

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

NEWBURYPORT CITY COUNCIL RULES (2022)

Proposed Amendments as follows, with deletions ~~double-stricken-through-in-bold~~, and additions double-underlined and in bold:

PURPOSE

Pursuant to the City of Newburyport Home Rule Charter (Charter), except as otherwise provided by the General Laws of the Commonwealth of Massachusetts (General Laws) or by the Charter, the legislative powers of the City Council of the City of Newburyport (Council) may be exercised in a manner determined by it. The purpose of these rules of the Council (Rules) is to establish in writing the manner in which the Council shall exercise its legislative powers.

ORGANIZATION

Rule 1. No later than December 31 after each regular municipal election, the City Clerk (Clerk) shall provide ~~written~~ notice to each member of the Council for the coming two-year legislative session of the date, time, and place of the first meeting of the Council in the next calendar year, to be known as the Inaugural Meeting.

Rule 1A. At the Inaugural Meeting, the Council shall, by majority vote of all its 11 members, notwithstanding any vacancies (Full Council), elect a President from within its membership. The City Clerk (Clerk) shall preside at the Inaugural Meeting until such time as a President is elected. The Full Council shall vote to set the date of its next regular meeting before it may vote to adjourn the Inaugural Meeting.

Rule 1B. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt its Rules for such calendar year.

Rule 1C. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

Rule 1D. In the second year of each two-year legislative session, no Inaugural Meeting shall occur. Instead, at its first meeting of such calendar year, the Council shall, by majority vote of the Full Council: (1) elect a President from within its membership; (2) adopt its Rules for such calendar year; and (3) adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

MEETINGS

Rule 2. Council meetings shall be held in the Council Chamber of City Hall or as a hybrid meeting, unless the President, or a majority of the Full Council, determine by any means reasonable and practicable, and give written notice to all members, that such meeting will be held in an alternate location or as a remote meeting.

Rule 2A. Special meetings of the Council shall be held at the call of the President, or any six (6) or more members, for any lawful purpose, by causing a notice of such special meeting to be delivered in hand or by email ~~to the place of business or~~ residence of each member. This notice shall, except in an emergency of which the President shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set, and shall specify the purpose or purposes for which the special meeting is to be held. The Clerk shall cause a copy of each such notice to be posted immediately, including on the City's Website, in accordance with applicable laws.

Rule 2B. If any meeting of the Council is in session at 10:30 ~~11:00~~ pm, said meeting shall be adjourned until 7:30pm of the following evening, unless another date and time is voted by a majority of the Full Council. The regular Council meeting shall start at 7:00 pm.

HOLIDAYS

Rule 3. Except as otherwise provided in the Charter, whenever the day set by these Rules for any meeting of the Council, regular or special, shall fall upon a holiday, then such meeting shall be canceled or postponed to a date certain by majority vote of the Full Council.

PRESIDING OFFICER

Rule 4. The President, if present, shall preside at all meetings. In the absence of the President, the senior-most member in terms of consecutive, uninterrupted service on the Council shall serve during the absence of the President. If more than one member has served the same length of time, the Council shall elect a President Pro Tem by majority vote from the most senior Councillors in terms of consecutive, uninterrupted service on the Council.

DUTIES AND POWERS OF THE PRESIDING OFFICER

Rule 5. The presiding officer shall: preserve decorum and order; speak to points of order in preference to other members; decide all questions of order, subject to appeal to a super-majority of the Full Council; declare all votes, or permit the Clerk to do so; and perform any other duties consistent with the office that may be provided by charter, ordinance, or by other vote of the Council.

Rule 5A. If any member doubts a vote as declared, the presiding officer, without further debate on the question, shall require that a count be taken by roll call of the membership.

Rule 5B. During any meeting, whether regular or special, the presiding officer may, at any time, call for a five-minute recess.

RELINQUISHING THE CHAIR

Rule 6. When the presiding officer desires to relinquish the Chair, ~~he or she~~ they may call upon any Councillor to take the Chair, but such call to the Chair shall not continue beyond the will of the presiding officer so relinquishing the Chair, or beyond an adjournment of the Council, except as hereafter 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 are ~~he or she is~~ through speaking, and all points of order arising therefrom have been decided by the Councillor presiding in their ~~his or her~~ place. Notwithstanding the foregoing, the presiding officer may, however, state facts and give opinions upon questions of order without relinquishing the Chair.

