

CITY OF LACONIA

CITY COUNCIL RULES OF PROCEDURE

Adopted with Revisions 4/14/08

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**SECTION I
GENERAL PROVISIONS**

COUNCIL MEETING - LOCATION

RULE 1. All meetings of the Laconia City Council shall be held at City Hall, unless the Council adjourns to another location or the meeting is scheduled for another location and is properly noticed.

COUNCIL MEETING - TIME

RULE 2. Meetings of the Laconia City Council shall begin at 7:30 p.m., unless otherwise noticed, and/or continued to a specific time and date.

COUNCIL MEETINGS - OPEN TO THE PUBLIC

RULE 3. All meetings of the Laconia City Council and Committees thereof shall be open to the public, except as provided for by RSA 91-A.

ELECTION OF OFFICERS

RULE 4. Procedures for electing officers are as follows:

(A) Biennially, at the first meeting of the new Council, the members thereof shall choose, from among their number, a Mayor Pro Tempore. In addition to the powers conferred upon the Mayor Pro Tempore, he/she shall continue to have all the rights, privileges and immunities of a member of the Council.

(B) The above election shall be by a majority vote of the Council.

PRESIDING OFFICER

RULE 5. (A). The Mayor shall preside at all meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. The Mayor has no regular administrative or executive duties. In case of the Mayor's absence or temporary disability the Mayor Pro Tempore shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and the Mayor Pro Tempore, an acting Mayor Pro Tempore selected by members of the Council shall act as Mayor during the continuance of the absences or disabilities. The Mayor or Mayor Pro Tempore are referred to as "Presiding Officer" from time to time in these Rules of Procedure.

(B). The Presiding Officer shall preserve order and decorum, may participate in the discussion of any issue before the Council, may submit reports and legislation to the council for its consideration which shall require both motion and second by other Councilors, may speak to points of order in preference to other Councilors, and shall decide all questions of order or procedure, subject to appeal to the full Council.

DUTIES AND PRIVILEGES OF COUNCILORS

RULE 6. Councilors shall address the Council upon recognition of the Presiding Officer. Councilors may submit reports and legislation upon their own motion for discussion by the Council as a whole. Comment and debate shall be confined to the subject matter of the question. No Councilor shall be interrupted while speaking except for a point of order or correction of a mistake of fact.

QUORUM

RULE 7. Four Councilors and the Mayor (or Mayor Pro Tem), or any four Councilors shall constitute a quorum for the conduct of city business.

COUNCIL MEETING AGENDA

RULE 8. The City Manager, shall arrange a list of such matters according to the order of business and prepare an agenda for the Council. A copy of the agenda and supporting materials shall be prepared for all Council members and the City Clerk by the Friday immediately preceding a scheduled Monday meeting of the Council. The City Manager, Mayor, or any member of the City Council may place a matter upon the agenda no later than the Thursday immediately prior to the Council meeting. The City Manager, Mayor or City Council may reserve time upon the agenda for presentations to the Council by private individuals or organizations as they may deem appropriate.

ORDER OF BUSINESS

RULE 9. The business of all meetings of the Council shall be transacted as follows provided, however, the Presiding Officer may during a Council meeting re-arrange items on the agenda or the City Manager may re-arrange the order of items E, F, G and H when preparing the agenda to conduct the business before the Council more expeditiously.

(A) Call to order by the Presiding Officer.

(B) Pledge of Allegiance

(C) Roll Call by City Clerk

(D) Adoption of Minutes of Previous Meetings

(E) Consent and Action Calendar

Items listed on the Consent and Action Calendar require action by the Council and, in most cases, a vote. Items appearing in this section should not require input or the presence of the requesting party or extended discussion before approval. Items generally appearing in this section include, but are not limited to, temporary traffic orders for events that have been approved in the past, Airport leases, transfer of funds, permission to raise funds on City property already approved by the Parks & Recreation Commission and waiving vendor fees for non-profits. An accompanying memo or backup information which clearly explains the request should accompany each item in this section of the agenda.

Any item that requires the presence of the requesting party, extended input from a City department or more involved discussion will appear under New Business.

