

# CITY OF GARDNER MASSACHUSETTS



## RULES OF THE CITY COUNCIL

Amendments through January 2022



## **CITY OF GARDNER, MASSACHUSETTS** **RULES OF THE CITY COUNCIL**

### **RULE 1.**

Regular & Special Meetings Schedule; legal holidays; time of meetings

The City Council shall hold regular meetings on the first and third Mondays of January, February, March, April, May, June, September, October, November and December and the first Mondays of July and August. Whenever a meeting falls on a legal holiday, the meeting shall be held the following night at the same time and place. All regular meetings shall be called at 7:30 o'clock p.m. in the Council Chamber in the City Hall. Special meetings of the City Council may be called by the President and shall be called at any time upon the written request therefor being made to the City Clerk by at least two members of the City Council.

### **RULE 2.**

Role of the President as Presiding Officer

Reading of Minutes; preservation of order

President to participate in debate

President to Appoint Standing Committees; President pro-tem

The President shall take the chair at the hour of the regular meeting of the Council or at the hour to which the Council has adjourned, whether in special or regular meeting, and call the members to order on the appearance of a quorum. He shall cause the minutes of the preceding meeting to be read, at which time errors or omissions, if any, shall be corrected. He shall preserve order and decorum and shall decide questions of order, subject to an appeal to the Council. He may call any member to the chair for a period of time not exceeding beyond an adjournment; and when out of the chair the President may participate in any debate; but shall not resume the chair while the same question is pending. He shall appoint all standing committees of the Council and shall be a member of the Finance Committee. In his absence a President Pro-tem shall be chosen by roll call vote.

**RULE 3.**

Voting  
Requirement;  
excused absence

Every member present when he is not excluded by interest, shall vote upon questions presented, unless the Council by vote excuses him; application to be excused on any questions must be made before the Council is divided, or before any vote is taken and shall be decided without debate. No member shall leave without permission if his presence is necessary to make a quorum.

**RULE 4.**

Principal Motions;  
written  
requirement;  
withdrawal

All principal or main motions shall be reduced to writing if the Chair or any member requires it. When made and seconded, it shall be stated by the President, or, being written shall be read by the President or Clerk and may be withdrawn before decision or amendment or any disposition thereof has been made, or vote thereon.

**RULE 5.**

Recognition to  
address the  
Council; limits

To obtain the floor, a member shall address himself to the Chair, upon recognition by the Chair; he shall not speak more than twice on any one question without permission of the Council, nor more than five minutes at any time.

**RULE 6.**

Voting; sense of  
the Council

On all questions and motions whatsoever, the President shall take a sensing of the Council by yeas and nays provided two-thirds of the members present shall so require.

**RULE 7.**

Main motion;  
moving the  
question

When the previous question has been moved, seconded and stated by the Chair, it shall be put in the following manner: "Shall the main motion be now put?", and all further debate of the main motion shall be suspended until the previous motion question is decided.

**RULE 8.**

Main motion; division of the question

Any member may call for a division of the question, and such division shall be made when the same shall be admitted by the Council.

**RULE 9.**

Ordinances; emergency adoption

No ordinance shall be passed finally on the date on which it is introduced, except in case of special emergencies involving the health or safety of the people or their property.

Ordinances; emergency preamble

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 affirmative vote of two-thirds of the members of the Council.

Ordinances; limitations

No ordinance making a grant, renewal or extension whatever its kind or nature of any franchise or special privilege shall be passed as an emergency nature, except as provided in Sections 70 and 71 of Chapter 164 of the General Laws and in Chapter 166 thereof, no such grant, renewal or extension shall be made otherwise than by ordinance.

Ordinances; first printing; ten-day legal notice requirement

Every proposed ordinance, except emergency measures as hereinbefore defined, shall at least ten days before its passage, be published in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance.

Ordinances; final passage; second printing legal notice requirement

After final passage, it shall in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinabove provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment.

Ordinances; question of final passage; amendments

On passing of ordinances the question shall be put "shall this ordinance pass?" Upon which the yeas and nays shall be taken. It shall be in order to amend at any time before the final passage of an ordinance.

Appointments;  
10-day advance  
notice requirement  
to City Council

No appointment shall be acted on by the Council until at least ten days after it shall have been filed with the City Clerk, whose duty it will be forthwith to notify the members of the Council of the filing of said appointment.

