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**TOWN OF RANDOLPH
MASSACHUSETTS**

**PROCEDURES MANUAL OF THE TOWN COUNCIL
OF THE TOWN OF RANDOLPH
2010-2012**

OVERVIEW AND INTRODUCTION

SECTION 1: PURPOSE

The Town Council of the Town of Randolph, recognizing the need to codify the traditional and accepted working relationships among members of the Council, between the Council and the Town Manager, and between the Council and other committees, officials, and residents, as well as the need to consolidate Town policies and procedures, have undertaken to create operating procedures for the Town Council. Acceptance of the policies and procedures embodied herein shall supersede all previous policies and procedures accepted by past Councils. Unless otherwise noted, the term "Council" shall refer to the Randolph Town Council. The term "MGL" shall refer to the Massachusetts General Laws, as amended.

SECTION 2: NATURE OF POLICIES AND PROCEDURES

These policies and procedures shall address certain topics that cannot be dealt with elsewhere. Its content should be considered supplemental and subordinate to language embodied in state statute and Town By-law. Subjects which are more appropriately addressed in statute, by-law or regulation shall not be included in this format, except in reference. The individual policies and procedures embodied herein are severable. If any of the herein defined policies and procedures are held to be unconstitutional or invalid, the remaining policies and procedures shall not be affected thereby and shall remain in full force.

SECTION 3: PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES

A policy may be initiated by a member of the Council or the Town Manager by requesting that the President provide for discussion of the proposed policy in the agenda of a regular meeting of the Council. The individual initiating the discussion shall provide the Council with a written draft of the proposed policy for distribution to the Town Council. The Council may schedule any hearing or meetings it deems necessary for discussion. The Council may distribute a draft for comment to appropriate officials as it deems necessary, and shall notify of the discussion any Town Councils, committees, or employees who may be affected by the policy.

Unless otherwise voted by the Council, the Council shall not vote on a policy at the same meeting at which it is first introduced. A vote by five (5) of the Council's nine (9) members shall be required for the adoption of a new or amended Council policy. A new or revised policy adopted by the Council shall take effect immediately, and shall be carried out until it is rescinded or amended.

The Clerk of the Council shall be responsible for the maintenance of all policies and procedures, for updating the Policy Manual with new and amended policies, and for ensuring that copies of the Council's policies and procedures are distributed to newly elected Council members. Copies of the Policy Manual shall be made available to the public at the Office of the Town Clerk.

RULES GOVERNING MEETINGS

SECTION 4: PARLIAMENTARY PROCEDURE

The Council shall be governed by Robert's Rules of Order Revised in all questions of parliamentary practice not provided for by special rules or orders.

SECTION 5: COUNCIL MEETINGS

Regular meetings of the Council shall be held on the second and fourth Monday of each month, or as otherwise voted by the Council, commencing at 7:00 PM. No agenda item shall be brought forth after 10:00 PM, unless approved by a majority of the then-present Councillors.

Special meetings (Charter Section 2-6(c)ii) of the Town Council may be held on the call of the President of the Town Council, or on the call of any *three* (3) or more members, by written notice. Said notice will include relevant agenda items and pertinent documents pertaining to those items which will be delivered to the Town Clerk and to each Councilor's residence at least forty-eight (48) hours in advance of the time set.

Executive session may be entered only after the Council has first convened in open session for which notice has been appropriately posted. The presiding officer cites the reason for going into executive session and calls for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate an executive session.

SECTION 6: QUORUM

A quorum of the Town Council shall consist of five (5) of its members. If at any time a meeting is called to order, or, if during a meeting a roll call shows less than a quorum present, the President shall declare a recess of not more than ten (10) minutes, after which time, if a quorum is not present, the meeting shall be adjourned. Any member may call for a roll call on the question of the presence of a quorum.

SECTION 7: PUBLIC POSTINGS

The Clerk of the Council shall deliver notice of meetings to the Town Clerk's office. By law, public notices of all Council meetings, except in emergencies, must be posted with the Town Clerk a minimum of forty-eight (48) hours before any meeting. The Town Clerk will insure that the notice is posted on the Town Hall bulletin board. Meeting notice forms emanate from the Town Clerk's office and will include the name of the committee and the date, time, and place of the meeting.

SECTION 8: MINUTES

A written record of each Council meeting is required by law and becomes part of the public record. Minutes must contain the date, time and place of the meeting, members 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 must be formally accepted by the Council. Minutes of all Council meetings must be placed on file in the office of the Town Clerk where they will be available for public inspection upon request. Minutes for executive sessions shall be made available based on MGL.

