COMMITTEE ON ELECTIONS, RULES, ORDINANCES, ORDERS AND CLAIMS
MAY 11, 2009
Minutes

Councilor Michael Bardsley, Chair
Councilor Robert Reckman
Councilor David Narkewicz

Chairman Bardsley opened the meeting at 6:00 P.M., in City Council Chambers, Wallace J. Puchalski Municipal Building, 212 Main Street, Northampton, on the following:

- **CLAIMS –**

  - **Steven Lucas – Property Damage of March 14, 2009**

Mr. Lucas was present. His car hitting a pothole caused his damage. The pothole had been called in on March 11, 2009. He understands that the City is in tough budget constraints. He is asking for up to $199.00 for replacement of his tire rims. These would cost $240-$270.00 each directly from the dealer. He is willing to search on Ebay to find rims at much less cost. Councilor Reckman stated that the Committee appreciates Mr. Lucas' willingness to get a much lower cost of replacements.

Councilor Narkewicz moved approval of reimbursement up to $199.00, pending a paid bill and release from the claimant; Councilor Reckman seconded. The vote passed unanimously (3-0).

  - **Catharine Morrish – Property Damage of January 1, 2008**

Ms. Moorish was not present. Her lawn damage was caused by a City snowplow, and the City replanted seed in late autumn of 2008, which did not grow.

Councilor Reckman moved approval of reimbursement of $132.00; Councilor Narkewicz seconded. The vote passed unanimously (3-0).

  - **Peoples Institute – Property Damage of March 1, 2009**

Councilor Reckman moved to deny the claim; Councilor Narkewicz seconded.

Discussion was held regarding this fence and the DPW's role in plowing/pushing the snow against. City Solicitor Janet Sheppard and Councilors viewed color photos of the fence and memo received from Ned Huntley, DPW Director.

Councilor Reckman withdrew his motion to deny and moved approval of reimbursement of $558.00; Councilor Narkewicz seconded. The vote passed unanimously (3-0). The clerk was instructed to also notify Ned Huntley, DPW

Director and ask him to send someone from DPW to Peoples Institute to discuss how to avoid this damage in the future.

- **Hannah Filkins – Property Damage of March 5, 2009**

There was no prior notice of this pothole to the City.

Councilor Reckman moved to deny the claim; Councilor Narkewicz seconded. The vote passed unanimously (3-0).

- **Joyce Orzel – Property Damage of March 12, 2009**

There was no prior notice of this pothole to the City.

Councilor Reckman moved to deny the claim; Councilor Narkewicz seconded. The vote passed unanimously (3-0).

- **Bridget Boudreault/Ben Easton – Property Damage of March 12, 2009**

There was no prior notice of this pothole to the City.

Councilor Narkewicz moved to deny the claim; Councilor Reckman seconded. The vote passed unanimously (3-0).

- **6:30 PM – PUBLIC FORUM - AD HOC COMMITTEE ON BEST PRACTICES IN NORTHAMPTON DECISION-MAKING MANUAL – REVIEW –**

  9. "Review City Council Rules and procedures, and City Ordinances, in relationship to best practices goals and guidelines" (Page 8)

The Committee discussed the City Council Rules (last amended October 2, 2008). Suggested changes are:

Section 1: Update the edition and year of Robert's Rules of Order.
Section 16: Consider having the opening public comment session be only about items that are not on the agenda. The public would be requested to weigh in on agenda items before Council discusses. This would make meetings longer. The Council might also want to put the time limit into the rules at the discretion of the chair. The time limits would be the same for public comment in either context.
Section 22: Eliminate
Section 46: Eliminate reference to videotapes and substitute video records.

This may be discussed further at future meetings of this Committee.

- **ORDINANCES:**

  - Amend 312-67 A keep right sign be installed in the locations listed (Route 9/Look Park)
    (Referred to Ordinance Committee 6/5/08, PENDING)

  - Amend 312-112 A One-Way Street sign be installed at the locations listed (Route 9/Look Park)
    (Referred to Ordinance Committee 6/5/08, PENDING)

  - Amend 312-113 A yield sign be installed at the locations listed (Route 9/Look Park)
    (Referred to Ordinance Committee 6/5/08, PENDING)

The above three Ordinances are pending.

  - Amend Section 312-102 Parking Prohibited At All Times (Referred from City Council on April 16, 2009 to Transportation and Parking Commission and Committee on Elections, Rules, Ordinances, Orders and Claims)

Councilor Narkewicz stated that Transportation and Parking Commission voted to approve this Ordinance at their April 21, 2009 meeting with amended changes to read "Round Hill Road – Easterly Side – To a point 75' Northerly".

Councilor Narkewicz moved approval of the Ordinance as amended by Transportation and Parking Commission on April 21, 2009; Councilor Reckman seconded. The vote passed unanimously (3-0). The Ordinance will go before City Council on May 21, 2009.

- **APPROVAL OF MINUTES – APRIL 13, 2009**

Councilor Reckman moved approval of the minutes of April 13, 2009; Councilor Narkewicz seconded. The vote passed unanimously (3-0).

