

RULES OF THE EASTHAMPTON CITY COUNCIL



UPDATED THROUGH DECEMBER 18, 2019

TABLE OF CONTENTS

<u>RULE #</u>	<u>DESCRIPTION</u>	<u>PAGE NUMBER</u>
Rule 1	Council Officers	2
Rule 2	Role of Council President	2
Rule 3	Presiding Officer	2
Rule 4	Duties of Presiding Officer	2
Rule 4A	Presiding Officer of New Council	3
Rule 5	Meetings	3
Rule 5A	Meeting Definitions	3
Rule 5B	Meeting Schedule	3
Rule 5C	Introduction of Council Business	4
Rule 5D	Filing Deadlines for Regular Meetings	4
Rule 5E	Order of Business	5
Rule 5F	Public Comment	5
Rule 5G	Mayoral Communications Defined	5
Rule 6	Parliamentary Guidelines	6
Rule 6A	Quorum	6
Rule 6B	Order of Speaking, Length of Speaking	6
Rule 6C	Order of Motions	7
Rule 6D	Previous Question	7
Rule 6E	Referral to Committee	7
Rule 6F	Reconsideration	8
Rule 6G	Motion Procedure	8
Rule 7	Matters Reduced to Writing	8
Rule 8	Votes	8
Rule 8A	Roll Call	9
Rule 8B	Elections of Council Officers and Other Special Circumstances	9
Rule 9	Rejected Measures	10
Rule 10	Record Keeping	10
Rule 10A	E-Mail Requirement	10
Rule 11	Council Committees	11
Rule 11A	Ad Hoc Committees	11
Rule 11B	Committee Parameters and Guidelines	11
Rule 11C	Sub-Committee/Mayoral Communications	12
Rule 11D	The Role of the Public Safety Committee	12
Rule 11E	The Role of the Rules & Govt. Relations Committee	13
Rule 11F	The Role of the Finance Committee	14
Rule 11G	The Role of the Ordinance Committee	14
Rule 11H	The Role of the Appointments Committee	15
Rule 11I	The Role of the Property Committee	15
Rule 11J	Committee Reports	16
Rule 11K	Video Recording of Open Committee Meetings	16
Rule 12	Officers Elected by the City Council	16
Rule 13	Council Vacancy	16
Rule 14	Council Investigations	17
Rule 15	Agenda Items	19
Rule 16	Amendments or Additions to Rules	19
Rule 17	Communications	20
Rule 18	Procurement Procedures	20
Rule 19	Code of Ethics	21

RULE 1

COUNCIL OFFICERS

The first City Council meeting in January following the biennial election shall be an organizational meeting. At that time, the Council shall elect a President and a Vice President.

RULE 2

ROLE OF COUNCIL PRESIDENT

The President shall serve as ex-officio member of all Council Committees, and as such shall have full power and authority to attend all meetings of council committees and subcommittees, including any portions of such meetings held in closed or so-called executive sessions but shall have the right to vote only in the case of a deadlock.

RULE 3

PRESIDING OFFICER

The President of the City Council shall preside at the meetings of the City Council. In the absence of the Council President, the Vice President shall preside. In the absence of both, the members will elect a member of the Council to preside over the meeting.

In the event that the President of the Council can no longer serve, the Vice President shall assume the powers and duties of the President.

If a vacancy occurs in the office of Vice President, the Council shall elect a new Vice President from among its members before two regular meetings have passed.

RULE 4

DUTIES OF THE PRESIDING OFFICER

The presiding officer shall take the chair at the hour at which the Council is to meet and call the members to order.

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. Questions of order subject to appeal to the Council by any motion regularly seconded shall be put to vote and determined by a majority vote.

The President of the Council has the power to vote on all matters coming before the Council. The President of the Council may at any time declare a recess for not more than fifteen minutes. The President of the Council may state fact and opinions and enter into debate without leaving the chair.

