

Proposed Amendments

CITY OF CONCORD, N.H.

RULES OF THE CITY COUNCIL

Section 1. The Mayor[~~, or Mayor pro tem,~~] shall call the Council to order at the hour appointed for conduct of the meeting, and the Clerk shall call the roll. *To the extent that the Mayor is not available, the Mayor Pro Tem or, in his/her absence, the presiding officer, as determined by a majority vote of the Council, shall preside over the meeting.*

Section 2. The Mayor shall preserve order and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded. No other business shall be in order until the question raised by the appeal has been decided.

Section 3. All agenda items shall be identified by title or subject matter and item number. An item which appears on a subsequent agenda shall be additionally identified in parentheses by the month and agenda number when originally entered, e.g. (4-22). The minutes of the Council meetings shall identify matters by item number. The Mayor[~~, or Mayor pro tem,~~] may declare a brief recess during the course of the meeting as appropriate. The order of business shall be as follows:

- (1) Call to order by the Mayor;
- (2) Invocation;
- (3) Pledge of allegiance to the flag;
- (4) Roll call;
- (5) Presentation of records of prior meetings;
- (6) Mayor apprises Council of *matters scheduled before the City Council* [~~of any items of business which need to be completed that evening, of any unusually lengthy items, or of requests for **non-public** sessions that will come before the Council~~].
- (7) Action on the consent portion of the agenda: *On or before noon on the day of a City Council meeting, unless that timeframe is not reasonably feasible,* [A]any Councilor [can] *may* remove any item from consent by request. Consent agenda may include reports from various departments and such other items as the Council determines.
- (8) Holding of public hearings;
- (9) Ordinances, resolutions, petitions, and reports relating to the subject matter of hearings

held under subsection (8) beginning with any items which must be decided that evening;

- (10) Communications, recommendations, and reports from the Manager, together with related ordinance, resolution or report;
- (11) Petitions and communications to the Council, together with related ordinance, resolution or report;
- (12) Reports of committees and city officials, together with related ordinance or resolution;
- (13) Business remaining unfinished at previous meeting;
- (14) Nominations, appointments and elections;
- (15) New business;
- (16) Unless the Council shall, by a two-thirds vote, agree to continue, no discussion or action on any item of business shall be initiated or continued after 11:00 p.m., and at that time, a regular meeting of the Council shall be recessed until [~~the third (3rd) Monday of the month~~] *a date and time as determined by the majority of the City Council*;
- (17) Adjournment.

Section 4. Every ordinance and resolution shall pass through the following stages before it shall be considered as having received the final action of the Council.

- (1) A first reading by title. The [~~Mayor~~] *Clerk* or his/her designee shall briefly state to the Council the subject matter of said ordinance or resolution. Unless referred, the ordinance or resolution shall be laid upon the table and shall, without further motion, be in order for further action at the next meeting of the Council.
 - A. Notice of Public Hearing. Except in emergency situations or when a different notice period is required by law, public hearings shall be given ten (10) days notice prior to the hearing, excluding Sundays and holidays. In the case of emergencies the notice requirement of three (3) days shall be sufficient.
- (2) A second reading by title. After the second reading, but prior to the vote upon its passage, an ordinance or resolution may be amended. (This is the proper time for questions and discussion.)
- (3) A vote upon the passage of the ordinance or resolution.

Section 5. No person shall address the Council until recognized by the Mayor. No person shall be interrupted while speaking but by call to order by the Mayor or a Councilor for the correction of an obvious mistake. For the consideration of others who may wish to be heard, all speakers will be asked to limit their presentations, exclusive of questions and answers to five

minutes or less, but any speaker may be granted additional time at ~~[his/her request]~~ *the discretion of the Mayor*. The City Clerk shall monitor the time and advise the speaker if the five minutes has elapsed.

Section 6A. ~~[No]~~ Councilors shall *comply with the City of Concord's Ethics Ordinance relative to conflict of interest and qualification to participate in any matter before the City Council*. ~~[introduce, speak on or vote on any motion, ordinance, resolution or issue in which he/she has an interest, direct or indirect, apart from his/her own compensation as Councilor. Every Member who is present when a vote is put shall give his vote unless excluded by interest or excused by the Mayor. Interest shall include, but not be limited to, the following:~~

New Language adopted 11/10/97 as proposed by Rules Committee:

~~(1) No Councilor shall appear before any city board or commission except as an abutter or as an applicant as defined by the zoning ordinance, unless requested to do so by a majority of the Council. Any board or Commission may request that the Council send a representative to meet with its members or to attend a meeting or hearing. (ADOPTED BY REFERENCE: opinion of the City Solicitor dated October 7, 1992 see agenda item 11-29)~~

~~(2) No Councilor shall devote any City property or labor to private use except as may be provided by law or ordinance.~~

~~(3) No Councilor shall on his/her own behalf engage in a contractual relationship with the City of Concord.~~

~~(4) Within one (1) year after leaving office, no former Councilor shall appear before the City Council or any board or commission of the city on any matter for which he/she is compensated.]~~

Section 6B. The issue of *a conflict of interest and qualification* ~~[the eligibility]~~ of a Councilor to ~~[vote]~~ *participate in any matter before the City Council*, pursuant to section 6A, may be raised on his/her own motion or on the motion of another Councilor, *prior to the City Council discussion on the matter, or if discussion has occurred, as soon as the conflict of interest becomes known*. At such time the Councilor affected, *or the Councilor raising the conflict of interest*, shall advise the Council as to the full extent of *the conflict* ~~[his/her interest in the matter under consideration]~~. The Mayor, *or to the extent that the Mayor is subject to the conflict of interest inquiry, the Mayor Pro Tem or presiding officer*, shall in the first instance rule on the issue of conflict of interest. The decision of the Mayor may be put to a vote of the Council. A majority of those present and voting shall determine the eligibility of a Councilor to vote on the issue under consideration.

