



City Council Rules Committee
Meeting Agenda
January 31, 2017
City Council Chambers
4:30 p.m.

1. Call to order, Councilor St. Hilaire, Chair.
2. Adoption of the August 5, 2015 Meeting Minutes.
3. Meeting overview by Committee Chair, Councilor St. Hilaire.
4. Review of Proposed Amendments to Council Rules.
 - A. Report from the Rules Committee recommending revisions to the current Rules of the City Council. (Item tabled, no action taken, at the June 8, 2015 City Council meeting)
5. Scheduling of next meeting.
6. Adjournment.



City Council Rules Committee
Draft Meeting Minutes
August 5, 2015
City Hall, 2nd Floor Conference Room
12:00 p.m.

1. Councilor St. Hilaire called the meeting to order at 12:00 p.m.

Committee members present: Councilors St. Hilaire, Bouchard and Grady Sexton.
Councilors Bennett and Matson were absent.

Staff members present: City Clerk Janice Bonenfant and City Solicitor Jim Kennedy.

Councilor Allan Herschlag and resident Craig Greenman, who is also a member of the Board of Ethics, were also present.

2. Councilor Grady Sexton moved approval of the May 7, 2015 Meeting Minutes. The motion was duly seconded and passed with no dissenting votes.
3. Councilor St. Hilaire, Committee Chair, indicated the meeting would be focused on reviewing proposed amendments to the Ethics Ordinance and the Rules of the City Council. He further stated that the two items to be discussed were submitted to City Council as part of the June 8, 2015 Council agenda and back before the committee for additional review based on comments received at that Council meeting.
4. Councilor St. Hilaire turned the meeting over to Solicitor Kennedy who indicated he was before the Rules Committee with suggested changes to the Ethics Ordinance and Rules of the City Council in follow-up to comments received at the June City Council meeting as well as based on suggestions he has received since then from former Mayor Marty Gross.

Solicitor Kennedy distributed copies (*copy on file in committee folder*) of the suggested changes to the Ethics Ordinance to committee members; discussion about the suggestions took place. After the discussion ended, Committee Chair

St. Hilaire asked members of the committee if anyone objected to allowing public comment from those in attendance at the meeting. No objections were made.

Councilor Herschlag who was in attendance read his comments to committee members, submitting a copy for the record. *(Copy placed on file in the Rules Committee folder)*

Craig Greenman referenced page two of the proposed amendments suggesting that the definition of stepping away be more defined; on page one, he also suggested that it might be appropriate for the Board of Ethics to be asked whether or not they agreed with the suggested striking of the section regarding a process by which one may obtain guidance regarding potential ethical issues prior to final potential adoption of the changes.

At 1:00 p.m. Solicitor Kennedy distributed suggested changes to the Rules of the City Council providing a brief overview of the suggestions to committee members.

Committee Chair St. Hilaire thanked Solicitor Kennedy for his work indicating that he wanted to reconvene at a later date to further discuss proposed changes to the Rules of the City Council. He further indicated he would take a motion on the proposed amendments to the Ethics Ordinance.

Councilor Bouchard moved approval of the revised Ethics Ordinance with the changes discussed. The motion was duly seconded and passed with no dissenting votes.

Councilor Bouchard moved to have the City Solicitor submit a report from the Rules Committee for inclusion in a revised posting of the August 10th City Council agenda specific to the proposed changes to the Ethics Ordinance discussed and voted on at this meeting. The motion was duly seconded and passed with no dissenting votes.

Councilor St. Hilaire indicated he would be in touch with committee members to set up the next meeting date.

The meeting was adjourned at 1:10 p.m.

A true copy; I attest:

*Janice Bonenfant
City Clerk*



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Rules Committee
DATE: May 6, 2015
SUBJECT: Proposed Amendments to the Council Rules

Recommendation:

Accept this report.

On January 14, 2015, April 23, 2015 and May 7, 2015, the Rules Committee met pursuant to a referral from the City Council to review the City Council Rules and recommend any amendments thereto.

Discussion

The Rules Committee has proposed amendments to the Council Rules. The proposed Rules, as amended, are attached.

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.

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 ~~any items of matters scheduled before the City Council. 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, 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~~ may be decided ~~that evening at the meeting;~~

(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 a date and time as determined by the majority of the City Council, the third (3rd) Monday of the month;

(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 the discretion of the Mayor/his/her request. The City Clerk shall monitor the time and advise the speaker if the five minutes has elapsed.

Section 6A. No Councilor shall introduce, speak on or vote on any motion, ordinance, resolution or issue in which he/she has a conflict of interest. A conflict of interest is when a person takes an action or makes a decision that would affect his or her financial interests, business (including any business which the Councilor is a member of a governing body), or those financial interests or businesses of a family member, apart from his/her own compensation as Councilor, 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 the eligibility of a Councilor to vote pursuant to section 6A may be raised on his/her own motion or on the motion of another Councilor. At such time the Councilor affected shall advise the Council as to the full extent of his/her interest in the matter under consideration. The Mayor 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 Member who is present when a vote is put shall give his vote unless excluded by interest or excused by the Mayor.

Section 6D. Councilors may attend any sub-committee meeting of the Council, City Board or City Commission meeting, excluding the Personnel Appeals Board (unless required to attend by subpoena). To the extent that a quorum exists at any such meeting (not including the City Council Finance Committee under Section 34 of the City Charter), Council members who are not appointed members of the sub-committee, Board, or Commission shall not discuss or act upon a matter or matters over which the Council has supervision, control, jurisdiction or advisory power and shall not be deemed members of the sub-committee, Board or Commission. Councilors attending City Board and Commission meetings shall abide by the following protocols:

a. Unless required to testify under a subpoena, Councilors shall not testify in a quasi-judicial matter pending before any Board or Commission that will receive, or could potentially receive future appeal or review before the Council. Councilors who do testify at a

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quasi-judicial matter which is reviewed by the City Council shall only participate in the review proceedings before the Council upon a majority vote of the City Council who shall determine the eligibility of a Councilor to vote on the issue under consideration. To the extent that a majority of the City Council members testify at a quasi-judicial proceeding, then this protocol shall not apply.

b. Councilors, in their capacity as private citizens, should refrain from providing testimony in legislative or administrative proceedings pending before any Board or Commission that will receive, or could potentially receive, future review or other action before the Council. Where a Councilor elects to provide such testimony, the following rules shall apply:

(1) the Councilor shall declare at the outset and on the record that the Councilor is present in his or her private capacity as an interested citizen, and not on behalf or at the request of the Council;

(2) the Councilor shall refrain from stating or implying that the Councilor's position or opinion is that of the Council;

(3) The Councilor shall refrain from directing City staff or the Board or Commission to take any action on behalf of the Councilor.

(4) the Councilor shall observe any rules of procedure or protocols that apply to any other private citizen testifying before the Board or Commission.

Section 7. Whenever a vote is to be taken, any 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 Member making the demand for a roll call.

Section 8. Any matter before the Council may be withdrawn by the mover at any time prior to the vote thereon.

Section 9. 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.

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Section 10. Every motion shall be reduced to writing, if the Mayor shall so direct.

Section 11. 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. 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. 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).

Section 15. 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.** During meetings of the Council, there shall be no smoking in the Chamber.~~

Section 1716. The foregoing rules may be suspended for a specific purpose, or amended by a two-thirds vote of the Councilors present.