

TOWN OF AMHERST COUNCIL RULES AND PROCEDURES

Authority

Section 2.6(d) of the Amherst Home Rule Charter provides that the “Town Council shall adopt rules regulating the procedures of the Town Council...”

Parliamentary Procedure

The Council shall refer to *Robert’s Rules of Order Newly Revised, 11th Edition*, or subsequent editions, in all questions of parliamentary procedure not otherwise provided for by the Charter, bylaw, or special rules.

Council Meetings

Regular Meetings

1. Regular meetings of the Council shall be in the Town Room of the Amherst Town Hall on the 2nd and 4th Monday of each month, commencing at 6:30 PM. The Council may meet in another suitable location or at other times as determined by the President or a majority group of the Council.
2. Meetings of the Council shall not extend past 10:00 PM, unless the Council otherwise determines.
3. As provided by the Charter, the Council shall meet at least once per month and special meetings held on the call of the President or any 3 or more Councilors for any purpose [Charter Section 2.6 (d)(iii)].
4. Any meeting deemed to be an emergency by the President, or Vice-President in the absence of the President, shall be posted and conducted in accordance with the General Laws [Charter Section 2.6 (d) (iv)].

Quorum

A quorum of the Council shall consist of 7 of its members unless otherwise provided in the Charter [Charter Section 2.6(b)]. If at any time during a meeting a roll call shows less than a quorum present, the President shall declare a recess of not more than 15 minutes, after which time, if a quorum is not present, the meeting shall be adjourned. Any Councilor may call for a roll call on the question of the presence of a quorum which shall take precedence over any other matter before the Council.

Public Notice

In accordance with the Massachusetts Open Meeting Law, M.G.L. c. 30A, §§ 18-25, public notice of all Council meetings, except in emergencies, shall be posted with the Town Clerk in accordance with the statute and on the Town’s bulletin board.

Agenda

Agendas for the Council Meetings shall be set by the President. The President shall consult with the Town Manager and accept advice from members of the Town Council [Charter, Section 2.2(b)].

Minutes

1. Minutes shall include the date, time, and place of the meeting, Councilors present or absent, the names of the makers and seconds of all motions, all formal votes of the Council, and a reasonable summary of discussion. Minutes shall include a record of each roll-call vote or shall note that the vote was unanimous. [Charter 2.6 (d) (v)]

2. Adoption, approval, and publication of minutes shall be governed by the provisions of the Open Meeting Law.
3. The Council Clerk shall be responsible for maintaining the minutes of the Council, shall make them available to the public upon request in accordance with the Public Records Law, and shall post them to the Town's website or other media as the Council deems appropriate.

The President

Powers and Duties

At the hour appointed the President shall call the Council meeting to order. In the absence of the President, the Vice President shall act as President *pro tem*. If both the President and Vice President are absent, the Council Clerk shall choose a councilor to serve as Chair for the meeting or until the President or Vice President is present. The President shall exercise all powers and duties as outlined in Section 2.2(b) of the Charter.

Election of Officers

President and Vice President

A majority of all Councilors (7) shall be required to elect a President and Vice President. The election of officers shall occur annually, with officers serving 1-year terms. The Council may reorganize at any time at its discretion. [Charter Section 2.2(a)]

Clerk of the Council

The Council shall appoint a Clerk, who may be a Town employee, to hold office at the pleasure of the Council. All documents and materials for the Council shall be delivered through the Council Clerk, before, during, and after the Council meeting. The Council Clerk shall perform duties as may be assigned by the Charter or by vote of the Council [Charter Section 2.9(a)]

Committees

Committees of the Council [Charter Section 2.6(e)]

By a majority vote, the Council may form standing and *ad hoc* Committees [Charter Section 2.6(e)]. The Council President shall make appointments to all Committees [Charter Section 2.2(b)] and shall designate the Committee Chair. All standing and *ad hoc* committee meetings shall comply with the Open Meeting Law.

The Planning Board and Zoning Board of Appeals [Charter Section 2.9(c)]

By majority vote, the Council shall appoint Planning Board and Zoning Board of Appeals members, who shall serve staggered 3-year terms by vote of the Council [Charter Section 2.9(c)].

Liaisons to Committees

The Council may select from its members non-voting liaisons to multiple-member bodies, the School Committee, and the Library Trustees [Charter Section 2.9(d)].

Committee Meetings

A committee shall meet on the call of the Committee Chair, or of a majority of its members. A majority of the members of a committee shall constitute a quorum.

Committee Reports

1. Upon receipt of a Committee Report, the President shall call for the vote to acknowledge the Council's receipt of the report.
2. When debate centers on committee reports, the President or vote of the Council may suspend any time limits set on speaking.
3. Documents referred to in Committee Report shall accompany or shall be adequately referred to in the report.
4. Nothing in this rule prohibits the submission of minority reports.