Adoption of  
ordinances; action  
by the Mayor;  
recording

After an ordinance shall have been passed, a written or printed copy shall be prepared by or under the direction of the clerk, and, after having been compared by the Clerk with the original, the same shall be signed by the Mayor, or in the absence of the Mayor, by the President of the Council, and shall be thereupon preserved by the Clerk in a book provided for the purpose.

### **RULE 10.**

Reconsideration;  
requirement;  
qualification;  
Session defined

A motion to reconsider a motion shall only be in order at the same meeting, or at the next regular meeting, when a motion for reconsideration is decided, the decision shall not be reconsidered. No motion to reconsider shall be entertained unless made by a member voting on the prevailing side.

For purposes of the application of Robert's Rules of Order, a session is defined as the two-year term in which the members of the Council were elected.

### **RULE 11.**

Presentation of  
Items; Ordinance  
language

All papers addressed to the Council shall be presented by the President or by a member in his 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. 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 Gardner."

### **RULE 12.**

Clerk of the  
Council; custody  
of records;  
Calendar  
preparation; New  
Business

The Clerk shall attend and keep the records of all meetings of the Council, shall have the care and custody of all records, of all documents, maps, plans and papers respecting the care and custody of which no other provision is made. He shall prepare for the Council a copy of the Orders of the Day, to which shall be added a list of matters laid on the table or postponed to a day certain, provided, however, that any matter may be admitted by a two-thirds vote of the Council.

**RULE 12A**

Standing Committees; requirement to maintain records

Each Standing Committee of the City Council shall maintain records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. Said records shall be delivered to the City Clerk who shall maintain them as the Keeper of the Records.

**RULE 13.**

Appointments to Standing Committees

The following Standing Committees shall be appointed by the President.

1. The Committee on Public Service, composed of three members, the first named member thereof to be Chairman; the President to be a member ex-officio without voting rights; this Committee shall have oversight of legislative matters associated with the following:

Committee on Public Service

Cemetery Commission	Conservation Commission
Engineering & Survey	Flood Plain
Municipal Grounds Commission	Public Works Department

Committee on Public Safety

2. The Committee on Public Safety, composed of three members, the first named member thereof to be Chairman; the President to be a member ex-officio without voting rights; this Committee shall have oversight of legislative matters associated with the following:

Animal Control (Dog Officer)	Flammable Storage Licenses
Automobile Dealers – Class I, II, III	Fruits/Vegetable Peddlers
Board of Health	License Commission
Bowling Alley/Billiard Table Licenses	Office of Emergency Management
Building & Inspectional Services	Police Department
Constables	Sealer of Weights & Measures
Dealers in Second Hand Articles	Traffic Commission
Fire Department	Transportation (M.R.T.A.)

Committee on Public Welfare

3. The Committee on Public Welfare, composed of three members, the first named member thereof to be Chairman; the President to be a member ex-officio without voting rights; this Committee shall have oversight of legislative matters associated with the following:

Airport Commission	Library Trustees
Cable TV Commission	Montachusett Regional Vocational Tech. School
Council on Aging	Planning Board
Cultural Council	Public School Department
Disability Commission	Recreation
Golf Course Commission	Severy School Trustees
Greenwood Memorial Pool Trustees	Veterans Agent
Historical Commission	Youth Commission
Housing Authority	Zoning
Industrial Development	Zoning Board of Appeals

Committee on Finance

4. The Committee on Finance, composed of the President, who shall be Chairman of said Committee, and two other members of the Council, this Committee shall have oversight of legislative matters associated with the following:

Board of Assessors	Human Resources
Budget	Information Technology
City Auditor	Law Department
City Clerk	Purchasing
City Collector/Treasurer	Redevelopment Authority
City Hall	Registrars of Voters
Civil Code Enforcement	Rules
Claims (Damages to Persons & Property)	Salary
Community Development & Planning	Vacancies
Contributory Retirement Board	

Committee on Appointments

5. The Committee on Appointments, composed of three members, the first named member thereof to be Chairman; the President to be member ex-officio without voting rights; this Committee shall have oversight of legislative matters associated with the following:

Appointments
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Committee appointment requirement

Every Council member must be appointed to a committee, unless he makes a request in writing to the President that he not be appointed to any committee.