(F) Citizen Comments: (Subjects not on the current agenda)

Any member of the public may request time to address the Council after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments subject to such time limitations as the Presiding Officer deems necessary, generally five (5) minutes. Following such comments the Presiding Officer may place the matter on the current agenda or a future agenda, or refer the matter to the City Manager for investigation, report or to take such action as may be appropriate.

(G) Interviews

(H) Communications

Items listed in this section should include the following:

- (a) Any letter or communication directed to a Council member or the entire Council which makes a request that a specific action be taken by the City which would require Council approval**
- (b) Requests for presentations by outside agencies at an upcoming Council meeting**

(c) General correspondence matters directed to members of the Council requiring acknowledgement by the Council

(I) Presentations

(J) Mayor's Report

(K) Citizen Comments: **(Subjects on the current agenda)**

(1) Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may then allow the comments subject to such time limitations as the Presiding Officer deems necessary, generally five (5) minutes. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings, e.g. proponents, opponents, adjacent owners, vested interests, etc.

(2) Any ruling by the Presiding Officer relative to the preceding subsection may be overruled by a vote of a majority of members present.

(L) Public Hearing

(M) Committee Reports: (Finance, Public Safety, Government Operations, Public Works, Land & Buildings)

(N) Liaison Reports

(O) Manager's Report

(P) New Business

- (1) Ordinances
- (2) Resolutions
- (3) Motions
- (4) Other

(Q) Unfinished Business

- (1) Ordinances
- (2) Resolutions
- (3) Motions
- (4) Other

(R) Nominations, Appointments & Elections

(S) Council Member Comments

(T) Non Public Session (as required)

(U) Adjournment. No meeting shall be permitted to continue beyond 10:00 PM without approval of a majority of the Council members who are present and eligible to vote. A new date and time must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to 10:00 P.M., the items not acted on shall be deferred to the next Council meeting, unless the Council, by a majority vote of members present, determines otherwise.

CITY MANAGER

RULE 10. The City Manager, as the chief executive officer and head of the executive branch of City government or his/her designee, shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager may take part in the Council's discussion on all matters on the agenda, and otherwise concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint another qualified staff member to attend the meeting on behalf of City Management.

CLERK OF THE COUNCIL

RULE 11. The City Clerk shall be the Clerk of the Council and shall keep minutes and shall perform such other and further duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk or Deputy City Clerk, the City Manager shall appoint another qualified staff member to act as Clerk of the Council.

SECTION II DUTIES AND PRIVILEGES OF MEMBERS

FORMS OF ADDRESS

RULE 12. The Mayor shall be addressed as "Mayor (surname)", "Your Honor", or "Mr./Madam Mayor". The Mayor Pro Tempore, when acting for the Mayor, shall be addressed as "Mayor Pro Tem (surname)". Members of the Council shall be addressed as "Councilor (surname)".

SEATING ARRANGEMENT

RULE 13. Council members shall occupy the respective seats in the Council Chamber assigned to them by the Mayor.

CODE OF ETHICS

RULE 14. Code of Ethics and its Application.

(A) Prior to any vote, each Council member should give consideration whether a potential violation of the Code of Ethics exists. If the Council member believes a potential violation may exist, no matter however remote, the Council member should disclose such facts to the Presiding Officer.

(B) Whenever a Council member discloses there is a potential violation of the Code of Ethics, the Presiding Officer shall review the facts and rule whether the Council member shall vote in this instance. The Presiding Officer's ruling shall be binding unless overruled by a vote of the majority of the Council.

(C) Any member of the Council seeking to disqualify a Council member from participating in a decision on the basis of a potential violation of the Code of Ethics must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Code of Ethics may not be relied upon to invalidate the decision. The party seeking to disqualify the Council member shall state, with specificity, the basis for disqualification. Should such challenge be made prior to the hearing or vote, the Presiding Officer shall review the facts and rule whether the Council member shall participate and/or vote in this instance. The Presiding Officers ruling shall be binding unless overruled by a vote of the majority of the Council.