RULE 4A

PRESIDING OFFICER OF NEW COUNCIL

The first scheduled meeting of the newly elected City Council shall be chaired by the immediate past president upon his/her duly being elected to the City Council in the preceding election. In the absence of this position, the most senior continuously serving council member shall preside over the election of council members. If two or more council members have equal years of service, the chair shall be chosen by a draw of qualified members. (Rule 4A added on December 7, 1999)

RULE 5

MEETINGS

The time and place of regular meetings shall be published in December of each year for the following calendar year.

RULE 5A

MEETING DEFINITIONS

Regular meeting of the City Council shall be held at a time and place but not less than twice monthly in September through May and once monthly in June through August.

Special meetings of the City Council may be held on the call of the Council President or on the call of three Councilors by written notice. Said notice will include relevant agenda items and pertinent documents pertaining to those items which will be delivered to the City Clerk and made available to each Councilor forty-eight hours in advance of the special meeting.

Executive session may be entered only after the Council has first convened in open session for which notice has been appropriately posted. The Council President shall cite the need for going into executive session and call for a vote by the Council. For an Executive Session, the vote of each Council member must be recorded and entered into the minutes.

Executive sessions shall be governed by Massachusetts General Laws, Chapter 30, Section 21.

RULE 5B

MEETING SCHEDULE

The Easthampton City Council shall meet on the first and third Wednesdays of each month, except in the summer when it shall meet on the first Wednesday of June, July and August. If the regularly scheduled meeting falls on or near a holiday, the meeting will be scheduled as necessary by the president and clerk of the council. (Rule amended on January 2, 2008)

RULE 5C

INTRODUCTION OF COUNCIL BUSINESS

No measure shall be received or acted upon unless introduced by a member of the Council or by a process otherwise provided by the Easthampton Home Rule Charter. Whenever a Councilor requests consideration of any measure by the full Council, especially an Ordinance (eg. similar ordinance from other cities), or Resolution, a draft of the language to be considered should be presented. Such draft should be submitted to the Council Clerk for inclusion in the next meeting agenda packet of documents. (Second & third sentences added on February 14, 2018).

RULE 5D

FILING DEADLINES FOR REGULAR MEETINGS

Any of the above items of business to be presented to the City Council at its regular meeting for action shall be submitted to the Clerk of the Council no later than 10:00 a.m. five days, exclusive of Saturday or Sunday preceding the regular Council meeting. The Council President may approve any additional items for inclusion in the agenda after said deadline.

The Council President shall determine placement of business on the Council meeting agenda.

The Council agenda, including the Mayor's communication to the Council, if any, complete with documentation shall be delivered to the City Councilors no later than three days exclusive of Saturday or Sunday prior to the regular meeting of the Council.

A copy of the agenda will be made available to the Mayor at the same time it is given to Councilors. (Last sentence added on November 6, 1996)

RULE 5E

ORDER OF BUSINESS

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

1. Roll Call
2. Pledge of Allegiance (added December 4, 2013)
3. Act on Minutes
4. Public Comment
5. Communication from Elected Officials, Boards, and Commissions
6. Correspondence
7. President/Vice President Communications
8. Mayor Communications
9. Council Communications, Announcements, and Committee Reports
10. Old Business
11. New Business
12. Adjournment

RULE 5F

PUBLIC COMMENT

Any member of the public may address the Council during the Public Comment portion of the meeting. After being recognized by the Chair, the person should state his name and address. Time allowed each person will be at the discretion of the Chair. In general, each person should be allowed approximately three minutes.

All remarks during this period should be made to the Council as a whole, not to an individual member. In order to avoid possible violation of open meeting laws the Council shall not engage in any dialogue regarding remarks made at Public Comment. Dialogue regarding information on local events and/or public service announcements may be allowed at the discretion of the presiding officer. (Last two sentences added on March 20, 2013).

