PROCEDURES MANUAL

OF THE

FRANKLIN TOWN COUNCIL

Revised: May 9, 2018

INTRODUCTION

Where there is no law, but every man does what is right
In his own eyes, there is the least of liberty.
---General Henry M. Robert

In order for the Franklin Town Council to function in an orderly fashion, it must be able to meet, discuss, deliberate, debate and vote on the issues that are brought before it. These group discussions and group actions, like group games, require rules, guidelines and procedures to allow for the free and orderly flow of discussion and deliberation. *The Procedures Manual of the Franklin Town Council* was developed to provide such direction to the Council in its deliberations.

The Procedures Manual of the Franklin Town Council has important bearing on the rights, duties, and obligations of the members of the Town Council, as well as on the degree to which the Council membership is to maintain control of the business of the Council. The members of the Council, attending one of its regular or properly called meetings, have full and full and sole power to act for the entire Council, and do so by majority vote, unless dictated otherwise by *Massachusetts General Law, the Franklin Town Charter,* or *The Procedures Manual of the Franklin Town Council.*

By the adoption of *The Procedures Manual of the Franklin Town Council* by the Franklin Town Council, the rules within it, together with *Massachusetts General Law* and *The Franklin Town Charter*, are binding upon the Council and constitute the Franklin Town Council's rules or order.

Because no deliberative assembly should attempt to transact business without having adopted some standard manual on the subject of its authority in all cases not covered by its own special rules, The Franklin Town Council adopts *Robert's Rules of Order, Revised* as its standard manual of parliamentary procedure.

ROLE OF THE
FRANKLIN TOWN COUNCIL

1. A member of the Council, in relation to his or her community should:

A. Realize that his or her basic function is to make policy, with administration delegated to the Town Administrator.

B. Realize that he or she is one of a team and should abide by, and carry out, all Council decisions once they are made.

C. Be well informed concerning the duties of a Council member on both local and state levels.

D. Remember that he or she represents the entire community at all times.

E. Accept the office as a means of unselfish service, not benefit personally or politically from his or her Council activities.

F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.

G. Abide by the ethics established by the State and not use the position to obtain inside information on matters, which may benefit someone personally.

2. A member of the Council, in his or her relations with Administrator should:

A. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community.

B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.

C. Give the Administrator full responsibility for discharging his or her disposition and solution.

3. **A member of the Council, in his or her relations with fellow Council members, should:**

A. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Council outside of such meetings.

B. Not make statements or promises of how he or she will vote on matters that will come before the Council until he or she has had an opportunity to hear the pros and cons of the issue during a Council meeting.

C. Uphold the intent of executive session and respect the privileged communication that exists in executive session.

D. Make decisions only after all facts on a question have been presented and discussed.

E. Treat with respect the rights of all members of the Council despite differences of opinion.

PROCEDURES MANUAL OF THE FRANKLIN TOWN COUNCIL

1. PARLIAMENTARY PROCEDURE

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

2. COUNCIL MEETINGS

Regular meetings of the Council shall be held in the Council Chamber (Municipal Building) at least once each month, as voted by the Council, or as scheduled by the Council's Chair; regular meetings shall commence at 7:00 PM; [See also Charter: 2-5-1]. Special meetings shall commence at the time designated by Chair.

3. QUORUM

A quorum of the Town Council shall consist of a majority of its members [Charter: 2-5-2]. If at any time a meeting is called to order, or, if during a meeting it appears to Chair or another member that less than a quorum is present, the Chair shall declare a recess of not more than ten minutes, after which time, if a quorum is not present, the meeting shall be adjourned.

4. PUBLIC POSTINGS

Public notices of all Council meetings, except in emergencies, must be filed with and posted by the Town Clerk a minimum of 48 hours before any meeting, as provided in the Open Meeting Law G.L. Ch. 30A, §§18-25 and the Attorney-General's Regulations. Notices shall also be posted on Town's website.

5. MINUTES

A written record of each Council meeting is required by law and becomes part of the public record. Minutes must contain the information required by the Open Meeting Law and Attorney-General Regulations, including a record of all votes of the Council. 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 shall also be posted on Town's website.

6. THE CHAIR -- POWERS AND DUTIES

The Chair, or Vice Chair in the absence of the Chair, shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. In the absence of the Chair, the Vice Chair shall assume the role of Chair pro tem. In the event both the Chair and Vice Chair are absent, the Council Members present shall vote to designate one of their members to act as Chair.