Conduct of Meetings

Preservation of Order and Appeals from Decision of the President

The President shall preserve decorum and order, may speak to points of order in preference to other Councilors, and shall decide all questions of order, subject to an appeal to the Council. No other business shall be in order until the question on the appeal is decided. Votes on appeal may overturn the President's decision.

Through President

1. All comments to the Council shall be directed to the President and not to any member thereof.
2. No person other than Councilors and the person having the floor shall enter into discussion either directly or through a Councilor without permission of the President.

President May Speak and Vote

The President may speak in favor of, or in opposition to, any motion, and may participate and vote under the same rules as applied to other Councilors.

Recess

At any time, during debate or otherwise, the President may declare a recess of not more than 30 minutes. Such action shall not be debatable or subject to appeal, nor shall any motions apply thereto.

Point Of Order

Any Councilor called to a point of order shall cease debate until resolution of the point of order.

Method of Voting

All motions shall be stated and the quantum of vote needed for passage specified by the President prior to a vote. Voting may be by voice or show of hands in any matter requiring a simple majority vote unless otherwise specified. All votes on bylaws shall be by roll call. If more than a simple majority is required, either a unanimous voice vote shall be required or a roll call vote taken. In the case of a roll call vote, the President shall declare the result after the Clerk has announced the results. Where the result of a voice vote is in doubt, or upon demand of any member, the President shall take a roll call vote. Members shall not be required to explain their votes.

Voting Requirements

1. Actions taken by the Council requiring a vote shall be by a simple majority of Councilors present and voting unless otherwise provided in the Massachusetts General Laws, the Charter, Bylaws, or by rules of the Council.
2. In case of a tie vote on any motion, the motion shall fail.
3. Passage of a zoning bylaw shall require a two-thirds vote of the full Council (9 Councilors) [M.G.L. Ch. 40A, §5].

4. A properly protested zoning bylaw requires a three-quarters vote of the full Council (10 Councilors) [M.G.L. Ch. 40A, §5].
5. An appropriation from any Stabilization Fund shall require a two-thirds vote of the Councilors present and voting. [M.G.L. Ch.40, §5b]
6. Unpaid bills from a previous fiscal year shall require a two-thirds vote of Councilors present and voting. [M.G.L. Ch. 44, §64]
7. Any Council action that provides for the imposition of a fine or penalty shall be in the form of a bylaw.
8. The President may order a vote on any measure pending before the Council if failure to act would terminate the Council's power to act because of the expiration of a federal or state mandated time limit or similar circumstance.

Bylaws and other measures

Charter, Section 2.10:

(a) Proposed bylaws and other measures shall be introduced in writing and in the form necessary for final adoption. A proposed motion to amend or repeal a portion of any Town bylaw shall set out in full the portion to be so amended or repealed.

Any proposed bylaw, except an emergency measure, shall be published on the Town bulletin board not less than 14 days prior to its final passage. Prior to final passage, each proposed bylaw shall be read at 2 separate Council meetings.

The affirmative vote of a majority of the full Town Council shall be necessary for the final passage of any bylaw, except in the event where a higher quantum of vote is required by the General Laws or this Charter.

Unless otherwise provided by general law or this Charter, every vote adopting, amending, or rescinding a bylaw shall become effective at the expiration of 14 days after final passage or a specified later date.

(b) **Emergency Measures:** An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing the scope and nature of the emergency in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted and shall require the affirmative vote of 7 members of the Town Council. An emergency measure shall become effective upon adoption or at such later time as it may specify. An emergency measure may be passed, with or without amendment, or rejected at the same meeting at which such measure is introduced. Emergency measures shall stand repealed on the 61st day following their adoption, unless an earlier date is specified in the measure.

(c) **Right to Postpone:** On the first occasion that the question on adoption of a non-emergency measure is put to the Town Council, if a single member present objects to the taking of the vote, the vote shall be postponed until the next meeting of the Town Council, whether regular or special. If, when the matter is next taken up for a vote, 4 or more members object to the taking of the vote, the matter shall be further postponed for not less than an additional 5 days. This procedure shall not be used more than once for any specific measure whether or not such measure is amended. The use of this right to postpone shall have privilege over all motions, must be raised prior to or at the call by the presiding officer for a vote, and, once invoked, all debate on the measure shall cease.

Non-Charter provisions:

1. Absence of Sponsor: If the sponsoring member of any order, resolution, or other matter is not present when the matter comes before the Council, the President shall withdraw the matter from consideration at that meeting, unless the sponsor has designated another Councilor as sponsor by providing the President written notice 24 hours in advance of the meeting.
2. To the extent feasible, any proposed bylaw shall be reviewed by the Town Attorney prior to a final vote by the Council.
3. Resubmission: For any measure finally rejected by the Council, no motion embodying substantially the same subject shall be submitted to the Council within 6 months of its previous writing for resubmission unless approved by a majority of the Council.
4. Zoning bylaw amendments shall be published once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing required by M.G.L. c. 40A, § 5, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than 14 days before the day of the hearing. Prior to final passage, each proposed bylaw shall be read at 2 separate Council meetings.