RULE 5G

MAYORAL COMMUNICATIONS DEFINED

The mayor may communicate with the council during the Mayoral Communication session of the agenda either in person or in writing. If in writing, the president shall present those items he/she has received to the Council. Comment from Council members shall be allowed.

If the Mayor wishes to address the Council during this period he/she may do so provided he/she has notified the president of his/her intent to do so prior to his/her appearance. The Mayor may use this time to make urgent announcements, address issues on the Council's agenda, or present any information he/she feels might aid in the Council's deliberations.

Council members may question the Mayor at this time. (Rule 5G added on November 6, 1996)

RULE 6

PARLIAMENTARY GUIDELINES

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth and the charter or explicitly elsewhere in these rules, the presiding officer and the members shall be guided by the principles of fairness, clarity, and efficiency, in that order. In determining any parliamentary questions, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Robert's RULES OF ORDER, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including references to rules and rulings of state and local legislative bodies.

RULE 6A

QUORUM

Five members of the City Council shall constitute a quorum.

RULE 6B

ORDER OF SPEAKING; LENGTH OF SPEAKING

When two or more members request the floor at the same time, the presiding officer shall decide who shall first be heard. During debate, no Council member shall speak to the same question more than twice until all other members choosing to speak have spoken. The length of time that any member may discuss the subject on the floor of the Council shall be limited to three minutes per recognition by the President unless otherwise voted by the Council.

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

RULE 6C

ORDER OF MOTIONS

When a motion is under debate, the chair shall receive no motion except the following, in order of preference:

1. To adjourn
2. To take a recess
3. To lay on the table
4. To move the previous question
5. To limit or extend limits of debate
6. To postpone to a certain date
7. To refer
8. To amend
9. To postpone indefinitely
10. To withdraw the motion

RULE 6D

PREVIOUS QUESTION

The previous question shall be put as follows: "I call the question." All further amendments or debate on the main question shall be suspended until the call to question has been decided by a two-thirds vote.

RULE 6E

REFERRAL TO COMMITTEE

In accordance with Section 2-6 (c) of the Easthampton Home Rule Charter, when a matter properly before the Council relates to a subject which may properly be examined and reported upon by an existing or new ad hoc committee of the Council, such matter shall, upon motion and a majority vote of the Council, be referred to such committee. Any matter may be referred to a committee, commission, or board for advice sought by City Council.

In accordance with Section 5-7 (b) of the Charter, all requests for interdepartmental transfers shall be referred to a committee of the council as the council may determine to be appropriate. Upon receipt of such request, the committee shall schedule and hold a public hearing. In addition to the public hearing, all requests for interdepartmental transfers shall be subject to two readings before the Council votes on such requests. Notification of a public hearing will be posted on the Municipal Building bulletin board unless any Councilor requests publication in a newspaper.

RULE 6F

RECONSIDERATION

At any meeting in which a vote has been taken, any Councilor may move for immediate reconsideration or may serve notice that a motion for reconsideration shall take place at the next regular or special meeting of the Council. The vote for reconsideration shall be open for debate which shall be limited to twenty minutes. A motion to reconsider requires a majority vote. Reconsideration may be moved by any Councilors regardless how the Councilor voted on the first vote. (Rule 6F amended on February 3, 2016)

RULE 6G

MOTION PROCEDURE

After public input and once a motion is placed and seconded on any measure, the chair may recognize any city official or member of a board or committee to provide information on the measure to a councilor during debate on the measure. The need for the motion to be removed is not necessary. This rule shall apply to the full council and council subcommittees. (Rule 6G added on July 10, 2019)

RULE 7

MATTERS REDUCED TO WRITING

Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. These written motions shall be given to the Clerk of the Council to assure accuracy of the minutes.

RULE 8

VOTES

As stated in charter definitions Article 1-7, a city council majority shall always refer to a majority of the full council membership. That majority shall be five (5) members voting, with an abstention being a non-vote and six (6) members for a two-thirds (2/3) vote when required by ordinance, charter or state law. A super majority, if required, shall also mean six (6) voting members. (Rule 8 amended on May 1, 2007. Entirety of Rule 8 deleted and replaced on July 10, 2019).