COUNCIL OFFICERS

SECTION 9: ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS

The first Town Council meeting in the month of January shall include the election of officers. A majority (defined as five (5) or more) of all members elected to the Council shall be required to elect a President, Vice President, and School Committee Representative, if the President declines the position. If a vacancy occurs among any of the officers of the Council, the Council shall elect successor at its next regular meeting. Nominations of officers shall require both a nomination motion and a properly-offered second.

SECTION 10: THE PRESIDENT – POWERS AND DUTIES

The President shall at the hour appointed for the meeting call the meeting to order. In the absence of the President, the vice-President shall preside; in the absence of both, the member present senior in continuous years of service shall call the meeting to order and preside until a President pro tempore shall be chosen. The presiding officer may call any member to the chair, but such substitution shall not continue longer than one meeting.

The President shall serve as ex-officio member of all Council Committees. The President may also be designated by the Council to be its representative to all boards and commissions. The President may delegate that responsibility in whole or in part to any member or members of the Council, subject to the approval of the Council. The President of the Randolph Town Council shall be the official head of the Town of Randolph for all ceremonial purposes, and may designate other Councilors to serve in this ceremonial capacity.

SECTION 11: PRESERVATION OF DECORUM AND 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 members, shall decide all questions of order, subject to an appeal to the Council, regularly seconded, and no other business shall be in order until the question on the appeal shall have been decided. The question shall be put as follows: "Shall the decision of the President stand as the judgment of the Council?" The vote shall be by roll call, and it shall be decided in the affirmative unless a majority of the Councilors present and voting vote to the contrary.

MEETING FORMAT/REQUIREMENTS

SECTION 12: CALLING MEETINGS TO ORDER

The President shall call the Council to order at the time appointed for the meeting or to which it may have adjourned, if a quorum be present, which shall be determined by calling the roll. The names of members not present at the meeting shall be recorded by the Clerk of the Council.

SECTION 13: ORDER OF BUSINESS AND AGENDA

At every meeting of the Council the standard order of business shall be as follows:

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Moment of Silent Prayer
- E. Approval of Minutes
- F. Announcements from the President
- G. Proclamations
- H. Public Comments/Discussions

- I. Appointments
- J. Motions, orders, and resolutions
- K. Subcommittee Reports
- L. Town Manager's Report
- M. Old Business/Unfinished Business
- N. New Business
- O. Correspondence
- P. Council Comments
- Q. Executive Session
- R. Adjourn

Only privileged motions (to adjourn; to recess; personal privilege; or orders of the day) shall be made during "Council Comments".

During "New Business," the Council shall consider only those matters that relate to or concern potential legislation. If a "simple majority as required by charter" of the Councilors present during "New Business" so determine, such matters will be included on a future agenda for consideration by the Council. Debate during "New Business" shall be limited to whether the matter raised shall be included on an agenda in the future and each Councilor shall be limited to three minutes.

The above order shall not be changed except by a vote of a majority of all the members of the Council; and upon the motion to change the order, no debate shall be allowed. Additions to this order may be made by the President and/or Town Manager when setting the agenda (Example: Committee Reports).

Any business to be presented to the Town Council at its regular meeting for action shall be submitted in writing to the Clerk of the Council no later than 12:00 pm on the Monday preceding the regular Council meeting. The Council President, may in case of necessity, approve any additional items for inclusion in the agenda after said deadline.

Copies of said reports and agenda shall be delivered to the Town Council members no later than Monday preceding the regular Council meeting. Late items require a two-thirds vote of the members of the Council to be allowed at the Council meeting.

The agenda will be prepared by the Council President, or, in his absence, the Vice President of the Council, with input from the Town Manager, and then prepared for presentation by the Clerk of the Council.

SECTION 14: MOTIONS

The order of precedence of motions shall be as follows:

1. Motion to adjourn
2. Motion to recess
3. Raise a question of privilege
4. Lay on the table
5. Suspend the rules (two-thirds vote)
6. Previous question (two-thirds vote)
7. Limit or extend limits of debate (two-thirds vote)
8. Postpone to a certain time
9. Commit or refer
10. Amend
11. Postpone indefinitely
12. Main Motion

The highest in rank being at the head of the list and the lowest in rank at the last of the list. When any one of them is immediately pending, the motions before it on the said list are in order and shall be acted upon first, and those below are out of order.