7. PRESERVATION OF DECORUM AND ORDER AND APPEALS FROM DECISION OF THE CHAIR

The Chair shall preserve decorum and order, may speak to points of order in preference to other members and shall decide all questions of order.

8. THROUGH CHAIR

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

9. RECESS

The Chair 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.

10. ADDRESSING THE CHAIR

Every member speaking to a question or making a motion shall address the Chair as "Mr./Madame Chair," 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.

11. CHAIR MAY SPEAK

The Chair may participate fully in all Council deliberations; the Chair 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.

12. CITIZENS COMMENTS

The Franklin Town Council encourages citizens to attend its meetings and welcomes their views on matters of local governance. Anyone may comment at this time for up to five minutes. The Council will not engage in dialogue with the audience. However, the Council will give your remarks appropriate consideration.

Citizens present who wish to speak on an agenda item may do so after all Councilors who wish to speak on the item have spoken. Those citizens who wish to speak shall be limited to one three-minute response. [SEE ALSO CHARTER: 2-5-3].

13. POINT OF ORDER

Any Councilor on being called to a point of order shall cease debate until the point of order is decided, unless allowed by the Chair to explain.

14. ELECTION OF OFFICERS

Council Officers shall be elected at the first Council meeting following a regular town election, as provided in Town Charter Section 2.3.1 and at the first Council Meeting in November in a non-election year. A majority vote of all members elected to the Council (5) shall be required to elect a Chair, Vice Chair, and Clerk.

15. MANNER OF VOTING

All questions shall be stated and put by the Chair. In any matter requiring more than a simple majority vote for passage, either: a unanimous voice vote shall be required and the Chair shall so declare or a roll call vote shall be taken. In case of a roll call vote, the Chair shall declare the result, after the Clerk has

announced the number voting on each side. The results of viva voce votes shall be declared by the Chair without reference to the Clerk. Where the result of a voice vote is in doubt, the Chair may, and on demand of any member, shall take a roll call vote. It shall not be in order for members to explain their votes during the call of the roll.

16. VOTE REQUIREMENTS

All votes on by-laws shall be by roll call [Charter: 2-6-5].

For other actions requiring a by-law [see Charter: 2-7-1].

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, By-laws, or by Rules set forth in the Procedures Manual of the Franklin Town Council.

Resolutions require a simple majority.

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

Passage of a general town by-law requires a majority vote of the full Council (5). Vote is by roll call [Charter: 2-6-4 and 2-6-5].

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

A properly protested* Zoning By-law requires a three-quarters vote (7) 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 By-law requires a two-thirds vote of the full Council (6). Vote is by roll call [Charter: 2-6-3]. Two votes are needed: One on the emergency [2/3 vote of the full Council (6)], and one on the By-law [2/3 vote of the full Council (6)].

To take money from the Stabilization Fund for any municipal expenditure requires a two-thirds vote of the Council membership (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 [Charter: 2-5-2].

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 a By-law.

The Chair 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.

17. READINGS

Every By-law, unless rejected, shall have two separate readings and shall be voted only after two separate readings; the second of said readings and votes will not be less than fourteen days after the first, except in cases in which a shorter period is authorized by law. Any order rescinding or amending a By-law shall require the same number of readings and of votes as was required for the passage of the original By-law.

In order to expedite the Council's deliberations when considering a lengthy proposed By-law, when the reading of said proposed By-law has been waived, in order to inform the public of the subject matter, a brief summary of the substance of the proposed By-law will be provided by Town Administrator, a Council Member, or bylaw's sponsor.

18. RESUBMISSION

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 two-thirds majority vote of the full Council or as otherwise provided by the Charter or Massachusetts General Law; this procedure may only be employed once per measure per legislative session.

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

19. 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 Chair shall instruct the Clerk to withdraw said matter from consideration at that meeting.

20. MOTIONS

The order of precedence of motions shall be as follows:

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

21. WRITTEN PROPOSALS

All proposed By-laws, Orders, and Resolutions shall be in writing and shall bear the name of the sponsor. [Adopted 9-2-98]

22. 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.

23. ORDER OF BUSINESS AND AGENDA

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

1. Announcements from the Chair
2. Citizen Comments
3. Approval of Minutes
4. Proclamations
5. Appointments
6. Hearings
7. License Transactions
8. Presentations/Discussions
9. Subcommittee Reports
10. Legislation for Action
11. Town Administrator's Report
12. Future Agenda Items
13. Council Comments
14. Executive Session
15. Adjourn

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

During "Future Agenda Items", 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 "Future Agenda Items" so determine, such matters will be included on a future agenda for consideration by the Council. Debate during "Future Agenda Items" 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 Chair and/or Town Administrator when setting the agenda (Example: Committee Reports).

