

Manual of the City Government – 2022-2023

**RULES AND ORDERS
OF THE
CITY COUNCIL**

Meetings, Quorums, Proceedings**Sec. 1. Notice of Meetings**

Every member of the council shall have emailed to their City of Salem email address, a written notice, stating the day and hour to which the council stands adjourned, or for which a special meeting has been called and shall give their punctual attendance accordingly. The notice of a special meeting of the council shall state the purpose for which said meeting is called, and no business other than that specified in the notice shall be in order unless said notice shall state the purpose of said meeting is for any and all business.

Sec. 2. Quorum

At all meetings of the council, a majority of members shall constitute a quorum for the transaction of business.

Sec. 3. President-Duties at Beginning of meeting; pro tempore

The president shall take the chair at the hour appointed for the meeting, shall call the members to order, and a quorum being present, shall cause the record of the preceding meeting to be read upon a majority vote of those members present only. In the absence of the president, a president pro tempore shall be chosen.

The president shall preserve decorum and order; may speak to points of order, in preference to members; shall decide all questions of order, subject to an appeal to the council by motion regularly seconded, and no other business shall be in order until the question on appeal shall have been decided.

The president shall declare all votes. If the vote is doubted by any member, they shall, without permitting further debate upon the question, require first the members voting in the affirmative, and afterwards those voting in the negative, to raise their hand until counted, and they shall then declare the result. If any member fails to raise their hand until counted, they shall be counted as voting to sustain the decision originally made by the presiding officer.

The reading of the record of the previous meeting shall be so read upon a majority vote of those members present only. This rule supersedes any and all existing rules pertaining thereto. (1/28/65)

Sec. 4. Same - Vacation of chair.

When the president shall desire to vacate the chair, they may call any member to it; but such substitution shall not continue beyond adjournment.

Manual of the City Government – 2022-2023**Sec. 5. Roll Call Votes.**

On all questions and motions, the presiding officer shall take the sense of the council by a yea and nay vote, provided at least one-fifth of the members present shall so require. (9/3/87)

The order of the vote, taken by roll call, shall on the odd year, be taken by reverse alphabetical order, excluding the president. The order of the vote on even years, shall be by alphabetical order, excluding the president or chairperson. (11/20/95)

Sec. 6. Order of taking up questions

The presiding officer shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except, that in naming sums and fixing times, the largest sum and the longest time shall be first put, and when a motion is made to refer to any subject, and different committees are proposed, the question shall be taken in the following order:

To a standing committee of the council.

To a select committee of the council.

Sec. 6A. Disposition of defeated questions and motions

No question or motion, having been defeated at any time during a particular calendar year may be submitted again for consideration by or to the council in that same calendar year. (9/3/87)

Sec. 7. Status of motion after reading; withdrawal of motion.

After a motion is stated, or read by the clerk, it shall be deemed to be in possession of the council and shall be disposed of by vote; but the mover may withdraw it by unanimous consent, at any time before a decision or amendment.

Sec. 8. When motions shall be reduced to writing

Every motion shall be reduced to writing, if the president directs, or any member of the council or the City Clerk requests it.

Sec. 9. Control of floor when members seek recognition at same time

When two or more members seek recognition at the same time, the presiding officer shall name the member who is entitled to the floor.

Sec. 10. Speaking by members

Every member, when recognized by the president to speak shall respectfully address the presiding officer as "Council President" or "President"; shall confine themselves to the question under debate and avoid personalities.

Sec. 11. Motions received when question is under debate; precedence; form of previous question; motion to strike enacting clause.

When a question is under debate, no motion shall be received but:

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a day certain;
5. To commit;
6. To amend; or
7. To postpone indefinitely;

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which several motions shall have precedence in the above order, and the first three shall be decided without debate. The previous question shall be put in the following form;

"Shall the main question be voted upon?" - and all further amendments or debate of the main question shall be suspended until the previous question is decided. A motion to strike out the enacting clause of an ordinance shall be equivalent to a motion to postpone indefinitely.

