

**CITY OF SOMERSWORTH, NH**  
**COUNCIL RULES AND REGULATIONS**

**1. Council Meetings**

- A. The Council shall meet in regular session on the first and third Mondays of each month at 7:00 p.m., unless otherwise agreed by a majority of the elected members of the Council. When Monday is a holiday, the regular meeting shall be held on Tuesday following at the same hour, unless otherwise provided by motion. All regular meetings of the Council shall not last beyond 10:00 p.m. unless the rules are so suspended to allow the meeting to continue beyond 10:00 p.m. All business not completed by 10:00 p.m. shall be automatically tabled and referred to the next regular meeting, unless the rules are so suspended to allow the meeting to continue beyond 10:00 p.m. The place of the meeting shall be the Council Chambers at City Hall unless otherwise agreed by a majority of the elected members of the Council.
- B. All City Council Meetings, City Council Special Meetings, and City Council Workshops will be televised on Channel 22 whenever possible.
- C. Special Budget Meeting/s: After the Budget Ordinance Public Hearing, the Mayor shall call at least one (1) Special Council Meeting no later than April 30<sup>th</sup>, for the sole purpose of allowing the City Council to review and deliberate the proposed City Manager's Annual Budget.

**2. Presiding Officer**

- A. The Mayor shall be the presiding officer at all Council meetings. The Mayor shall take the chair precisely at the hour appointed for the meeting and call the members to order. The Mayor shall cause the roll to be called. In the absence or inability of the Mayor to perform said duties the Acting Mayor shall preside and act as Mayor during such absence or disability.
- B. The Mayor or designated presiding officer shall record the minutes of all nonpublic sessions.
- C. The Mayor, or the Acting Mayor if appropriate, shall approve the Council Meeting Agenda to include the scheduling of Agenda Items to be placed onto the Consent Calendar. The City Manager will be available to assist in the setting of the Council Agenda to include the Consent Calendar.
- D. Consent Calendar
  - 1. Items may be placed upon the Consent Calendar if such items have been identified during agenda setting to be routinely approved without discussion or debate, such as prior meeting minutes.

2. The Consent Calendar shall be voted upon as one item unless an item is removed prior to voting. The Presiding Officer shall inquire and any Council Member may request that an item be removed prior to the voting.
3. Removed items will be addressed individually immediately following voting upon the Consent Calendar. All items remaining on the Consent Calendar will be collectively approved by a vote of the Council.

**3. Temporary Chairman**

In the case of the absence of both the Mayor and Acting Mayor, the Clerk shall call the Council to order and call the roll of members. If a quorum is found to be present, the Council shall choose one of its members to act as chair by a plurality of votes until the Mayor or Acting Mayor appears.

**4. City Clerk**

- A. The City Clerk shall be ex-officio Clerk of the Council and shall keep minutes of the meeting, record the membership present and perform such other and further duties as may be ordered by the presiding officer or Council. The Clerk shall also record the names of members coming in after the calling of the roll. The City Clerk shall keep electronic recordings of all regular meetings of the City Council and other such special meetings as may be directed by the presiding officer or Council. The electronic recordings shall be kept on file for five (5) years after the date of each meeting. Within seven calendar days of each meeting, the City Clerk shall provide each Council member, the Mayor, and the City Manager with a copy of the minutes of the previous regular, special or nonpublic meeting. In the absence of the City Clerk, the City Manager shall appoint an Acting Clerk to perform the duties of the clerk during such absence.
- B. The City Clerk shall post public notices of meetings, whether they be regular Council meetings, special Council meetings, regular Standing Committee meetings or Special Committee meetings. The notices shall be posted in two public places, and on Channel 22 and the City's web page.

**5. City Solicitor**

The City Solicitor shall be available to attend all regular and special meetings if requested by the City Manager. In the event the City Solicitor is unable to attend any such meeting, the City Solicitor shall promptly notify the City Manager who may appoint a temporary City Solicitor to attend such meeting.

Any member of the City Council may at any time call upon the City Solicitor for an oral or written opinion to decide any question of law or parliamentary procedure. Upon a written request of three (3) City Councilors, the City Manager shall direct the City Solicitor to attend any regular or special meeting provided the request is filed with the City Clerk by noon three working days preceding the day on which the Council meets. The City Clerk shall immediately notify the City Manager of the request. By a vote of

three (3) City Councilors the City Manager shall direct the City Solicitor to attend the next regular or special meeting. In the event the City Solicitor is unable to attend any such meeting, the City Manager shall appoint a temporary City Solicitor to attend.