All items for the agenda, including any relevant communications and reports from the Town Administrator, other town officers and town boards, shall be submitted to the Town Administrator's office no later than 10:00 AM on Thursday preceding the regular Council meeting.

Copies of said reports and agenda shall be delivered to the Town Council members no later than Friday preceding the regular Council meeting.

The agenda will be prepared by the Town Administrator with input from and approval by the Council Chair, or, in his absence, the Vice Chair of the Council, and then prepared for presentation by the Town Administrator's office staff.

24. HEARINGS

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 Chair of the Council rules otherwise.

Public hearing format (after petitioner's presentation):

1. General questions from public
2. Public speaking in favor
3. Public speaking in opposition
4. Questions from Town Councilors

When the Chair is satisfied that the matter has received a full hearing, the Chair shall call for a motion to close the public hearing and the Council shall act thereon. Debates on the merits of the petition shall be reserved until and if there is a motion duly made and seconded at the appropriate time and date following the hearing.

This format shall not apply during public hearings to consider the annual budget, when normal Council budget format is followed, or to any adjudicatory proceeding to address a violation of an alcoholic beverage license or violation of any local bylaw or regulation or of any condition of any license, permit, or approval.

25. SUB-COMMITTEES OF COUNCIL

Sub-committees shall be authorized by majority vote of the Council. Appointments to sub-committees of the Council are made by the Chair in consultation with the Town Administrator. Appointed individuals shall receive notification of their appointment from the Chair prior to the public announcement of the makeup of the committee. Notice and conduct of all sub-committee meetings must adhere to MGL Ch. 30A, Sections 18-25 (Open Meeting Law).

26. AD HOC COMMITTEES

Ad Hoc Committees may be established, as needed, by majority vote of the Council. The members of any ad hoc committee shall be appointed by the Chair in consultation with the Town Administrator. The Council shall dissolve any ad hoc committee, by majority vote, when the Council determines that its mission or purpose has been completed.

27. COMMITTEE MEETINGS AND QUORUM

A committee shall meet on the call of the Committee Chair or a majority of its members. A majority of the members of a committee shall constitute a quorum.

28. SUB-COMMITTEE REPORTS

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

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

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

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

29. RELIEVING FROM FURTHER CONSIDERATION

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

30. 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 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.

31. DEBATE DECORUM

Every member when about to speak shall address the Chair and wait until recognized by the Chair. 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 citizens, 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 Chair or held in contempt and suspended from further participation in debate until said apology is made.

32. 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 Chair.

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

33. CONFLICTS OF INTEREST

G.L. Ch. 268A, the conflict of interest statute provides that no member shall participate in any matters, or serve on any committee, where the member's individual or immediate family interest will conflict with the public's interest in a way that is violative of the statute; for further details of legal requirements, refer directly to statute.

34. OPEN MEETING LAW

G.L. Ch. 30A, Sections 18-25, the Open Meeting Law, provides that deliberations, including meetings, of a public body, shall take place in public, unless the matter to be discussed falls within one of the statutory exceptions which permits the public body to meet in executive session; for further details of legal requirements, refer directly to statute and Attorney General's Regulations.

By statute, any votes taken in Executive Session must be by roll call.

35. 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 by the Chair.

36. REMOTE PARTICIPATION POLICY

Per Attorney General's Regulations, remote participation is based upon the Chair's determination that requesting member's physical attendance would be unreasonably difficult.

Remote participation shall:

1. Be limited to one member per meeting, on a first come first serve basis;
2. Require an eight (8) hour notice be given to the Chair and Town Administrator's Office;
3. Be limited to use in the Council Chambers;
4. Shall not be allowed by subcommittees;
5. Shall not be allowed during executive sessions.

If technical problems interrupt the call, the chair will wait up to three minutes to allow for the reconnection prior to resuming the meeting. If the member is disconnected, the fact and time shall be noted in the minutes. If the party reconnects, the fact and time shall be noted in the minutes.

37. AMENDMENT AND REPEAL

None of the foregoing rules and orders shall be amended or repealed at any meeting unless a simple majority of those members present and voting consent thereto and a motion for that purpose shall not be made and acted upon at the same meeting.