Rights and Duties of Members**Sec. 12. Interrupting speaking member; calling members to order**

No member speaking shall be interrupted by another but to call to order, or to correct a mistake. But if any member in speaking, or otherwise, transgress the rules of the council, the president shall, or any member may, call to order; in which case the member so called to order shall immediately give up the floor, unless permitted to explain; and the council, if appealed to, shall decide on the case, but without debate.

Sec. 13. Voting when conflict of interest is present

No member shall vote on any question or serve on any committee, where their private interest is immediately concerned, distinct from that of the public. If the recusal by reason of conflict of interest of one or more members results in the absence of a quorum such member or members may vote in order to achieve a quorum provided they are able to make a written disclosure, use an exemption, or invoke the rule of necessity when legally required to act. Members should refer to MGL 268A.

Every member (not having such interest) present, when a question is put, shall vote, unless the council for special reasons excuse them.

Sec. 14. Motion for reconsideration - Notice of same

A question having been taken, any member may give notice of their intention to move a reconsideration at the next meeting, and if such notice be given, no subsequent motion to reconsider the pending question shall be entertained at the same meeting.

Sec. 15. Same - When such motion is in order; number of such motions which may be entertained.

Except as provided in section fourteen, it shall be in order for any member to move a reconsideration of any question upon which a vote shall have been taken at the same meeting, or at the succeeding meeting, if a notice to that effect has been given at the meeting at which the vote was taken, or a written notice is given to the clerk within twenty-four hours after the meeting at which the vote was taken but no more than one motion for the reconsideration of any vote shall be entertained.

Sec. 16. Number of times members may speak on same question

No member shall speak more than twice on the same question, if objection is made, without leave of the council, nor more than once until all other members choosing to speak shall have spoken.

Sec. 17. Standing up, walking around, while another member speaks

No member shall be permitted to stand up, to the interruption of another, while any member is speaking, or pass unnecessarily between the president and the member speaking.

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Sec. 18. Committing, recommitting motions and reports

All motions and reports may be committed or recommitted, at the pleasure of the council.

Sec. 19. Division of questions.

Any member may call for the division of a question where the sense will admit of it.

Sec. 20. Deciding objection to reading of paper

When the reading of a paper is called for, and the same is objected to by any members, it shall be determined by a vote of the council.

Sec. 21. Making satisfaction for violation of council rules

When any member shall violate any of the rules and orders of the council, and the council shall have determined that they have so transgressed, the president of the council may require them to make satisfaction therefore, and, in such case, they shall not be allowed to vote or speak, unless by way of excuse, until they have made satisfaction accordingly.

Sec. 22. Numbering members' seats; determining seat; changing seat

The seats of the members of the council shall be numbered from one upwards, beginning at the left of the president's chair and be determined by the President, at the beginning of each Council year and no member shall change their seat but by permission of the president.

Sec. 23. Motion for commitment precludes amendments to main

A motion for commitment, until it is decided, shall preclude all amendments of the main.

Sec. 24. Motion to adjourn; to lay on table or take up from table

A motion to adjourn shall always be in order, except upon immediate repetition, and that motion, as also the motion to lay on the table or to take up from the table, shall be decided without debate.

Sec. 25. Precedence of matters assigned to a definite time.

When a matter has been especially assigned to be taken up at a fixed hour, or at a certain stage of proceedings, such matter shall, at the time appointed, or at any time subsequent thereto, during the same or succeeding meetings, be in order upon the call of any member, and take precedence over all other business.

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Order of Business**Sec. 26. Order of business**

At every regular meeting of the council the order of business shall be as follows:

1. Reading of the Record
2. Hearings
3. Appointments and Reappointments
4. Communications from the Honor the Mayor
5. Motions, Orders & Resolutions
6. Reports of Committees
7. Communications and reports from city officers
8. Presentations of petitions, memorials and remonstrances
9. Unfinished business of preceding meetings.

The above order of business shall not be departed from, except by vote of a majority of the members.

Sec. 26A. Time within which matters to be submitted to council for action at regular meeting to be received by clerk; exception.