Matters to be referred to Committees

All items, complaints, applications, or referrals must be made in writing to the proper committee so that the committee may present the matter to the proper authority for action. This rule is made with the intention of reducing the calendar, if satisfactory results are not obtained through committee referrals, the matters may be listed on the calendar.

**RULE 14.**

Regular Council Meetings; order of business

The following order of business shall be adopted for Council meetings:

1. Roll call
2. Opening Prayer
3. Pledge of Allegiance
4. Reading of minutes of previous meeting.
5. Public Hearings.
6. Communications from the Mayor.
7. Petitions, applications, remonstrances and memorials shall be called for and disposed of by reference or otherwise.
8. Report of Standing Committees in the following order:
  1. Public Service
  2. Public Safety

3. Public Welfare
4. Finance
9. Announcements and Recognitions
10. Unfinished Business and Matters for Reconsideration
11. New Business.
12. Adjournment.
13. Closing Prayer.

**RULE 15.**

Matters presented for Regular Meeting consideration; filing requirements; Calendar distribution; admission of late-filed matters.

All matters of every description to be presented to the regular meeting of the City Council shall be filed with the Clerk of the Council not later than twelve o'clock noon on Thursday preceding the meeting, and the City Clerk shall prepare a calendar of matters for consideration, a list of papers laying on the table, and such other matters as he may deem necessary, and shall cause the same to be printed and distributed among the members of the Council prior to each regular meeting; the Council may by a vote of at least two-thirds of its members, admit any matter for consideration at any meeting, but that no such matter shall be finally disposed of at the meeting except by affirmative vote of two-thirds of all the Council, and then only as provided by Section 28 of the City Charter. No money order will be considered under new business unless it is an emergency.

**RULE 16.**

Special Meetings; new business

At a special meeting of the Council, no business shall be taken up which is not mentioned in the call of that meeting, provided, however, that any matter not so mentioned in the call of the meeting may be taken up if at least two-thirds of all members of the Council vote affirmatively in favor of admitting the matter for consideration at that special meeting and that no such matter shall be finally disposed of at the meeting except by affirmative vote of two-thirds of all members of the Council, and then only as provided by Section 28 of the City Charter.

**RULE 17.**

City Clerk; presentation of Council action to Mayor

Whenever an ordinance, resolution or vote required by law to be presented to the Mayor, the City Clerk shall present the same without delay and shall enter



upon the records of the City Council the date upon which it is presented and approved.

**RULE 18.**

Election of officers;  
voting requirements

All officers not appointed shall be elected by a viva voce vote, each member who is present answering to his name when it is called by the Clerk or other proper officer, and stating the name of the person for whom he voted, or declining to vote, as the case may be; and the Clerk or other proper officer shall record every such vote.

**RULE 19.**

Vacancies in offices  
appointed by the  
Council; applicants;  
privileges

In case of a vacancy which occurs for the position of City Clerk, City Treasurer, City Auditor and Collector of Taxes, which appointments are made by the City Council as provided by Section 9 of the City Charter; therefore, any qualified person who files an application for any one of the above mentioned positions shall be accorded the privilege of not having their application disclosed until the day of appointment.

**RULE 20.**

Rules of Order;  
conduct of meetings

Robert's Rules of Order shall be the authority governing the conduct of business at all Council meetings, except as otherwise indicated in these rules. Any rule may be altered, suspended, amended or repealed by the affirmative vote of two-thirds of the members of the Council and not otherwise.

History of Council  
Rules

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Rules adopted by the City Council January 7, 1980  
Rule 13 & 15 – Amended January 21, 1980  
Rule 2 & 13 – Amended June 2, 1980  
Rule 2 – Amended October 21, 2019  
Rule 10 – Amended October 21, 2019  
Rule 13 - Committee assignments amended 1/4/1982; 1/3/1983; 7/6/2010;  
12/17/2012.  
Rule 14 – Amended March 19, 1984  
Rule 13 – Amended January 20, 1987  
Rule 12A – Added January 3, 2005  
Rule 13.3 – Amended February 20, 2007  
Rule 13.4 – Amended 2/20/07; 1/22/2008; 7/6/2010.  
Rule 14 – Amended June 21, 2010; 11/15/2010.  
Rule 15 – Amended April 21, 2009 (Effective 5/4/2009); October 21, 2019.

Rule 16 – Amended October 21, 2019.

Rule 20 – Amended January 19, 2010 (Demeter’s to Robert’s Rules)

Rule 13.5 – Amended January 3, 2022