The following motions shall be non-debatable:

1. To adjourn
2. To recess (when privileged)
3. To raise a question of privilege
4. To lay on the table
5. To suspend the rules
6. Previous question (two-thirds vote)
7. To limit or to extend limits of debate (two-thirds vote)

The following motions only can be amended:

1. To recess
2. To postpone to a certain time
3. To commit or refer
4. To amend
5. Main motion

A motion to adjourn shall be in order at any time except upon immediate repetition.

SECTION 15: WRITTEN PROPOSALS, MATTERS REDUCED TO WRITING

All proposed ordinances, Orders, and Resolutions shall be in writing and shall bear the name of the sponsor. Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes.

SECTION 16: VOICE VOTES AND RAISED HANDS

All questions shall be stated and put by the President. In case of a roll call vote, the President shall declare the result, after the Clerk has announced the number voting on each side. The results of voice votes shall be declared by the President without reference to the Clerk. Where a raised hand vote is taken, the President shall count and announce the result. Where the result of a voice vote is in doubt, the President may, and on demand of any member, shall call for a division of the Council, which shall be taken by a show of hands, or by a roll call if requested by any Councilor. It shall not be in order for members to explain their votes during the call of the roll.

SECTION 17: THROUGH THE PRESIDENT

All remarks and questions shall be addressed to the Council as a whole through the President and not to any member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the President.

SECTION 18: RECESS

The President may at any time, during debate or otherwise, declare a recess for not more than ten minutes, and such action shall not be subject to appeal, nor shall any motions apply thereto.

SECTION 19: ADDRESSING THE PRESIDENT

Every member speaking to a question or making a motion shall address the President as "Mr./Madame President," who shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Council shall confine themselves to the question under debate and avoid personalities; nor shall there be any conversation among the members while a question is being stated, while a member is

speaking, or a paper is being read. If a member is speaking or otherwise transgresses the rules of the Council, any other member may call the offending member to order by addressing the President.

SECTION 20: PRESIDENT MAY SPEAK

The President may speak in favor of, or in opposition to, any motion and will be bound by the same rules as those which are applied to other speakers; i.e., speaking once for no more than three minutes, and not to speak again until all others who wish to speak have spoken once. However, the President, as the meeting facilitator, should refrain from debate unless deemed necessary.

SECTION 21: READINGS

In General, excepting only proposed ordinances, appropriation orders and loan authorizations, the town Council may pass any other measure through all of its stages at any one meeting, provided that no member of the town Council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the town Council.

On the first occasion that the question of adopting any measure is put to the town Council, except an emergency measure as defined in Charter Section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the town Council regular or special. If when the matter is next taken up for a vote, four or more members object to the taking of the vote, the matter shall be further postponed for not less than an additional five days. This procedure shall not be used more than once for any measure, notwithstanding any amendment made to the original measure.

Every proposed ordinance, appropriation order or loan authorization [except emergency ordinances as provided in Charter Section 2-9(a)], shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least five days before its final passage. After final passage it shall be posted on the town bulletin board and otherwise published as may be required by ordinance. Provided, however, that whenever a proposed ordinance or codification of ordinances or other measure would exceed in length ten column inches, then in lieu of publication in a local newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the town Council provides for publication in a booklet or pamphlet form in lieu of the newspaper publication, it shall, at least five (5) days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the public.

SECTION 22: REJECTED MEASURES

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for resubmission, unless resubmission is approved by a majority of the Council present, or as otherwise provided by the Charter or Massachusetts General Law.

A zoning ordinance which is voted down may not be reconsidered within two (2) years unless the Planning Board makes a recommendation to do so, [MGL Ch. 40A, Sec. 5].

SECTION 23: SPONSOR ABSENCE

In the event that the sponsoring member of any order, resolution, or other matter is not present when the Clerk reads said matter, the President shall instruct the Clerk to withdraw said matter from consideration at that meeting.

SECTION 24: HEARINGS

The time devoted to public hearings at any meeting of the Town Council shall not be more than three (3) hours at any one sitting. Any hearing not completed within the specified time may be continued to another meeting. Hearings which are authorized by the order of the Council shall have precedence and shall be followed by public presentations. In all hearings before the Council, the case of the petitioner shall be first submitted, except where the President of the Council rules otherwise.

Public hearing shall include:

- General questions from public
- Public speaking in favor
- Public speaking in opposition
- Questions from Town Councilors

Debates on the merits of the petition shall be reserved until and if there is a motion duly made and seconded following the hearing.