(D) The Presiding Officer shall have sole authority to postpone any matter or vote if and when a potential for a violation of the Code of Ethics exists in order for the City Attorney to review the matter and render an opinion to the Council whether the Council members participation would/would not violate the City's Code of Ethics.

(E) If, after receiving the City Attorney's opinion that a violation of the Code of Ethics exists, the Presiding Officer shall rule the Council member shall not participate and/or vote in the matter subject to the opinion. The Council, by a two thirds vote, may override the Presiding Officers ruling and the Council member shall be permitted to participate and vote in the matter before the Council.

DISSENTS AND PROTESTS

RULE 16. Any Council member shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes.

RULES OF ORDER

RULE 17. To the extent these rules and orders are not comprehensive, all questions of order shall be resolved by reference to Robert's Rules of Order (Scott, Foresman Newly Revised Edition, 1981). The Presiding Officer shall rule on all matters raised by this rule.

MOTIONS

RULE 18. **MAIN MOTIONS.** Main motions, motions to take from the table, and motions to take up a question previously postponed are in order only when no other question is under debate. A main motion may be debated, amended and reconsidered. Motions to take from the table or to take up a question previously postponed may not be debated, amended or reconsidered.

RULE 19. **SUBSIDIARY MOTIONS.** When a question is under debate, the following motions shall be in order according to the following priority:

- (A) To adjourn (may not be debated, amended or reconsidered).
- (B) To lay the question on the table (may not be debated, amended or reconsidered).
- (C) To call the question (may not be debated, amended or reconsidered).
- (D) To postpone the question to a date certain (may be debated, amended and reconsidered).
- (E) To postpone the question indefinitely (may be debated, and reconsidered, but not amended).
- (F) To commit or refer to committee (may be debated, amended and reconsidered).
- (G) To amend (may be debated and reconsidered, but not amended).

RECONSIDERATION AND RECISION.

RULE 20. Following the final vote on a question, any Councilor who the record indicates has voted with the prevailing side, may move for reconsideration. No such motion shall be in order unless it is made at the meeting at which the Council acted on the question, or at the next succeeding meeting provided, written notice is provided in sufficient time for matter to be included as an item on the agenda of the next succeeding meeting. In the absence of such notice, no motion for reconsideration will be in order. A motion to reconsider is debatable provided the subject question was debatable. A motion to reconsider cannot be amended or reconsidered.

SUSPENSION OF RULES.

RULE 21. A motion to suspend these rules shall be in order at any time except during discussion. A motion to suspend shall require a two-thirds vote of those present and voting.

ACTIONS FOR A PUBLIC HEARING

RULE 22. The procedures for a public hearing are as follows:

(A) At the outset of each public hearing the Presiding Officer will announce the purpose of the public hearing and ask the parties wanting to speak to limit their presentations to information within the scope of the matter before the Council.

(B) The Presiding Officer calls upon the City Manager or other appropriate party to describe the matter under consideration.

(C) Each speaker, for and against the matter before the Council for public hearing, shall identify them self by name and address. Each speakers shall be limited to five (5) minutes. When everyone wanting to speak has one opportunity to speak, the Presiding Officer shall call for anyone wanting to speak for a second time. Second time speakers shall be limited to no more than two (2) minutes.

(D) Once all persons wanting to speak for a second time have spoken, the Presiding Officer shall call for anyone wanting to speak and these speakers shall be limited to no more than two (2) minutes.

(E) During the hearing any Council member shall be permitted to ask the speaker questions provided they are relevant to the matter before the Council for Public Hearing. The Presiding Officers shall retain the right to determine the relevancy of any question.

(F) The Presiding Officer closes the public hearing.

(G) The Presiding Officer shall then inquire if there is a motion by any Council members. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Council members. The Presiding Officer may call on individual Council members in the discussion.

VOTING

RULE 23. The votes during all meetings of the Council shall be transacted as follows:

(A) The Presiding Officer may require any question to be submitted in writing before the vote, and shall state each question before the vote.