All matters submitted to the city council for action at any regular meeting must be received by the city clerk no later than fifty-five (55) hours prior to such regular meeting, not to include any matters which a city councillor may wish to submit at such regular meeting provided, however, that where a provision of the General Laws or the Charter of the City of Salem allows a certain time period prior to submission of a matter to the city council and these rules reduces such certain time period, the rule shall not apply. (Order 1/8/76)

Sec. 26B. Time limit specified in section 26A inapplicable when fifty-five hour period falls on Saturday, Sunday or holiday

The above shall not apply in the event that the fifty-five (55) hour time limit falls on a Saturday, Sunday, or Holiday. When this is the case, the fifty-five (55) hours are to counted back to 12:00 Noon time on the City Hall working day preceding said Saturday, Sunday, or Holiday.

Sec. 26C. Rules for Testimony During “Public Testimony” portion of Regular Meetings.

The following rules shall be observed during the “Pubic Testimony” portion of Regular Meetings of the City Council, as provided for in Section 28 of Appendix A, Rules and Orders of the City Council. (11/18/2010)

1. Public Testimony presented to the City Council shall pertain only to items on the agenda of that day’s Regular Meeting of the City Council. The President may rule out of order any testimony on any other topic.
2. In order to manage Public Testimony in a reasonable amount of time, before opening the Public Testimony portion of the meeting, the President may set a time limit by which each individual presenting testimony must abide. Public Testimony portion shall not exceed fifteen (15) minutes, extended at the discretion of the President or to a time definite by majority vote of the Council.

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3. Anyone wishing to present testimony at a City Council meeting must sign-up online, or sign a roster in the Clerk's office and indicate the agenda item upon which they wish to speak. Rosters shall be available in the office of the City Clerk prior to the start of the meeting thirty minutes prior to the start of the meeting. The roster (s) shall be presented to the President of the City Council at the start of the Regular Meeting. Only those individuals whose names appear on the roster may present testimony at the meeting in question.
4. Members of the public providing testimony under this section shall be deemed out of order and may have their comment period terminated by the President for any of the following offenses:
 - a. The use of vulgar, profane, or disrespectful language.
 - b. Ad hominem or personal attacks on any person, whether a member of the City Council or not;
 - c. Political speech in support of or in opposition to any candidates for public office in any local, state or federal election; and
 - d. Failure to direct comments to the President.
5. The Public Comment period is not a public hearing or a question and answer period. (Ord. 11/18/10)

Sec. 27. Acting on mayor's appointments and reappointments

Appointments and reappointments made by the mayor shall not be acted upon until the next meeting after such nominations are made; and such action, when taken, shall be by a ye and nay vote.

Sec. 27A. Appearance of nominees for positions before council

All nominees for positions to the various administrative boards established by the City of Salem, and all department heads except those presently employed, prior to confirmation shall appear before the City Council for examination at the next regular meeting following submission of their names by the Mayor.

Provided, however, that all department heads having once been examined need not submit to an annual re-examination unless the Council shall by majority vote deem otherwise.

Committees**Sec. 28. Committees, generally**

There shall be appointed standing committees as follows, all committees to consist of five (5) councillors, except for special or Ad-Hoc Committees & Committee of the Whole

1. Administration and Finance
2. Community and Economic Development
3. Ordinances, Licenses, and Legal Affairs
4. Government Services
5. Public Health and Safety and Environment
6. Committee of the Whole

Each Councillor shall serve on a minimum of one (1) committee. 3/14/96)

Manual of the City Government – 2022-2023**Sec. 29. Appointment of committees**

All committees shall be appointed by the president, unless otherwise provided.

The chairperson of a committee may appoint a member of the City Council as a temporary member of said committee, when the absence of a quorum would cause a duly posted committee meeting to be canceled, postponed, or adjourned. Said temporary appointment shall not remain in effect beyond adjournment of the Committee meeting. (12-13-01)

Sec. 29A. President to name councillors to sit as members of boards or agencies

The president shall name councillors to sit as members of any boards or agencies as required by any ordinance and shall further assign councillors as liaison to other boards or agencies as in the determination of the president as required provided, however, that no council member shall be required to sit as a member or liaison to more than two such boards or agencies.