Public Comments

1. All regular meetings of the Council shall include a period for public comment on any matter within the jurisdiction of the Council, regardless of whether the matter was listed on the Council agenda [Charter Section 9.12(b)].
2. A register of persons wishing to comment shall be made available by the Council Clerk prior to the start of the meeting. The President shall recognize individuals on that list. Once recognized, the person may comment at this time for up to 3 minutes. Where more than 20 persons have registered for public comment, comment time shall be limited to 2 minutes. Comments offered shall be a respectful manner.
3. The intention of the public comment period is for the Council to hear comments from the public and not enter into discussions with the Council.
4. The President may set the duration of the Open Forum at the start of the Council meeting.
5. Non-residents may speak with the approval of the President.
6. Additionally, the President may, during the discussion of an agenda item, allow for comments from the public related to the agenda item after all Council members have had the opportunity to speak. Public comments on agenda items are limited to one 3-minute comment, unless otherwise determined by the President. Persons wishing to comment shall identify themselves upon recognition by the President.

Motions

The rules of parliamentary procedure shall be as set forth in the Council Rules and Procedures, but otherwise by default shall be as set forth in Robert's Rules.

Order Of Business and Agenda

1. Call to order and declaration of the presence of a quorum
2. Announcements
3. Resolutions and Proclamations
4. Public Open Forum
5. Hearings
6. Action and Discussion Items (including Consent Agenda items)
7. Committee Reports
8. Town Manager's Report

9. Council Comments
10. Approval of Minutes
11. Topics Not Reasonably Anticipated by the President 48 Hours in Advance
12. Executive Session
13. Adjourn

1. The President may make changes to this order.
2. The Council President or the Vice President of the Council, if the President is unavailable, shall prepare the agenda, in consultation with the Town Manager.
3. The Council President in consultation with the Town Manager shall set dates and times for submission of materials for the Council's consideration prior to the scheduled meeting.

Hearings

1. The time allocated to public hearings at any meeting of the Town Council shall not be of more than 3 hours duration at any one session, unless the Council votes to waive this limitation. A date, time, and place certain for continuance shall be required for any uncompleted hearing.
2. Hearings authorized by the Council shall have precedence over other presentations. In all hearings before the Council, the case of the petitioner shall have precedence except where the President of the Council shall prescribe otherwise.
3. Public hearing format (after petitioner's presentation):
 - a. Public speaking in favor
 - b. Public speaking in opposition
 - c. Questions from Councilors
4. Council debate on the merits of the petition shall follow the vote on a motion to close the evidentiary portion of the hearing.
5. This format shall not apply to public hearings to consider the annual budget, hearings where procedures are governed by state law, or to hearings on topics where the Council is not responding to a formal petition.

Motions for Reconsideration

Any Councilor voting with the prevailing side of any measure may move for reconsideration. The motion shall be in order at the same or at the next regular meeting succeeding the vote on the measure. The motion is debatable only as to the reasons for reconsideration and is not amendable. No more than one motion for reconsideration of the vote on a measure shall be entertained. In the case of a question decided by a tie vote, a Councilor voting in the negative may move reconsideration.

Debate Decorum

1. Any Councilor when about to speak shall first address the President and wait until recognized by the President. When about to speak, a Councilor shall raise a hand for recognition, wait until recognized and respectfully address the President. When 2 or more Councilors request to be recognized at once, the President shall designate the speaker who shall take precedence, providing that no Councilor shall speak to the same question more than once until all other Councilors choosing to speak have spoken. No Councilor shall interrupt another while speaking, except by a point of order or by permission of the Councilor speaking.
2. The President may allow two Councilors to enter into debate and limit the time of the debate.
3. In speaking, the Councilor shall confine remarks to the question, not use unbecoming, abusive, or inappropriate language, and shall avoid references to personalities.

Conflicts Of Interest

No Councilor shall vote on any matters, or serve on any committee, where private or family interest shall conflict with the public's interest in violation of the Conflict of Interest Law, M.G.L.. Ch. 268A. Councilors shall conduct themselves in the true spirit of openness and transparency.

Open Meeting Law

The Massachusetts Open Meeting Law, M.G.L. c. 30A, §§ 18-25, provides the public and the media with a legal right to attend all meetings of municipal boards and committees, except when the board or committee votes to go into Executive Session for statutory reasons. Details of those requirements are in the statute, explanatory materials provided by the Attorney General, and guidance from the Town Attorney. By statute, all votes taken to enter executive session or within the executive session shall be by roll call.

Remote Participation

Council members may participate in any Council meeting through remote participation in compliance with the Town's remote participation policy.

Spectator Decorum

Members of the public are welcome to be present at the Council and Committee meetings. Those present shall not engage in demonstrations of approval or disapproval. If such demonstrations occur, the President or Committee Chair may call a recess or adjourn the meeting.

Amendment and Repeal

A simple majority may change or abolish any of the above rules and procedures if voted in two separate regular sessions of the council.