetings present, and shall have the care and custody of the City records, and of all documents, maps, plans, and papers pertaining to the business of the City Council.

Papers must be filed with the City Clerk by close of business at City Hall on the business day that is at least 48 hours prior to the next regular Council meeting. Further guidance can be found in Appendix B.

##### *Rule 36 - Clerk Shall Prepare List of All Matters*

The City Clerk shall prepare a list of all matters to come before the City Council at each meeting in accordance with the established order of business and shall deliver to the residence of each member a copy of the same not later than twenty four (24) hours prior to said meeting.

The Clerk shall confer with the Council President prior to the posting of the agenda.

##### *Rule 37 - Clerk Authorized to Order Hearings*

The City Clerk is authorized by these rules to order and publish notice of hearings on petitions presented to them requiring public hearings before the Council.

##### *Rule 38 - Attendance Within Rail*

No person other than members and staff of the City Council shall be allowed behind the rail, except by the decision of the Council President following a majority vote of the City Council.

The City Clerk shall note in the official minutes of all meetings of the City Council the names of government representatives, department heads, representatives of the news media, invited guests, and city officials who are seated within the rail of the Council Chamber.

Also, all electronic equipment used in the Council Chambers for the telecasting, broadcasting, and recording of the City Council and School Committee meetings, or any legislative and executive meeting in which the City Council participates shall be so noted in the minutes of such meetings.

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## **Appendix A - Massachusetts General Law References regarding Sufficiency of Vote**

Massachusetts General Law references regarding sufficiency of vote are listed below. The list may not be exhaustive and should be reviewed and updated regularly.

- M.G.L., Ch. 43, s.18: "...the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance."
- M.G.L., Ch. 43, s.20: "No ordinance shall be regarded as an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving the affirmative vote of two thirds of the members of the city council."
- M.G.L., Ch. 43, s.55: "If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two thirds vote of all its members, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council."
- M.G.L., Ch. 43B, s.10: "Amendments to a city or town charter previously adopted or revised under this chapter may be proposed by the city council of a city or the town meeting of a town by a two thirds vote in the manner provided by this section; provided, that amendments of a city charter may be proposed only with the concurrence of the mayor in every city that has a mayor."
- M.G.L., Ch. 44, s.33A: "Notwithstanding any contrary provision of any city charter, no ordinance providing for an increase in the salaries or wages of municipal officers or employees shall be enacted except by a two thirds vote of the city council, nor unless it is to be operative for more than three months during the calendar year in which it is passed."
- M.G.L., Ch. 44, s.33B: "Except as provided in the preceding sentence, no transfer shall be made of any amount appropriated for the use of any city department to the appropriation for any other department except by a 2/3 vote of the city council on recommendation of the mayor and with the written approval of the amount of the transfer by the department having control of the appropriation from which the transfer is proposed to be made."
- M.G.L., Ch. 40A, s.5: "Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of all members of the town council or of the city council

where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

- (1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;
- (2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;
- (3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and
- (4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.”

## **Appendix B - Further Guidance on Deadlines for Placement of Items on Council Agenda**

Papers must be filed by 9:30 A.M. on Friday preceding the next regular Council meeting.

All papers of whatever description which may require action by the City Council shall be presented to the City Clerk not later than 9:30 A.M. on the Friday preceding the day of each regular meeting. Papers presented after that hour on such day will not be considered until the next meeting.

If such Friday or subsequent Monday is a holiday, then the same requirements as aforementioned will be followed by substituting Thursday at 9:30 A.M., instead of Friday.

All papers directed to the Medford City Council by the Mayor, a department head, or whatever description which may require action by the City Council shall be presented to the City Clerk not later than 4:30 P.M. on the Thursday preceding the day of the regular Council meeting.

If such Thursday, or subsequent Friday or Monday, is a holiday, then the same requirement as aforementioned will be followed by substituting Wednesday at 4:30 P.M., instead of Thursday at 4:30 P.M.

Papers presented by the Mayor and or department head after 4:30 P.M. of such day will not be considered until the next regular meeting.