COMMITTEES AND COMMITTEE BUSINESS

Rule 7. The President shall appoint all members to all City Council Committees, both standing and ad hoc, designate the Chair of each such Committee, who shall serve as its presiding officer, and fill any vacancies thereon as they arise. Likewise, the President may establish, dissolve, and/or reconfigure ad hoc Committees in ~~his~~ her discretion, provided that such ad hoc Committees shall be re-established each two-year legislative session. Ad hoc committees may include members other than members of the Council for purposes of deliberation, but they may not vote. Except as otherwise provided in Rule 12, the Council shall, by a majority vote, refer each matter newly introduced through the Council agenda (Agenda) to a single Committee, either standing or ad hoc, for review at a public meeting of such Committee, before such matter may be acted upon again by the Council. Notwithstanding the foregoing, a Councillor may make all parliamentary motions, including a motion to receive and file the newly introduced matter.

Rule 7A. Pursuant to the Newburyport Code (Code), there shall be nine (9) standing committees of the Council, as follows, each consisting of three (3) members of the Council, and concerned with the matters specified for it in the Code:

- Committee on Budget & Finance
- Committee on Education
- Committee on General Government
- Committee on Licenses & Permits
- Committee on Neighborhoods & City Service;
- Committee on Planning & Development
- Committee on Public Safety
- Committee on Public Utilities
- Committee on Rules

Rule 7B. Except as provided expressly otherwise in these Rules, a matter shall not be referred to more than one Committee, either separately or jointly, nor may a matter be referred to the Full Council sitting as the Committee-of-the-Whole except by super-majority vote.

Rule 7C. Committees may meet at any time, in open and/or executive session, at any place within the City of Newburyport, subject to the Massachusetts General Laws, the City Charter, and the Newburyport Code.

Rule 7D. Committees shall meet and review each matter referred to them by the Council no later than thirty (30) ~~fifteen (15)~~ calendar days after such referral.

Rule 7E. Committee meetings ~~shall~~ may be cancelled when scheduled during any time when a declared snow emergency is in effect.

Rule 7F. During a meeting of the Council, the Chair of a Committee, whether regular or ad hoc, may remove any matter from such Committee to bring it to the floor for discussion by the Council, upon making a motion to do so, receiving a second from any other Councillor, regardless of Committee membership, and upon affirmative vote of the Full Council. Once such matter is before the Council (on the floor), any Councillor may then make a motion regarding such matter to approve it, not approve it, or refer it back to the original or to another Committee, and all parliamentary rules, including motions to amend, to table, and so on, shall be available, subject to these Rules.

Rule 7G. In the event that either: (a) the Committee has failed to meet and review a matter within the required 30 ~~15~~ days under Rule 7D; or (b) the Chair of a Committee has failed to remove any matter from such Committee after (6) weeks of its original referral to such Committee, such matter may be removed from such Committee to bring it to the floor for discussion by the Council, provided that a petition signed by no fewer than two Councillors has been filed with the City Clerk- with copies to both the President and the relevant Committee Chair -- in accordance with Rule 16.

Rule 7H. Any matter that remains in Committee at the end of the Council's two-year legislative session shall die, unless a majority of the Full Council votes at its last meeting of such session to carry such item into the succeeding session. Any item that remains on the table at the end of the Council's two-year legislative term shall die, and may not be carried on.

Rule 7I. For any Committee item relating to the disposition of any real property, including, without limitation, purchase or sale, an appraisal of the fair market value of said real property, performed by a duly licensed professional based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice (USPAP), shall be presented to the Council no fewer than seven (7) calendar days before such Committee item can be brought to the floor. The appraisal must be dated within twelve (12) calendar months of the date the relevant item is removed from Committee. The appraisal may be presented in Executive Session and/or may otherwise remain confidential in accordance with the City's Charter, and applicable law.

Rule 7J. Any Measure to authorize the issuance of a bond in an amount over \$500,000 shall not be removed from the committee to which it is first referred until the greater of thirty (30) calendar days or one (1) regular meeting of the City Council has elapsed since such referral.