Section 6C. *Every Councilor who is present when a vote is put shall give his/her vote unless excluded under Section 6A .*

Section 6D. *Councilors who are not appointed members of a City Council sub-committee, City Board, or City Commission may attend meetings of those sub-committees, Boards and Commissions, in their individual capacity and not as a City Councilor, excluding the Personnel Appeals Board (unless required to attend by subpoena). Councilors who are not appointed members of the sub-committee, Board, or Commission shall not be deemed members of the sub-committee, Board or Commission.*

Where a Councilor elects to provide testimony or comment before any Board, Commission or sub-committee, the following rules shall apply:

- (a) the Councilor shall declare at the outset and on the record that the Councilor is present in his or her individual capacity as an interested citizen, and not on behalf or at the request of the Council;*
- (b) the Councilor shall refrain from stating or implying that the Councilor's position or opinion is that of the Council;*
- (c) the Councilor shall refrain from directing City staff or the Board or Commission to take any action on behalf of the Councilor; and*
- (d) the Councilor shall observe any rules of procedure or protocols that apply to any other private citizen testifying before the Board or Commission.*
- (e) to the extent that a quorum of the City Council exist at any such meeting, Councilors shall not testify or comment upon a matter or matters over which the City Council has supervision, control, jurisdiction or advisory power in accordance with RSA 91-A, New Hampshire's Right-to-Know law.*

Section 7. Whenever a vote is to be taken, any *Councilor* [~~Member~~] may demand that the vote be taken by roll call. The roll of the Council shall be kept in alphabetical order. Whenever a vote is to be taken by calling the roll, the order of voting shall commence with the *Councilor* [~~Member~~] making the demand for a roll call.

Section 8. *No Councilor shall devote any City property or labor to private use except as may be provided by law or ordinance* [~~Any matter before the Council may be withdrawn by the mover at any time prior to the vote thereon.~~].

Section 9. *No Councilor shall on his/her own behalf engage in a contractual relationship with the City of Concord.* [~~When a question is under debate, the Mayor shall receive no motion other than (1) adjourn, (2) to lay on the table until a date certain, (3) to amend or (4) to lay on the table indefinitely, which motions shall have precedence in the order in which the same appear above. A motion to adjourn, except on immediate repetition, is always in order. All matters and motions are debatable except that any Member may move the previous question at any time and a two-thirds vote thereon in the affirmative shall terminate further debate.~~]

Section 10. *Any matter before the Council may be withdrawn at any time prior to the vote thereon.* [~~Every motion shall be reduced to writing, if the Mayor shall so direct.~~]

Section 11. *Within one (1) year after leaving office, no former Councilor shall appear*

before the City Council or any board or commission of the city on any matter for which he/she is compensated. [~~The Council may resolve itself into a committee of the whole at any time, or may meet in executive session, upon motion of a Member made for that purpose. The Mayor shall be chairman of such committee or session. When such committee has considered the matter referred to it, the committee shall rise and the Mayor shall report its proceedings to the Council.~~]

[~~Section 11A. Committees of the Council shall submit a record of their meetings (minutes) to the Council.~~]

Section 12. *When a question is under debate, the Mayor shall receive no motion other than: (1) adjourn, (2) to lay on the table until a date certain, (3) to amend; or (4) to lay on the table indefinitely, which motions shall have precedence in the order in which the same appear above. A motion to adjourn, except on immediate repetition, is always in order. All matters and motions are debatable except that any Councilor may move the previous question at any time and a two-thirds vote thereon -in the affirmative shall terminate further debate.* [~~All matters to be presented at meetings of the Council shall be filed with the City Clerk on or before 5 p.m. on the Monday preceding the meeting.~~]

Section 13. *Every motion shall be reduced to writing, if the Mayor shall so direct.* [~~No Council vote shall be reconsidered unless a motion for reconsideration is made by a Councilor who voted with the prevailing side. Such motion may be made only at the same or at one of the next two succeeding regular meetings of the Council. A motion to rescind is not in order.~~]

Section 14. [~~A matter decided by the Council and not reconsidered according to Section 13 may be introduced again within the same calendar year only with the consent of two-thirds of the Councilors present. A matter laid on the table indefinitely shall not be reconsidered during the term of the Council (2 years).~~] *Committees of the Council shall submit a record of their meetings (minutes) to the Council.*

Section 15. *All matters to be presented at meetings of the Council shall be filed with the City Clerk on or before 5 p.m. on the Monday preceding the meeting.* [~~No nomination submitted to the Council for its approval or confirmation may be acted upon unless the Council has been in receipt of same for a least fifteen days.~~]

Section 16. *No Council vote shall be reconsidered unless a motion for reconsideration is made by a Councilor who voted with the prevailing side. Such motion may be made only at the same or at one of the next two succeeding regular meetings of the Council. A motion to rescind is not in order.* [~~During meetings of the Council, there shall be no smoking in the Chamber.~~]

Section 17. *A matter decided by the Council and not reconsidered according to Section 13 may be introduced again within the same calendar year only with the consent of two-thirds of the Councilors present. A matter laid on the table indefinitely shall not be reconsidered during the term of the Council (2 years).* [~~The foregoing rules may be suspended for a specific purpose, or amended, by a two-thirds vote of the Councilors present.~~]

Section 18. No nomination submitted to the Council for its approval or confirmation may be acted upon unless the Council has been in receipt of same for a least fifteen days.

Section 19. The foregoing rules may be suspended for a specific purpose, or amended by a two-thirds vote of the Councilors present.

Matter removed from the current Rules appears in [brackets and ~~struck through~~].
Matter inserted into the current Rules appears in ***bold and italics***.