This format shall not apply during public hearings to consider the annual budget, when normal Council budget format is followed as stipulated in Charter Article 5.

SECTION 25: POINT OF ORDER, DECLARATION OF VOTE

The presiding officer shall preserve order and decorum, may speak to points of order in preference to members, and shall decide all questions of order subject to an appeal to the Town Council by motion, properly seconded. No other business shall be in order until the question on the appeal shall have been decided. The presiding officer shall declare all votes; but if any member doubts the vote, the presiding officer without further debate upon the question shall require the members to vote by a call of the roll, and shall then declare the result, but no such declaration shall be made unless a quorum of the Town Council shall have voted.

SECTION 26: VOTE REQUIREMENTS

Every matter coming before the Town Council for action shall be put to a vote, the result of which shall be duly recorded. When requested by any member, voting shall be by a call of the roll, and the ayes and nays shall be recorded in the journal. All records shall carry the names of those voting other than in the affirmative.

All votes on ordinances shall be by roll call.

All action taken by the Town Council requiring a vote will be by a simple majority (majority of Councilors present and voting) unless otherwise provided for in the Massachusetts General Laws, Home Rule Charter, Ordinances (or existing by-laws), or by Rules set forth in the Procedures Manual of the Randolph Town Council.

Resolutions require a simple majority.

In case of a tie in votes on any proposal, the proposal shall be considered lost.

A Town ordinance requires a majority vote of the full Council (5). Vote is by roll call.

A Zoning ordinance requires two-thirds vote of the full Council (6). Vote is by roll call. [MGL Ch. 40A, Sec.5].

A properly protested* Zoning ordinance requires a three-quarters vote (defined as seven (7) members) of the full Council. Vote is by roll call. [*Properly protested = written protest filed by owners of at least 20% of affected land area; or, of adjacent land 300 feet therefrom: [MGL Ch. 40A, Sec. 5].

An Emergency ordinance requires a two-thirds (defined as six (6) members) vote of the full Council . Vote is by roll call. Two votes are needed: One on the emergency [2/3 vote of the full Council], and one on the ordinance [2/3 vote of the full Council].

To take money from the Stabilization Fund for any town expenditure requires a two-thirds vote of the Council (6). [MGL Ch. 40, Sec. 5b].

Unpaid bills require 2/3 vote (Councilors present and voting). [MGL Ch. 44, Sec. 64].
Other business may be conducted if the Council has a quorum, and may be passed by a majority of the quorum.

Any Rule, Regulation, or other local legislation which provides for the imposition of any fine or penalty shall be provided for by the adoption of an ordinance.

In order to expedite the Council's deliberations when considering lengthy proposed ordinances, when the reading of said proposed ordinance has been waived, and yet not to deprive the public of the nub of the matter at hand, a brief summary of the substance of the proposed ordinance will be attached to it for reading by the Clerk of the Council.

The President may require that a vote be taken on any item before the Council if failure to do so would make the item illegal to adopt because of the expiration of a federal or state mandated time limit or similar circumstance.

Voting by roll call shall proceed alternately from left to right and right to left when the roll is called by the clerk. The presiding officer shall be called to vote after all other members have voted.

SECTION 27: PUBLIC COMMENTS/DISCUSSIONS

Each person requesting to make a public comment/discussion may be recognized by the President, and shall state his/her name and address for the record. Public comment will be limited to three (3) minutes for each individual speaking.

All remarks and questions shall be addressed to the Council as a whole through the President and not to any member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the presiding officer.

SECTION 28: PERSONAL PRIVILEGE

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impugned.

SECTION 29: MOTIONS FOR RECONSIDERATION

After a motion has been passed or defeated, any member voting with the prevailing side may move for reconsideration, which shall be open to debate. A motion to reconsider a vote shall be in order at the same or the regular meeting next succeeding that at which the vote was passed, provided a motion "to reconsider and enter into the minutes" is made at the meeting at which the vote was taken. No more than one (1) motion for reconsideration of any vote shall be entertained. In the case of a question decided by a tie vote, the prevailing side shall be considered to be the one in whose favor the question was decided.