## **6. Officers and Employees to Attend**

Department heads and officers of the City, or their designees, shall attend any meeting of the City Council when matters relating to their particular department or office are on the Council agenda. This requirement may be waived by the City Manager as circumstances dictate, provided that notice of such waiver is provided to members of the Council at the time when the meeting agenda is distributed to them. Any member of the Council, after stating a reason, may request the City Manager to direct any department head or officer to attend any meeting. Should the City Manager decline to do so, the requesting member shall be notified promptly, and the request of three (3) members of the Council shall be necessary to require the presence of the department head or officer.

## **7. Order of Business**

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council, by a vote of two-thirds of the members present, shall suspend the rules and change the order:

1. Roll Call of Members
2. Pledge of Allegiance
3. Public Hearings
4. Comments by Visitors
5. Consent Calendar
6. Comments by City Councilors
7. Communications
8. Presentation of Petitions and Disposal Thereof by Reference or Otherwise
9. Mayor's Report
10. Report of Standing Committees
11. Report of Special Committees, City Officers and City Manager
12. Nominations, Appointments and Elections
13. Lay on the Table \*
14. Unfinished Business
15. New Business
16. Comments by Visitors
17. Closing Comments by Council Members
18. Future Agenda Items
19. Nonpublic Sessions (as necessary, pending roll call vote by Council)
20. Adjournment

- \* A. Items voted to Lay on the Table are listed for reference only. Perishable items (i.e. items that must be acted upon within a fixed number of days after a public hearing) shall have the expiration date added to the description of the item.

- \* B. Any Councilor may move to remove any item that Lay on the Table upon receipt of a second and a majority vote of the Council. Items remaining on the table after the expiration date or at the end of the fiscal year shall be dropped.
- \* C. Persons other than members of the Council, the Mayor and City officers and employees shall be permitted to address the Council. A time limit of five (5) minutes per person shall be in effect, unless the Council wishes to suspend the rules. The speaker shall not enter into a debate with any person, the Mayor or Council members. The total time allocation for this agenda item shall be no longer than thirty (30) minutes.

## **8. Filing with Clerk**

Every ordinance, resolution and document to come before the Council for consideration must be filed with the City Clerk by noon three working days preceding the day on which the Council meets. It shall be the duty of the Clerk to have ready for delivery by 5:00 p.m. the following day a brief statement setting forth by number and full descriptive title all ordinances, resolutions and documents to come before the Council for consideration.

## **9. Motion to be Stated by Chair**

When a motion is made and seconded, it shall be stated by the Chair before debate. At the request of any City Councilor, the City Clerk shall put said motion in writing. A motion may not be withdrawn by the mover without the consent of the member seconding it.

## **10. Voting**

Voting on ordinances and resolutions shall be by “roll call vote”, starting with the sponsor of the ordinance or resolution, and in the case of many sponsors the voting shall start with the first name sponsoring the ordinance or resolution. All other voting shall be by “yea” or “nay” voting.

## **10A. Voting on Council or School Board Vacancies**

The Council shall not vote to fill any vacancies on the City Council or School Board until fourteen (14) days after such vacancy has occurred. Such vote may not occur until the said vacancy has been duly posted at City Hall for fourteen (14) days and advertised in a local newspaper three (3) times. It shall take a two-thirds vote of the present membership to suspend said rule. All votes to fill a vacancy on the City Council or School Board shall be by “roll call vote”.

## **11. Anonymous Communications**

Only signed communications shall be introduced and read at Council meetings.

## **12. To Amend Rules**

Council rules may be amended, or new rules adopted, by a two-thirds vote of all members of the Council present. Any such proposed amendment shall be submitted in

writing at the preceding regular meeting, and shall be forwarded to the appropriate Council Standing Committee for review. The Committee shall report back its review of said proposed amendment in a timely manner, and the proposed amendment shall be placed on the agenda under the order of new business. These requirements shall only be waived by a unanimous vote of all Council members present.

### **13. Suspension of Council Rules**

Council rules may be temporarily suspended by a two-thirds vote of the members present and voting.