(B) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Council member, a roll call vote shall be taken by the Clerk. The order of the roll call vote shall be determined by the Presiding Officer. In addition, the Presiding Officer may, at his sole discretion, require a show of hands to insure the proper resolution of the vote.

(C) Every Council member who is in the Council chambers when the question is called shall vote on the question before the Council. Any Council member may, for good cause, recuse from a vote should they feel that to vote would constitute a violation of the City's Code of Ethics, or that their participation in debate or voting would constitute a conflict of interest or other similar disqualifying circumstances, then that Council member shall at the beginning of the debate on any such motion announce their intention to recuse them self and shall take no part in the debate and vote of the issue.

COMMITTEES/LIAISONS

RULE 24. The Committee structure of the Council and the procedures governing all committees shall be as follows. All appointments to these committees shall be the duty and responsibility of the Mayor:

(A) Committee Of The Whole. The Council shall be the Committee Of the Whole, composed of the entire Council sitting as a legislative study committee on any topic. The Mayor chairs the Committee of the Whole.

(B) Special Ad Hoc Council Study Committees. Special Ad Hoc Council study committees may be created by the Council for a particular purpose, or when the issue is so complex and time consuming that it cannot be reasonably handled at a Council or Committee of the Whole meeting.

Council study committees shall consist of three Council members appointed by the Presiding Officer. Special Council committees shall sunset at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Council thereafter for a specified time period.

(C) Finance. This committee shall review matters such as accounts and claims, personnel, elections, recounts and inauguration.

(D) Government Operations. This committee shall review matters such as Weirs Beach, Cable TV, Industrial Development, and all local ordinances.

(E) Land and Buildings. This committee shall review all matters related to municipally owned land, buildings, parks and commons.

(F) Public Safety. This committee shall review matters related to the fire department, police department, code enforcement, licenses, parking and traffic.

(G) Public Works. The committee shall review matters related to roads, bridges, sidewalks, street lighting, sewers, water, storm drains and refuse disposal.

(H) Schools. This committee shall review matters related to schools and public instruction.

(I) Liaisons. Council members may serve as liaisons to various city departments and/or organizations. These liaisons shall be appointed by the Mayor unless otherwise provided by ordinance or the city charter.

(J) Special Ad Hoc Citizen Advisory Committees.

(1) Special ad hoc citizen advisory committees may be created by the Council for a particular purpose. All Committee members shall be appointed by the Mayor. The Mayor shall appoint the chair of the committee.

(2) Citizen study committees, created according to section (a) above, shall sunset at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Council thereafter for a specified time period. One Council member, appointed by the Mayor, may be appointed as a member and liaison of a Citizen advisory committee.

(K) Committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility

before action is taken by the Council. The committee chair may present the recommendations of the committee during the discussion of the item of business during a meeting of the City Council.

(L) City employees shall staff the various committees as directed by the City Manager, but no staff person shall serve as a member of a council or citizen study committee.

(M) Minutes of committee meetings shall be recorded in accordance with RSA 91-A, the NH Right to Know Law. A copy of the committee report as reported in the regular council minutes in some cases may be substituted for individual committee minutes.

NOMINATIONS/APPOINTMENTS

RULE 25. The procedure for nominating and appointing citizens to city boards, commissions and committees shall be as follows:

(A) Single nomination. Whenever only one person is nominated to a particular position the nomination shall be made by a member of the Council, then seconded. Once seconded, a vote is taken. Should the person so nominated receive the majority of votes from those councilors present, the nomination is confirmed. If the majority of those councilors present vote not to approve the nomination, the nomination shall be considered rejected and the name removed from further consideration.

(B) Multiple nominations. Whenever there are multiple nominations for one position, each nomination shall be made. When all nominations are closed, each member of the council shall cast a vote for no more than one name so nominated. The name receiving a majority of those council members present and voting shall be deemed confirmed. Should no one nomination receive a majority of the vote and there are more than two nominations for the one position, then the nomination with the least number of votes receives shall be removed from the second round of voting. The Council shall then vote a second time on those nominations remaining. If the second vote fails to confirm an appointment, the Presiding Officer may order a third vote or declare the matter deadlocked and order the nomination be forwarded to the next meeting of the City Council. In the case of only two nominations not receiving a majority vote, the Presiding Officer may order a second vote or order the nomination be forwarded to the next meeting of the City Council.