RULE 8A

ROLL CALL

A roll call may be requested by any Councilor. The result of the roll call shall be entered into the records. The order of the roll call voting shall be alphabetical and rotated after each vote.

Every Councilor present when the question is put shall vote YES, NO, ABSTENTION, or PASS. If a Councilor passes, the Councilor will be called again at the end of the voting for his or her vote. A PASS if not changed will be recorded as an abstention. Any Councilor may change his or her vote prior to the announcement of the total tally.

RULE 8B

ELECTIONS OF COUNCIL OFFICERS AND OTHER SPECIAL CIRCUMSTANCES

When electing Council Officers, or when choosing a new member for the Council under the circumstances laid out in Section 2-11(c) of the City Charter, any councilor may nominate a candidate for that office, provided that their nomination is seconded by another Councilor. In the case that more than two individuals are nominated by Councilors, the winner will be decided by way of a ranked-choice election. Each councilor shall express preference for each candidate, ranked from first to last, and these preferences shall be recorded by the Clerk of the Council.

Upon their first counting, the votes of each Councilor shall be counted towards their first choice for the position. In the case that no candidate receives a majority of the votes on the first count, the candidate(s) who received the least number of votes in the last round shall be eliminated, and the votes will be counted again. Any councilor who voted for a candidate who was eliminated in a previous round will have their vote counted for their preferred candidate from the list of remaining candidates. This process shall be repeated until a single candidate has a majority of the votes. If at any point a tie among preferred candidates shall impede this process, the candidate with the least next-choice preference among the remaining candidates will be eliminated.

In other special cases where the Council may have to make a choice from a number of options, the Council may, by majority vote, choose to adopt the procedure described above for that vote.

(Rule 8B added on January 16, 2019)

RULE 9

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 its re-submission unless re-submission is approved by a majority of the Council present or as otherwise provided for by the Charter.

RULE 10

RECORD KEEPING

Unless otherwise provided for by the City Council, the City Clerk or designee shall be the Clerk at regular meetings of the Council. The Assistant City Clerk may serve in place of the City Clerk. Said clerk shall keep a record of the proceedings and perform such duties as may be assigned by the Easthampton Home Rule Charter, by ordinance, or other Council vote.

The Clerk shall give notice of all meetings of the City Council by transmitting a copy of the meeting agenda to its members and posting meeting notices to the public. The Clerk shall coordinate with the Mayor or the Mayor's designee to arrange that meetings of the City Council are videotaped, to the extent reasonably possible.

Copies of the minutes of any meeting of the City Council may be requested through the Clerk who will provide copies of the requested minutes, provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer.

RULE 10A

E-MAIL REQUIREMENT

All City Councilors are required to use the "Easthamptonma.gov" e-mail address for all e-mail correspondence regarding city business. It is also recommended that all e-mail correspondence, regardless of subject, be copied to the City Clerk. (Rule 10A added on February 14, 2018; amended on June 5, 2019).

RULE 11

COUNCIL COMMITTEES

After the organization of the Council, the President, subject to the approval of the full Council, may appoint members of standing committees. The committees are as follows: Public Safety Rules and Government Relations, Finance, Appointments, Ordinance and Property. Each committee shall have three members. Each committee will organize and elect its own Chair. (Property Subcommittee added on January 20, 2004)

The President of the Council may appoint an alternate member to any committee as he/she deems necessary. The alternate committee member shall vote on any committee recommendation only when a regular committee member is absent. The alternate should attend all committee meetings. (Paragraph added on January 20, 2010)

RULE 11A

AD HOC COMMITTEES

The President of the Council, with the approval of the Council, may designate ad-hoc committees as is deemed necessary.