SUFFICIENCY OF VOTE

Rule 8. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the Council or its Committees.

Rule 8A. Except as expressly provided in these Rules, the affirmative vote of a majority or super-majority, as may be required by law, of the Full Council, rather than of the quorum present, shall be required to adopt any ordinance, order, or other vote or proceeding adopted, or which might be adopted

(Measure). Consistent with the Charter, Measures include, without limitation, all transfers, expenditures, and acceptance of funds, which shall be put into effect by an order of the Full Council.

MANNER OF VOTING

Rule 9. The Council and each of its Committees, standing and ad hoc, shall vote at a duly noticed public meeting, unless otherwise permitted under the Open Meeting Law.

Rule 9A. A vote to confirm Mayoral Appointments on a second reading shall be by roll call of the Full Council.

Rule 9B. Approval of any ordinance shall require two (2) readings and two (2) roll-call votes to be held at separate City Council meetings, while approval of any other Measure requires one (1) reading and one (1) vote, which, except in the case of bond order, may be by voice vote. Amendments to any motion to approve, not approve, or to refer back to Committee may be recorded by voice vote, including such parliamentary motions in regard to an ordinance. Following its passage on first reading, such ordinance shall be timely posted to the City's Website, as defined in the Charter, in a manner prescribed by the City Clerk. Notwithstanding the foregoing, pursuant to the Charter, votes regarding Mayoral Appointments shall be treated specially under Rule 20.

Rule 9C. At the Inaugural Meeting, the Clerk shall begin the order of roll-call voting throughout such meeting with that Councillor whose last name is first in alphabetical order. At each successive meeting that requires a roll call vote or votes, the Clerk shall begin roll calls throughout such meeting with the Councillor whose last name follows the previous Councillor in alphabetical order until the last meeting of the two-year legislative term. Notwithstanding the foregoing, the Clerk shall, for all votes at all meetings, call the President to vote last.

Rule 9D. In the event that a member of the Council or one of its Committees wishes to have his or her vote recorded differently after announcement of the results of a roll call vote by the Clerk or presiding officer, the member must receive unanimous consent from every other present member of the Council or the Committee, as the case may be.

Rule 9E. A motion to table once seconded is not debatable, but clarifying points of information shall be allowed for the purpose of understanding the effects of such proposed tabling.

GAINING THE FLOOR

Rule 10. All Councillors's, when desiring to speak on a matter, shall raise their hands and respectfully address the President, and wait until recognized by the presiding officer.

Rule 10A. Once recognized by the President, the Councillor shall stand to speak on the matter. A Councillor shall remain standing while speaking, and shall sit down to indicate to the President the conclusion of the Councillor's speech.

Rule 10B. No Councillor shall speak a second time on any motion until each Councillor has the opportunity to speak once, however the President may permit a Councillor to speak out of turn to respond to questions directed to ~~them~~ him or her by another Councillor.

Rule 10C. In speaking, members shall at all times confine themselves to the motion in order, shall use parliamentary language and appropriate demeanor, and shall strive to refer to all other members by their ward or as an At-Large Councillor, or as the Chair or a member of a particular Committee, etc., rather than by their first or last names.

Rule 10D. No member shall leave a Council or Committee meeting while it is in session to seek or accept counsel, nor may such member while away from such meeting exchange information pertaining to an item on the meeting agenda, nor to conduct any other city business.

Rule 10E. The Council President and Committee Chairs, as the case may be, shall have the responsibility and discretion for recognizing speakers other than Council or Committee members. Any member of the Council or a Committee may request of the presiding officer recognition of a speaker other than a member, but the presiding officer's determination whether to grant such recognition shall not be appealed.

SPONSORSHIP OF MATTERS

Rule 11. With the sole exception of a Mayoral Appointment, as described in Rule 20, no Measure or other matter beside a Communication, of any kind, shall be placed on the Agenda by any City official or other person, including, without limitation, the Mayor, nor may it be acted upon by the Council, unless it is sponsored by a member of the Council. Each such matter carried over from a previous, two-year legislative term must be sponsored by a current member of the Council.