ENACTED ORDINANCES, RESOLUTIONS AND MOTIONS-DEFINED

RULE 26. (A) An enacted ordinance is a legislative act proscribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by

law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.

(B) An enacted resolution is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

(C) An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

RESOLUTIONS

RULE 27. The procedure for resolutions are as follows:

(A) All resolutions, with the exception of the annual budget resolution or one appropriating funds, may be voted and approved on the same day on which it was introduced. The title of each resolution shall in all cases be read prior to its passage; provided, should a majority of the Council members present request that the entire resolution or certain of its sections be read, such requests shall be granted.

(B) The annual budget resolution or any resolution that will appropriate funding shall require two readings prior to adoption. The second reading shall not be made at same meeting at which the resolution is introduced and read for the first time.

ORDINANCES

RULE 28. The procedure for ordinances are as follows:

(A) With the exception of Franchise Ordinances and any ordinance that imposes a penalty or appropriates funds, may be voted and approved on the same day on which it was introduced. The title of each ordinance shall in all cases be read prior to its passage; provided, should a majority of the Council members present request that the entire ordinance or certain of its sections be read, such requests shall be granted.

(B) Any ordinance that imposes a penalty or appropriates funding shall require two readings prior to adoption. The Second reading shall not be made at the same meeting at which the ordinance is introduced and read for the first time.

(C) Franchises. All resolutions and ordinances granting a franchise require two readings prior to adoption. The second reading shall not be

made at the same meeting at which the resolution or ordinance is introduced.

(D) Emergency Ordinances. The City Council may, without notice or hearing, adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RSA Chapter 107-C, and Chapter 61 of the Laconia City Ordinances.

(E) A Council member may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting a particular ordinance. By affirmative motion, the Council may assign the proposed ordinance to a specific committee or the committee of the whole for study and consideration. The committee shall report its findings to the Council.

(F) Action on all ordinances and resolutions shall be governed by the following rules:

(1) Prior to introducing any ordinance or resolution, the proponent of the ordinance or resolution may seek a motion to introduce the ordinance or resolution by title only and to waive a reading of the entire ordinance or resolution. If there is a second, and after discussion, the presiding officer shall call for the question and the Council shall vote whether to read the ordinance or resolution by title only. Lacking such a motion or should this motion fail, the ordinance or resolution shall be read in its entirety.

(2) The proponent shall then move the ordinance be read for the first time. If there is a second, and after discussion, the presiding officer shall call the question and the Council shall vote on the first reading of the ordinance or resolution. An affirmative vote of the Council shall constitute the first reading.

(3) After an affirmative vote on the first reading, the Presiding Officer may and without a second, refer the ordinance or resolution to committee for further discussion, or the Council agenda for a subsequent meeting for second and final action. Any such reference or order by the Presiding Officer shall be subject to an appeal to the Council. Upon such appeal, the Council may overrule the Presiding Officer reference or order, and upon a motion and second, take such action as it deems advisable.

(4) If an ordinance or resolution is referred to committee, the committee shall report the item to the Council in due course and the item shall then be in order for further action. The reporting of an ordinance or resolution shall not require a motion or other council action. The Council may, upon a motion made and seconded, call the ordinance or resolution out of committee. The item shall then be in order for further action before the Council.

(5) At such time as further action is in order, any Councilor may move that the ordinance or resolution be read for a second time. This motion shall be in order whether or not the ordinance or resolution was amended during debate prior to the vote on the first reading or during committee deliberation.

(6) After an affirmative vote on the second reading, the ordinance or resolution shall be deemed effective and shall be signed by the Mayor and dated with the date of the final Council action.

COMPLAINTS AND SUGGESTIONS TO COUNCIL

RULE 29. When citizen complaints or suggestions are brought before the City Council, other than for items already on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(A) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration or the Council of the whole for study and recommendation.

(B) If administrative and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for his/her review if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the Council when his/her response is made.