RULE 11B

COMMITTEE PARAMETERS AND GUIDELINES

All committees shall be advisory to the council and take no actions that bind the Council.

Committee meetings shall be coordinated with the City Clerk, who will post notice of all meetings as required.

Standing committees and ad hoc committees shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council. A clerk shall be appointed from the committee to record minutes. The President of the Council shall not serve as a chairperson of any standing or ad hoc committee. (Last sentence amended to delete "Vice President" on January 20, 2010)

The President shall be an ex-officio member of all committees. Meetings of committees may be called by the chairperson or upon the written request of two members of the committee. All committees of the City Council shall keep records of proceedings, and a copy of said records shall be filed with the City Clerk within thirty days following each meeting.

RULE 11B, continued:

Committees have the right and obligation to be creative, offer opinions, majority or minority, produce documents, communicate and participate with city departments/agencies, other governmental agencies, and the general public, subject to the rules and procedures of the City Council, Easthampton Home Rule Charter, Massachusetts General Laws, or otherwise voted by the City Council.

All new committees, boards, and commissions will be evaluated at the end of the first year, at which time a decision will be made by the City Council to continue, disband, or change the entity.

RULE 11C

COMMITTEE/MAYORAL COMMUNICATIONS

All committees shall include “Mayoral Communication” as defined in Rule 5G on their agenda. The Mayor may attend committee meetings and speak at that designated time only.

(Rule 11C added on November 6, 1996)

RULE 11D

THE ROLE OF THE PUBLIC SAFETY COMMITTEE

The role of the Public Safety Committee is to:

- Consider changes to city ordinances related to public safety, traffic, and use of public ways.
- Consider changes to traffic rules & orders.
- Provide coordination and oversight for all other matters related to public safety which come before the council for action, including but not limited to: Police, fire, neighborhood parks and public spaces, safety engineering and environmental, public works & engineering, municipal parking, public lighting, and emergency services.

(Rule 11D added on December 3, 1996; amended on July 6, 2016. Replaced in its entirety on December 18, 2019)

RULE 11E

THE ROLE OF THE RULES AND GOVERNMENT RELATIONS COMMITTEE

The role of the Rules and Government Relations Committee is to:

- Recommend the establishment of new council rules
- Interpret council rules for the full council
- Advise the council on matters pertaining to the interpretation of the Home Rules Charter
- Advise the council on matters pertaining to the relations of government departments, multi-member boards, and government officials to each other and to the council. This shall include the investigation of activities of government departments, boards or individuals when requests for such investigations are made to the council in writing. All investigations of departments, boards, or individuals under the authority of the mayor shall include the involvement and cooperation of the mayor whenever possible.
- Advise the council on any breaches of the rules or the charter by individual council members, committees or by the executive branch as brought to the council by council members, citizens or the mayor.
- Approve intergovernmental agreements between the City of Easthampton and other government entities
- Consider state licenses and permits when necessary
- Consider resolutions and other communications from the Council

(Rule 11E added on September 16, 1997. Replaced in its entirety on December 18, 2019)

RULE 11F

THE ROLE OF THE FINANCE SUBCOMMITTEE

The City Council Finance Committee will evaluate and recommend to the full City Council action on any financial matters that are given to the full council.

These items include, but are not limited to:

- The City budget submitted by the Mayor which shall include evaluating department budget requests and Mayor recommended lines as well as expected revenue. The committee shall recommend budget action to the council no later than the last meeting in May. The City Council may decrease any budget line if desired, but may not increase as per state statute for cities.
- Evaluation of Supplemental Appropriations and Interdepartmental Transfers.
- Review authorizations to borrow or bond.
- Evaluation of any Classification and Pay Plan salary changes.
- Evaluation of capital purchases.
- Evaluation of stipends for elected officials, boards and committees as required by the City Charter during the first year of any two year term.