### **14. Roberts Rules of Order**

Roberts Rules of Order shall be used to decide all parliamentary questions not specifically provided for in these rules.

### **15. Committees**

The Mayor shall have the power to appoint advisory committees as the Mayor deems necessary to serve the Mayor in a clearly defined advisory capacity. The first-named person on each committee shall serve as its Chair.

Minutes of all Council Committee meetings will be provided to all Councilors within a reasonable amount of time.

### **15A. Finishing Timeline of Mission of Appointed Committees**

Any committee, advisors or advisory committee appointed by the Mayor shall have a timeline upon which its service shall expire. Prior to expiration the Mayor may reappoint said committee, advisors or advisory committee for an extended specified length of service.

### **16. Ordinances and Resolutions**

- A. All ordinances and resolutions shall be introduced to the Council in printed or written form with the name of the Council member, or the Mayor, introducing it thereon. Any member of the Council may instruct the City Clerk to endorse the designation "By Request" on any ordinance or resolution which is being introduced in the Councilor's name.
- B. All proposed ordinances shall be reviewed by the City Solicitor and bear his certification that they are in correct form.
- C. The City Clerk shall prepare copies of all proposed ordinances for distribution to all members of the City Council at the meeting at which the ordinance is to be introduced. Whenever any member is absent from such meeting, the City Clerk shall arrange to have copies delivered to that member.

D. All ordinances and resolutions shall pass through the following stages:

1. First reading for information, and if not rejected or otherwise disposed of, referred to the City Solicitor who shall carefully examine them to see if they are in technical form and not repugnant to the laws and Constitution of the State of New Hampshire, nor the Charter and Ordinances of the City of Somersworth, and reported back to the City Council at the next regular meeting.
2. The Mayor may refer any ordinance or resolution to a special or regular committee, in which case the matter shall lay on the table. If not referred to a committee, the ordinance or resolution shall automatically be taken up as unfinished business at the next regular meeting.
3. At the next regular meeting, the ordinance or resolution shall be read by title only, after which secondary reading, the question shall be on the passing of the same.

E. No ordinance shall be amended except upon its second reading.

F. The effective date of each ordinance shall be specified within the ordinance.

### **17. Appointments**

All appointments by the Mayor which require the consent of the Council, once made, shall automatically be laid on the table until the next regular meeting to allow the members of the Council opportunity to properly review the nominee's qualifications.

All nominees are required to complete the City's Application Form for Board, Commissions, and Committees.

All appointments by the Mayor which require consent of the Council, shall be residents of the City.

### **18. Smoking Prohibited**

Smoking shall be prohibited within the Council Chambers at all times.

### **19. Service on Council**

No member of the City Council may serve on two elected bodies within the City. The Council member seeking office in any elected race may retain his/her elected seat on the elected board until such time as the candidate is elected to his/her new position. After successful election, the candidate must then resign his/her former seat.

### **20. E-mail correspondence**

E-mail correspondence will not be used between City Council members to discuss substantive City Council business, although it may be used strictly for administrative matters such as scheduling a special meeting.

Passed 01/20/1986

Amended 01/05/1987

Amended 03/07/1988

Amended 03/20/1989

Amended 06/03/1991

Amended 02/24/1992

Amended 08/16/1993

Amended 03/21/1994

Amended 02/17/1998

Amended 08/12/2002

Amended 09/16/2002

Amended 05/01/2006

Amended 09/17/2007

Amended 07/14/2008

Amended 02/04/2013 (Section 7 – Added #5. Announcements by City Councilors, p. 2)

Amended 01/08/2014 (Section 17 – Added 2<sup>nd</sup> paragraph, p. 6)

Amended 01/21/2014 (Section 4.A – Changed one year to five years, p. 1)

Amended 12/07/2015 (Section 17 – Added 3<sup>rd</sup> paragraph, p.6)

Amended 05/01/2017 (Section 7 – Changed #5, to ‘Comments’ by City Councilors)

Amended 05/21/2018 (Section 2 – Added C. and D. Consent Calendar)

(Section 7 – Added #5. Consent Calendar and renumber)

(Section 8 – Deleted wording. Resolution 33-18)

Amended 10/07/2019 (Section 1 – Added C. Special Budget Meeting, Res 16-20)