Rule 12. Except in the case of an Emergency Measure, as regulated under the Charter, the Council shall not pass or otherwise adopt any Measure until it has first been reviewed at a public meeting of a Committee in accordance with Rule 7.

Rule 12A. Failure of by any person, including, without limitation, an applicant or a city official, to meet a deadline, specified by law, regulation, or rule shall not constitute an Emergency. For example, and without limitation, the Council shall not approve a license or permit, or otherwise authorize, any person to use public property for a road race or other event by Emergency Measure solely because such event is scheduled to occur before the Council's next meeting.

Rule 12B. Pursuant to the Charter, no Measure making a grant, renewal, or extension, whatever its kind or nature, or a franchise or special privilege, shall be passed as an emergency measure, and, except as provided by the laws of the Commonwealth, no such grant, renewal, or extension shall be made otherwise than by ordinance.

Rule 12C. Pursuant to the Charter, an Emergency Measure shall become effective immediately upon its adoption without signature by the Mayor, or at such later time as the emergency measure expressly provides.

Rule 12D. In the event that a sponsor of any Measure or other matter is not present physically or telephonically at a meeting of the Council when the Clerk reads such Measure or other matter, then the Council shall not consider such Measure or other matter, unless all sponsors of such measure have presented a written statement requesting the Council to proceed in the absence of such sponsor.

WITHDRAWING ITEMS FROM THE AGENDA

Rule 13. After a Measure or other matter is reached on the Agenda and read aloud by the Clerk, it shall be deemed to be in possession of the Council, and shall be disposed of in some matter by vote. At any time prior to a Measure or other matter being brought before the Council through such reading, it may be withdrawn provided all sponsors so notify the President or the Clerk.

RECONSIDERATION

Rule 14. Notwithstanding Rule 9D, after a vote has been taken on a Measure or other matter, 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, and such motion shall be disposed of accordingly. Alternatively, such member may file with the Clerk, not later than noon of the next business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notification from a member, the Clerk shall place the motion for reconsideration on the Agenda for the next regular meeting of the Council, and the Clerk shall forthwith, either verbally or in writing, notify the Full Council of such filing.

DUTIES OF THE CLERK

Rule 15. The Clerk shall attend and keep all records of all meetings of the Council, shall record the names of the members present, shall record the vote of members on roll calls, and shall have the care and custody of the City records, and all documents, plans, and papers pertaining to the business of the Council. The Clerk shall also, at the request of a member, assist in the drafting of items to be presented at the meetings of the Council. The Clerk shall cause notice to be made to each Councillor of each meeting of the Council, regular and special, and of Committee meetings, and shall also post notice on the City Website at least 48 hours prior to commencement.

DEADLINE FOR AGENDA ITEMS

Rule 16. Printed materials regarding any matter, including, without limitation, the full text of new Measures, to be considered by the Council at its next regular meeting shall be presented in complete form to the Clerk not later than 9:00 am on the Wednesday ~~4:00 pm on the Tuesday~~ preceding such regular meeting. Notwithstanding the preceding sentence, not later than 4:00 pm on the Wednesday preceding a regular meeting, Committee Chairs shall submit to the Clerk the text of any Measures they intend to remove from Committee and put into the possession of the full Council. Except as otherwise provided under Rule 18A, papers presented after these times shall be considered Late-Filed Items, which shall not be taken up without a suspension of these Rules, which requires a super-majority vote of the Council. The provisions of this Rule 16 apply to all persons, and in all cases, without exception, including to all members and other City officials, such as the Mayor and Department heads, as well as the public.

AGENDA AND PACKET

Rule 17. For each meeting of the Council, the Clerk in consultation with the President shall compile the Agenda of all matters to come before the Council at such meeting, in accordance with the order of business listed below, and shall make available to the public such Agenda and all supporting documents (together, Packet) to be considered by the Council by 5:00 pm of the fourth (4th) calendar day prior to such meeting; provided, however, that in the case of a special meeting the Agenda shall be made available as otherwise provided by law

and these Rules, and no Packet shall be required. The Clerk shall cause a printed copy of the Packet to be delivered to each Councillor by their individually preferred means, and to be posted on the City Website at least 48 hours prior to commencement.