The Chair of the Finance Committee shall serve on the Community Preservation Act (CPA) Committee or designate another member to do so. The committee will also request information from the Mayor and/or department heads regarding any financial request before the committee.

(Rule 11F added on July 6, 2016. Replaced in its entirety on December 18, 2019)

RULE 11G

THE ROLE OF THE ORDINANCE COMMITTEE

The role of the Ordinance Committee is to:

- Consider amendments to city ordinances, other than those deemed more appropriate for other committees, e.g. Public Safety for traffic violations or Finance for the Pay Plan.
- Consider amendments to the zoning ordinance
- Consider changes to the zoning map
- Work with the planning board when required

(Rule 11G added on July 6, 2016. Replaced in its entirety on December 18, 2019)

RULE 11H

THE ROLE OF THE APPOINTMENTS COMMITTEE

The role of the Appointments Committee is to:

- Review and-recommend confirmation or rejection of mayoral appointments to all multi-member boards and committees, as well as department heads, pursuant to Section 2-10 of the Home Rule Charter.
- In combination with the Human Resources department, conduct interviews for appointments made by the City Council pursuant to Section 2-8 of the Home Rule Charter, including City Clerk, Clerk of the City Council, City Auditor and Principal Assessor (or other City Council appointments as may be defined in the future).
- Handle any disciplinary proceedings related to those appointments made by the City Council

(Rule 11H added on July 6, 2016. Replaced in its entirety on December 18, 2019)

RULE 11-I

THE ROLE OF THE PROPERTY COMMITTEE

The mission of the Property Committee is to provide, in a democratic and transparent matter, coordination and oversight in the following:

- Real property, personal property and other municipal asset
- Purchase lease and rental management of municipal property
- Record keeping, utilization, and disposition of property
- Preparation and approval of property declared surplus by the city and/or the school department. Recommendation of Request for Proposals language
- The acceptance of streets and roads as city property
- Utility pole requests and other utility matters on public property
- Any other property matters as are referred to this committee.

(Rule 11-I added on July 6, 2016. Replaced in its entirety on December 18, 2019)

RULE 11J

COMMITTEE REPORTS

Unless otherwise stated by state law or home rule charter, the status of any measure or item having been properly presented and referred to committee by the full council, must, as of the date of the adoption of this rule, be reported by that committee at least **90** days following the initial referral. At that time the council must vote to either continue the item in committee or dispose of it. The full council by majority vote may also add additional time constraints to the committee requiring action. (Rule 11F added on January 20, 2004)

RULE 11K

VIDEO RECORDING OF OPEN COMMITTEE MEETINGS

All committees of the city council, whether they be standing or ad hoc, shall make use of public video recording equipment if it is available and functioning properly, in order to record any official meeting. A notice that recording is taking place should be posted and the chairs shall announce the meeting is being recorded to all in attendance. (Rule 11G added on January 16, 2013)

RULE 12

OFFICERS ELECTED BY CITY COUNCIL

Any Council action regarding the election of city officers as provided in Section 2-8 of the Easthampton Home Rule Charter or ordinance or other action of the Council shall be acted upon at the regular meeting succeeding that in which said elections were presented.

RULE 13

COUNCIL VACANCY

A vacancy on the Council and/or vacancy of any office on the Council shall be filed in accordance with Easthampton Home Rule Charter Section 2-11 and Council Rule 3.

RULE 14

COUNCIL INVESTIGATIONS

The City Council may make investigations into affairs of the city and into the conduct and performance of any city agency and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

The City Council may require any city officer, member of a city agency, or city employee to appear before it to give such information as the City Council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person and within the jurisdiction of the City Council.

The City Council may require the Mayor to provide specific information to it on any matter within the jurisdiction of the City Council. The City Council may require the Mayor to appear before it, in person, to respond to written questions made available to the Mayor at the time the request to attend is made to the Mayor to provide specific information on the conduct of any aspect of the business of the City. The Mayor may bring to such meeting any assistant, department head, or other city officer or employee the Mayor may deem necessary to assist in responding to the questions posed by the City Council.