SECTION 30: DEBATE DECORUM

Every member when about to speak shall address the President and wait until recognized by the President. No member shall be recognized if not seated. In speaking, the member shall be confined to the question,

shall not use unbecoming, abusive, or unparliamentary language, and shall avoid personalities. Any member who, in debate, Council related correspondence or otherwise, indulges in personalities or makes charges reflecting upon the character of another member, or of residents, shall make an apology in open session at the meeting at which the offense is committed or at the next succeeding regular meeting and, failing to do so, shall be named by the President or held in contempt and suspended from further participation in debate until said apology is made.

SECTION 31: DEBATE LIMITATION

No member shall speak more than once on a question when another member who has not spoken claims the floor, and no member speaking shall, without his consent, be interrupted by another, except on a point of order. A member may speak upon a matter for no more than three (3) minutes at a time. A Councilor may yield all or part of his or her time to another Councilor. A member who has not spoken on a matter shall have priority and recognition by the President.

The Clerk of the Council shall inform the President whenever a member has spoken longer than three minutes.

SECTION 32: SPECTATOR DECORUM

Guests will be allowed in the gallery of the Council chamber when the Council is in session. No demonstrations of approval or disapproval from guests shall be permitted, and if such demonstrations are made, the gallery may be cleared, at any time, by the President.

COUNCIL COMMITTEES

SECTION 33: COMMITTEES

Committees shall be authorized by majority vote of the Council. Appointments to committees of the Council are made by the President. Appointed individuals shall receive notification of their appointment from the President prior to the public announcement of the makeup of the committee. Notice of all committee meetings must adhere to MGL C 39 § 23 A & B (Open Meeting Law). The President of the Council may not chair a standing committee and no member of the Town Council may chair more than one standing committee, unless there are more than eight standing committees

There shall be the following standing committees, each to consist of three (3) members designated to be appointed by the President:

- (1) **Finance Committee**
To deal with all matters pertaining to expenditures and matters pertaining to budget and a capital improvement plan. The Finance Committee shall hold all public hearings on the above matters, unless otherwise provided for.
- (2) **Ordinance Committee**
To consider the advisability and merit of any ordinance and/or ordinance changes referred to it. The Ordinance Committee shall hold all public hearings on the above matters, unless otherwise provided for.
- (3) **Economic Development/Real Estate Committee**
To deal with all matters pertaining to planning redevelopment, housing, Sale of Town owned Land, Commerce, and Tax Incentives. The Economic development committee shall hold all public hearings on the above matters, unless otherwise provided for.
- (4) **Human Services Committee**

To deal with all matters pertaining to the Council on Aging, Veteran Services, Library, and areas under the control and /or supervision of the Recreation Commission, the Youth Committee, and all other related human services. The Human Services Committee shall hold all public hearings on the above matters, unless otherwise provided for.

(5) **Public Safety Committee**

To deal with all matters pertaining to the public safety for the Town of Randolph, including actions with respect to the Police Department, Fire Department, and Department of Public Works.

SECTION 34: COMMITTEE MEETINGS

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

SECTION 35: COMMITTEE QUORUM

A majority of the members of a committee shall constitute a quorum.

SECTION 36: COMMITTEE REPORTS

The President of the Council, upon receipt of the Committee Report, shall call for the vote on the motion, petition, or order as introduced by the Committee, so that the vote would be on that motion, petition, or order, and not on the Committee Report itself.

When debate centers around committee reports, committee members may be recognized beyond the time limit to answer questions.

Documents referred to in committee shall be returned with the report.

Nothing in this rule shall be construed to prohibit the introduction of minority reports.

SECTION 37: RELIEVING FROM FURTHER CONSIDERATION

Upon motion, the Council may, by a majority vote of all members of the Council, relieve a committee of further consideration of a matter referred to it and order the same placed on the agenda.

COUNCIL ADMINISTRATION

SECTION 38: CLERK OF THE COUNCIL

The Clerk of the Council (Charter Section 2-8(b)) shall attend and keep the records of all meetings of the Town Council, record the names of the members present, record all votes of the Town Council, and have the care and custody of all documents, maps, plans and papers pertaining to the proceedings of the Town Council when no other provision is made therefor. The Clerk shall, whenever requested by the presiding officer, read such ordinances, orders, resolutions, petitions, or other papers as may be presented for the information of the Town Council. In the absence of the Clerk, the Town Council shall choose a Clerk Pro Tempore who shall be sworn to the faithful performance of his duties.

SECTION 39: CONFLICTS OF INTEREST

No member shall vote on any matters, or serve on any committee, where the member's private or family interest will conflict with the public's interest in a way that violates the Conflict of Interest Law, MGL. Ch. 268A.