Items that are to be added to the Agenda as Late-Filed Items must be submitted for approval to be placed on the Agenda immediately following the Call to Order.

The order of business for the Agenda shall be as follows:

1. Moment of Silence
2. Pledge of Allegiance
3. Call to Order
4. Late-Filed Items
5. Public Comment
6. Proclamations
7. Mayors Comment
8. Consent Agenda
 - a) Approval of Minutes
 - b) Communications (including Applications)
 - c) Orders (including Transfers/Appropriation Orders) and Resolutions
 - d) First Reading of Mayoral Appointments
7. Second Reading of Mayor's Appointments
8. Communications
9. Orders (including Transfers/Appropriation Orders) and Resolutions
10. Ordinances
11. Committee Reports (including all Measures with any amendments or revisions for the Council to consider)
12. Good of the Order
13. Adjournment

Rule 17A. The Consent Agenda shall be reserved for routine and non-controversial matters that may be considered apart from the rest of the Agenda and approved collectively and without debate.

The President has the sole discretion to place matters on the Consent Agenda excepting Committee Measures. Pursuant to the deadlines set in Rule 16, Committee Chairs may ask the Clerk to place Committee Measures on the Consent Agenda. This rule shall not be construed to limit or alter other rules relating to removing measures from Committee including, without limitation, Rules 7F and 7G. The retention thereon of any measure in the Consent Agenda is subject to the unanimous consent of the members present when the Council reaches the Consent Agenda during its meeting. Committee items removed from the Consent Agenda shall be handled during the regular agenda under the measure's respective Committee report, under Rule 7F.

The Clerk shall read matters on the Consent Agenda by title only. At any time before the Council acts upon the Consent Agenda, any member of the Council may cause any matter or matters listed upon the Consent Agenda to be removed and then placed into the appropriate portion of the regular Agenda, either by providing written notice to the President and/or the Clerk, or, alternatively, by rising and so requesting by motion. The Council shall then, without debate permitted, vote collectively on all matters remaining on the Consent Agenda, by simple majority of the Full Council. Such vote may be conducted by voice vote at the discretion of the presiding officer.

Rule 17B. Supporting copied (paper copy) documents for Council agenda items shall be placed in the packet and provided to Council members only the first time the item is introduced to the Council. Subsequently, as items are taken up for debate, whether in committee or during regular meetings, it shall be the responsibility of each Councillor to have retained the documents for reference. Notwithstanding the foregoing, the electronic version of the packet, posted on the website, shall be complete.

PUBLIC COMMENT

Rule 18. There shall be designated a Public Comment time during each meeting of the City Council. The procedure for this comment time is listed below:

1. Individuals who wish to speak before the Council, whether on their own behalf or on behalf of a group, must sign in on the door of the Council Chamber prior to the start of the Public Comment segment of the meeting. Each speaker must provide his or her name and the address where they resides permanently (i.e. legal domicile), and indicate which Agenda item they will be speaking on. The President will advise attendees of their right to speak and responsibility to sign-up.
2. Two minutes allotted to each speaker.
3. One opportunity per individual to speak.
4. Comment must be related to an Agenda item.
5. Speakers who are attorneys shall disclose the identity of all clients whose interests are materially affected by the Agenda item upon which they speak.

Rule 18A. There shall be designated a Mayor's Comment time during each regular meeting of the City Council. The procedure for this comment time is listed below:

1. To address the Council during the Mayor's Comment period, the Mayor may provide notice to the President at any time prior to the Call to Order.
2. The Mayor will be allowed to speak for a total of seven (7) minutes.
3. The Mayor will be offered reserved seating on the front bench of the Council Chambers
4. Notwithstanding the normal deadline for written materials to be submitted to the City Clerk under Rule 16, the Mayor may submit a written report to the Full City Council not later than 11:00am on the day of the Council meeting, and such report shall not be deemed a Late-Filed item.
5. Nothing in this rule prohibits the Mayor from speaking otherwise in compliance with the Charter and these Rules.