The City Council shall give not less than five days notice to any person it may require to appear before it under provisions of this section. The notice shall include specific questions on which the City Council seeks information, and no person called to appear before the City Council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery by hand or by registered or certified mail to the last known place of residence or any such person.

INQUIRIES

An inquiry may be called for by a majority vote of those present at a regular Council meeting. Any inquiry shall be made through the Mayor if it concerns areas under his authority, and specific questions asked shall be answered in a report by the Mayor to the Council within sixty days. If independent expertise is needed, the Mayor shall so notify the Council. If an inquiry is made into an area outside the Mayor's area of authority, the Council may require such persons as mentioned in Section 2-7 to appear to give information or make a report within sixty days. In either case, a report may be considered final by the Council, or the Council may call for further information so that its questions may be answered.

INVESTIGATIONS

If the Mayor or other person(s) requested to make a report shall fail to do so or if the Council finds that there has been unsatisfactory resolution of allegations of serious misconduct on the part of any City officer, board or commission or its members or if the Council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed

with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize any investigation to proceed.
2. The Council may, by an affirmative vote of the full Council, establish a three-person Committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the subcommittee's work, subject to review at the request of the subcommittee. If the subcommittee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council.
3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasijudicial in nature. If the investigative committee is quasijudicial in nature, it shall proceed substantially along the lines of an informal adversarial proceeding, including the right on behalf of any person who is the subject of the investigation to be represented by counsel and to confront and cross-examine witnesses. In such proceedings, witnesses shall be sworn, but the strict rules of evidence shall not apply. If the Council determines that the investigation is legislative in nature, the foregoing need not apply.
4. The Council may, consistent with existing ordinance and the Administrative Code, request the services of an independent attorney and/or other individuals to conduct such an investigation who shall be engaged for the purposes of the inquiry or investigation, subject to approval by a majority of the full Council.
5. Funds for the employment of an independent attorney shall come from the Council's budget.
6. All meetings of the Council or its subcommittees shall be held in accordance with the Open Meeting Law, MGL c. 30, Sec. 20.
7. Preparation and serving of all subpoenas and letters of notice to witnesses and/or subjects of discussion shall be included in the duties of the legal counsel employed by the City Council.
8. The proceedings of the meetings shall be recorded and transcribed verbatim and provided to the full Council along with a copy of subcommittee findings. Transcriptions of meetings held in open session shall be made readily available to the public in a timely fashion.

9. The subcommittee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The full Council will make the final determination and shall take any action it deems necessary, consistent with the General Laws, the Charter, collective bargaining agreements, and personnel rules and regulations.

RULE 15

AGENDA ITEMS

The following agenda items may be acted upon at a first reading:

Proclamations, Free Petitions, Resolutions, Transfer Orders, or Emergencies.

In accordance with Section 2-6 (c) of the Easthampton Home Rule Charter, the following agenda items require assignment to a committee and recommendation by the committee to the full Council: Appointments, Appropriation Orders, Amendments to General and Zoning Ordinances, Amendments to the Administrative Code and other Rules of the City of Easthampton, Group Petitions, Loan Authorizations, Supplemental Appropriations, and other measures.

No debate shall take place at the first reading of any item requiring a second reading.

RULE 16

AMENDMENTS OR ADDITION TO RULES

As specified in the Easthampton Home Rule Charter 2-6 (c) (v), additions or amendments to the Rules of the Council shall be referred to the Committee on Rules, which shall bring its recommendations to the Full Council.