Sec. 29B. Disposition of matters referred to committees

Any motion, order, resolution, ordinance, report or other matter introduced at a city council meeting and referred at said meeting to a standing committee of the council, if not acted upon, either favorably or unfavorably, by the committee to which such matter was referred by the end of the calendar year in which such matter was committed, shall be deemed not to have been adopted by the committee or the council and shall be considered withdrawn from consideration for any subsequent calendar year; provided, however, that any order or resolution appropriating money which has been referred to the committee on Finance pursuant to Section 32 of these Rules at the last council meeting of any given calendar year shall be exempt from this rule. (9/3/87)

Sec. 29C. Meetings of all Committees to be audio taped

The Chairperson of every sub-committee of the City Council shall be responsible for ensuring that each of its meetings are audio ,or audio with video recorded. Such recordings shall be maintained until final minutes are approved or administrative use ceases, whichever occurs later.

Sec. 30. Report of Finance committee required for action on appropriations

Every order or resolution appropriating money, shall upon its introduction into the city council, stand referred to the committee on finance, which shall consider the same and report without delay to the city council, not later than the first meeting which shall be held one week or more after said order or resolution is introduced. No further action shall be taken upon said matter until said meeting, unless said committee shall sooner report.

Sec. 30A. Ordinances relative to traffic regulations to contain police traffic department recommendation

Every ordinance relative to traffic regulations, shall upon its introduction into the City Council, contain a recommendation of the Salem Police Traffic Department. The Police Department's recommendation should be voiced by the Ward Councilor on the floor

Manual of the City Government – 2022-2023**Sec. 30B. Applications submitted to council for state or federal funds to be accompanied by document.**

Any applications for Federal or State Funds, submitted to the City Council shall be accompanied, where applicable, by a document, prepared by the department, board, or commission, submitting said application.

The aforementioned document shall contain a thirty-six month (36) month projection of any operating, staffing, or maintenance costs of any facility or service provided for in said application.

Duties of the Clerk**Sec. 31. Duties of Clerk; clerk pro tempore**

In the absence of the president of the council, the clerk or assistant city clerk, or in the absence of both, the senior member present shall call the council to order and preside, until a president pro tempore shall be chosen.

The clerk or assistant city clerk shall attend and keep the records of all the meetings of the council; they shall also record the names of the members present and shall have the care and custody of the city records, and of all documents, maps, plans and papers, respecting the care and custody of which no other provision is made.

In case of the absence of both the city clerk and the assistant city clerk from any meeting the city council, they shall select a clerk pro tempore for such meeting.

Sec. 32. Presenting memorials and other papers to the council; lying on the table

All memorials and other papers addressed to the council shall be presented by the clerk, or by a member in their place, who shall explain the subject thereof, and they shall lie on the table, to be taken up in the order in which they are presented, unless the council shall otherwise direct.

Suspension or Amendments of Rules and Orders**Sec. 33. Suspension, amendment of rules and orders**

These rules and orders of business shall be observed in all cases unless suspended for a specific purpose by a unanimous vote or amended by a two-thirds vote of the members. No amendment shall be acted upon until the next meeting of the council after the same is submitted.

Robert's Rules of Order**Sec. 34. Robert's Rules of Order**

The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the council in all cases to which they are applicable and in which they are not inconsistent with these rules and orders.

Sec. 35. Rules of Committees

The following rules shall apply to the conduct of committee meetings except where they may be inconsistent with these rules and orders.

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1. All committee meetings shall be held in the City Council Chamber or Council subcommittee anteroom except upon a majority vote of the members of said committee.

2. All committee meetings shall be held on a day and time appointed by the committee chairperson except that no committee meeting shall be conducted prior to 6:00 P.M. on any day unless by majority vote of the members of said committee. (6/26/86)

3. In addition to public notice of committee meetings as required by law, every member of the council shall have emailed to their City of Salem email account a written notice stating the day and hour of committee meetings.

4. In addition to public notice of committee meetings as required by law, each committee chairperson shall notify the City Clerk on or before Thursday at 4 P.M. of the week prior, of all committee meetings to be held the following week, except where the committee chairperson shall determine that a committee meeting must be held without such notice provided, however, that all other provisions for notice and posting are met.

Sec. 36. Discharging matters from committee

No matter previously referred to a standing committee of the city council shall at any subsequent meeting of the council be discharged from such committee without a majority vote in favor of such discharge by the members of the committee to whom the matter was referred or a two-thirds vote of the city council. (9/3/87)