PRESENTATIONS

Rule 19. To be included on the Council Agenda, presentations by individuals or groups must be sponsored by a Councillor in writing pursuant to Rule 16, and approved by the President, in which case such presentation shall be placed in the Communications segment of the Agenda, for a period not longer than twenty (20) minutes.

MAYORAL APPOINTMENTS

Rule 20. Mayoral Appointments do not require sponsorship by a member of the Council, but shall require two (2) readings and two (2) votes by the Council, the second such vote by roll call. For its first reading, each such appointment, including reappointments, shall be accompanied by submittal to the Clerk of the appointee's resume in accordance with Rule 16. The first reading shall be placed in the Consent segment of the Council's Agenda for referral to the Council's next meeting, sitting as the Committee of the Whole.

Rule 20A. As with any Consent Agenda item, a single member of the Council may move such item to the regular Agenda. As provided in the Charter, the Council may elect to refer any proposed Mayoral Appointment to a standing or ad hoc Committee, which shall review such appointment and may make a recommendation to the Full Council not fewer than seven (7) nor more than 45 days after such referral. Such Committee may require any person whose name has been referred to it to appear before such Committee, or before the Full Council, to give any information relevant to the appointment that the Committee of the Full Council may require. Notwithstanding the optional referral of proposed appointments provided for in this Rule 20A, appointments and reappointments of the following officers shall always be referred through the Consent Agenda to the standing committee with oversight over such board or commission:

- Members of the Board of Health;
- Building Commissioner;
- Building Inspector;
- City Auditor/Director of Finance;
- City Librarian;
- City Treasurer;
- Director of the Department of Public Services;
- Members of the Conservation Commission and Conservation Agent;
- Harbormaster;
- Members of the License Commission;
- ~~Members of the Newburyport Redevelopment Authority board;~~
- Members of the Newburyport Waterfront Trust board;
- Members of the Planning Board, Planning Director, and Zoning Administrator;
- Members of the Water and Sewer Commission; and
- Members of the Zoning Board of Appeal.

Rule 20B. The Health Director, upon appointment by the Board of Health, shall be placed in the packet for referral to the Committee on Public Safety for review and recommendation to the full Council as a receive and file.”

MID-YEAR BUDGET REVIEW

Rule 21. Each calendar year, the Committee on Budget & Finance shall schedule and hold a public meeting to conduct a Mid-Year Budget Review as soon as practical after six (6) months of actual expenditures are available in written form, but no later than February 28. The Chair of the Committee shall cause the Finance Director to attend, pursuant to the Charter, the Chair shall invite all members of the Council, as well. Pursuant to the Charter, the Chair shall ask the Finance Director to distribute to the Full Council documentation in support of the Mid-Year Budget Review no less than two (2) weeks before such

meeting, including a year-to-date actual budget summary. Further pursuant to the Charter, any member of the Council may request that a Department Head be present at the Mid-Year Budget Review meeting, by making a request through the Chair of Budget & Finance.

ELECTRONIC COMMUNICATION DEVICES

Rule 22. The audible use of mobile phones, radios, and other electronic communication devices by any person, including members of the Council, but excepting on-duty public safety officers, is strictly prohibited within the Council Chamber while the Council is in session, and all such devices shall be turned off or otherwise made to be silent.

Rule 22A. Members of the Council may read from or listen to or otherwise obtain information from a computer, tablet, or other electronic device within the Council Chamber while the Council is in session, such as by conducting computer searches online.

Rule 22B. Except as otherwise permitted under the Open Meeting Law, no member of the Council shall, at any time while the Council is in session, be permitted to communicate with other people, either located within or without the Chamber, using such any electronic device, whether verbally or otherwise, audibly or inaudibly.

PARLIAMENTARY PRACTICE

Rule 23. In all matters of parliamentary practice not provided for in these rules, the Council shall use Robert's Rules of Order as a guide.

RECUSAL

Rule 24. Upon his or her recusal regarding a matter, a member of the Council or a Committee shall leave the room where the meeting is being conducted, and such member shall not be counted as part of the quorum on that matter. Notwithstanding the foregoing, a recused member may, if permitted under applicable law, remain in the room solely if they wishes to give testimony on the matter.