RULE 17

COMMUNICATIONS

- a. In General: All communications shall not be considered official if not made in writing and filed with the Clerk of the Council.
- b. Council and Committee: Communications required by the full Council or a sub-committee shall be made through the Clerk of the Council. The Clerk shall prepare all written correspondence as required and directed by the President/Chair. The President of the Council or Chair of a sub-committee shall sign for the whole any correspondence not legally requiring signatures by all. Individual councilors acting as a member of the government shall file with the Clerk any correspondence they themselves shall originate.
- c. Internal Communications: All correspondence such as memorandum between a Councilor and any official in the government shall be filed with the Clerk of the Council. All policies or rules of the Council or its committees shall be in writing and also filed with the Clerk of the Council and provided to that branch of the government that may be affected as well as the Mayor's office.
- d. City Attorney Request for Opinion: All requests for a city attorney opinion, whether generated by a council committee or an individual councilor, must first be approved by the City Council president. In the absence of the president, the vice president must review the request. All reviews must be completed within five (5) days. Non-response to a request shall be construed as approval by default.

Should the request be denied, an override by majority of the city council may be obtained.

Rule 17 added November 6, 1996; subsection (d) added on March 20, 2019

RULE 18

PROCUREMENT PROCEDURES

For any tangible property that the city wishes to declare surplus, if the property is less than five-hundred dollars (\$500.00) in value, it may be disposed of subject to the general procurement laws of the state. (Paragraph amended October 2, 2001)

For any property in excess of five-hundred dollars (\$500.00) that the city wishes to declare surplus and dispose of, a list of such property will be supplied by the Chief Procurement Officer and provided to the City Council. The City Council will review said list and authorize the Chief Procurement Officer to release for disposal according to procurement laws. Said property once released by the council will be deemed final and will result in no further action from said body.

If a surplus piece of property deemed in value less than five-hundred dollars (\$500.00) is disposed of for more than said price, the council will still be required to authorize the final disposition of said property by a vote of the council at the earliest possible time.

(Rule 18 added March 16, 1999)

RULE 19

CODE OF ETHICS

The City Council requires an atmosphere of professional conduct and civility among its members, and shall not tolerate harassment, discrimination, or offensive behavior based on race, color, religion, national origin, gender, age, disability, or sexual orientation, nor shall any member of the City Council use insulting, threatening, or abusive language in the course of public debate in the Council Chambers or in testimony before any City Agency, Board or Commission. (Paragraph amended October 3, 2018)

Furthermore, this code of ethics shall apply whenever a City Council member is in any public setting, or when any action or conduct becomes the subject of general public notice. This code also applies to the use of all forms of Social Media and electronic communication as defined by the City's Personnel Department, and any form of written or graphic communication. (Last sentence added October 3, 2018)

These principles shall be enforced by public admonition through resolution, censure, and other action deemed appropriate by the Council. Jurisdiction rests with the Council as a whole, and therefore any member may motion a violation of this Rule.

If a favorable recommendation is rendered and enforcement is deemed appropriate the Rules and Government Relations Committee may draft a Resolution of Censure (or any other lesser action deemed appropriate such as an apology etc.), for vote at the next full City Council Meeting. Such resolution will require a 2/3 vote to be made part of the official record.

The President of the City Council shall also have the authority to remove a committee Chair in the event an enforcement of this Code of Ethics is rendered against such a member. Such action shall be based on the recommendation of the Rules and Government relations Committee, with prior notice being given to the members of the affected standing committee. In the absence of this position the most senior continuously serving council member on the affected standing committee shall preside over the election of a new Chair at the next scheduled standing committee meeting. (Rule 19 added May 16, 2012) (Paragraph amended October 3, 2018)

City Council Rules adopted on October 1, 1996. Amended on November 6, 1996, December 3, 1996, September 16, 1997, March 16, 1999, December 7, 1999, October 2, 2001, January 20, 2004, May 1, 2007, January 2, 2008, January 20, 2010, May 16, 2012, January 16, 2013, March 20, 2013, December 4, 2013, February 3, 2016; July 6, 2016, February 14, 2018, October 3, 2018, January 16, 2019, March 20, 2019, June 5, 2019, July 10, 2019 and December 18, 2019.