Rule 24A. If the matter is to be addressed in open session, then the recusal shall be made orally and shall be included as part of the official public record. The recused member may obtain and review any records of such public discussions and/or action by the Council or Committee on the matter.

Rule 24B. If the matter is to be addressed in executive session, then the recusal must be made orally during the open session before the Council or Committee goes into such executive session and shall be included as part of the official public record. A member so recused shall not knowingly obtain or review a recording, minutes, or any other non-public information regarding such matter, other than the fact of his or her own recusal.

AMENDING THE RULES

Rule 25. Any amendment of these Rules shall require successful passage of an order by the Full Council, by simple majority, as provided in these Rules.

SUSPENDING THE RULES

Rule 26. Except as otherwise, expressly provided in these Rules, a motion to suspend the rules shall require a two-thirds super-majority vote of the Full Council.

REMOTE PARTICIPATION

Rule 27.

THAT, The CITY COUNCIL of the City of Newburyport hereby authorizes remote participation in meetings held by all City of Newburyport public bodies subject to the Open Meeting Law and pursuant to 940 CMR 29.10. For the purposes of this order, remote participation shall be permitted under the following terms and conditions:

Media: Telephone, internet, satellite enabled audio/video conferencing, or other similar technology may be used for remote participation provided that the participant and all in attendance can hear each other. If videoconferencing is used, the member participating remotely must be visible to all in attendance.

Quorum: A quorum of the public body, including the chair or, in the chair's absence, the person authorized to chair the meeting, must be physically present at the meeting location before an absent member may participate remotely.

Votes: If any member of the public body is participating remotely, all votes of the body, including those taken in open session, are required to be by roll call and the results of the roll must be recorded in the minutes.

Status: A member participating remotely may vote, and is not deemed to be absent from the meeting, including for purposes of MGL Chapter 39 Section 23D.

Reasons: Acceptable reasons for participating remotely include one or more of the following: personal illness, personal disability, emergency, military service or geographic distance. A member cannot participate remotely for convenience.

Notification: A member who will not be present at a meeting must notify the chair as far in advance as possible. The chair must announce at the beginning of the meeting the name of the person participating remotely and the reason. The categories listed above under Reasons may be used for this announcement such that a member's privacy rights are protected, especially with respect to illness or disability.

Technical Issues: If technical issues arise with the media connection, the chair must decide how to address them. Deliberations shall be suspended while the difficulties are addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.

Use of Plans and Other Visuals: The chair or, in the chair's absence, the person authorized to chair the meeting, shall distribute to remote participants, in advance of the meeting, copies of all relevant documents, exhibits, and presentation materials used during the meeting. If a member of the public body is remotely participating in a public hearing relative to the issuance of any permit involving a site plan or architectural drawings, that member must utilize video conferencing such that all maps, plans or other presentation materials used or referenced

during the meeting are visible. This requirement for video conferencing is not necessary where the member has already received a copy of all relevant maps, plans, or other presentation materials and no new materials are introduced during the meeting.

Executive Session: There shall be no remote participation in any executive session including, but not limited to, any vote to go into or out of said executive session.

FURTHER, any City of Newburyport public body utilizing remote participation is required to comply with all provisions of 940 CMR 29.10 as summarized above, as well as all other requirements of the Open Meeting Law and all of the Massachusetts Attorney General’s Division of Open Government’s regulations.

Heather L. Shand

Councillor Heather L. Shand

In City Council January 10, 2022:

Motion to approve by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes.
Motion passes

In City Council January 10, 2022:

Motion to approve as amended to move the meeting date 9/26/2022 to 9/27/2022 due to Rosh Hashanah by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes

In City Council March 14, 2022:

Motion to approve as amended in Committee to strike “*and Health Director*” by Councillor Vogel, seconded by Councillor Zeid. Motion to amend to add Rule 20B “The Health Director, upon appointment by the Board of Health, shall be placed in the packet for referral to the Committee on Public Safety for review and recommendation to the full Council as a receive and file.” By Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (BL, AK). Motion to approve as amended by Councillor Vogel, seconded by Councillor Zeid. Roll call vote. 9 yes, 2 absent (BL, AK). Motion passes.

Date: 4/8/2022

Attest: *[Signature]*
Richard B. Jones, City Clerk