- **NEW BUSINESS**

  - Amend §350-11.4 Expedited Permitting Process for Renewable/Alternative Energy Facility (Referred by City Council May 7, 2009 to Planning Board, Committee on Economic Development, Housing and Land Use and Committee on Elections, Rules, Ordinances, Orders and Claims)

This must go on June 8, 2009 agenda of this Committee, awaiting review by Planning Board and Committee on Economic Development, Housing and Land Use.

At 7:48 pm, a motion to adjourn was made by Councilor Reckman and seconded by Councilor Narkewicz. The vote passed unanimously (3-0).

Next meeting is June 8, 2009 at 6:00 PM.

Amended October 2, 2008

CITY OF NORTHAMPTON

COUNCIL RULES
2008-2009 SESSION
TABLE OF CONTENTS

Rules Governing Meetings

Section 1 Modes of Proceeding not Covered by Rules
Section 2 Suspension of Council Rules
Section 3 Repeal or Amendment of Rules
Section 4 Quorums

Duties/Role of Mayor

Section 5 Mayor to be Presiding Officer
Section 6 Presiding Officer in Absence of the Mayor
Section 7 Mayor's Right to Leave Chair

Council President

Section 8 Nominees for President Present Qualification

Meeting Format/Requirements

Section 9 Calling Meetings to Order
Section 10 Order of Business
Section 11 Action of City Council to be Recorded by Clerk of the Council
Section 12 Minutes of Previous Meeting
Section 13 Terms of Expression
Section 14 Number of Readings Required
Section 15 Conduct
Section 16 Open Period for Public to Address Council
Section 17 Introduction of New Business
Section 18 Recess During City Council Meetings
Section 19 Priority of Motions
Section 20 Order of Speaking
Section 21 Voting Prohibited when Member Interested
Section 22 Reference to Members by Name Prohibited in Debate
Section 23 Reconsideration
Section 24 Order During Debate
Section 25 Deciding Votes
Section 26 Roll Call Votes
Section 27 Method of Recording Roll Call Votes
Section 28 Ending Time of Meeting

Council Committees

Section 29 Committee Appointees to be Notified
Section 30 Finance Committee-Reference and Report
Section 31 Reference to Committees
Section 32 Committees Duty to Meet and Report
Section 33 Reports of Committees and Certification by Clerk
Section 34 Committee Chair - Meetings
Section 35 Duties of Chairperson of the Committees of the City Council
Section 36 Reports to be in Writing-Copies

Council Administration

Section 37 Notice of Elections
Section 38 Special Permit Granting Authority
Section 39 Time for Filing Business Transacted at Meetings
Section 40 Ordinances – Forms etc.
Section 41 Proposed New Ordinances
Section 42 Limitation of Amendments
Section 43 Sponsors to Sign Orders
Section 44 Clerk of the Council
Section 45 Custody of Books, Documents and Papers
Section 46 Video Tape of Previous Meeting
Section 47 Papers addressed to City Council

Miscellaneous & Council Seating

Section 48 Prohibition as to Seating
Section 49 Seating Arrangements

Amended October 2, 2008

CITY OF NORTHAMPTON

MASSACHUSETTS

RULES AND ORDERS OF THE CITY COUNCIL OF THE CITY OF NORTHAMPTON - for 2008-2009

Rules Governing Meetings

Section 1 MODES OF PROCEEDING NOT COVERED BY RULES. When the City Council is in session and there occurs any differences of opinion in regard to modes of proceeding not otherwise provided for as specified in the Charter and City Ordinances, the City Council shall be governed by parliamentary practices as set forth in "Robert's Rules of Order," *Robert's Rules of Order Newly Revised, Tenth Edition, 2000.* ← MOST CURRENT VERSION!

Section 2 SUSPENSION OF COUNCIL RULES. Suspension of these rules or any part thereof shall require a vote of five (5) members of the Council.

Section 3 REPEAL OR AMENDMENT OF RULES. No rules or orders of the City Council shall be repealed or amended except upon three days' notice being given of the motion thereof, and by the affirmative vote of five members of the City Council in accordance with Section 2 above.

Section 4 QUORUMS. A quorum shall consist of the Mayor and five Councilors, or, in the absence of the Mayor, not less than six Councilors. The Mayor shall not have the right to vote on any questions.

Duties/Role of Mayor

Section 5 MAYOR TO BE PRESIDING OFFICER. The Mayor shall act as presiding officer of the City Council at every meeting at which Mayor is present. The duties as presiding officer shall be only those set forth herein:

1. To open the meeting at the appointed time by taking the chair, calling the meeting to order, and ascertaining that a quorum is present;
2. To announce in proper sequence the business that comes before the City Council;
3. To recognize members who are entitled to the floor;
4. To state and to put to vote all questions that legitimately come before the assembly as motions or that otherwise arise in the course of

proceedings (except questions that relate to the presiding officer as noted below), and to announce the result of each vote or, if a motion that is not in order is made, to rule it out of order; or, to refuse to recognize obviously frivolous or dilatory motions; *(Dilatory Motions are defined in Robert's Rules, Chapter VI, Section 13, pages 164 & 165; and in Chapter X, Section 39, pages 331 & 332).*

5. To enforce the rules relating to debate and to order and decorum;
6. To expedite business in every way compatible with the rights of all members of the body;
7. To decide all questions of order, subject to an appeal to the City Council by motion regularly seconded; and no other business shall be in order until the questions on the appeal shall have been decided;
8. To respond to inquiries of City Councilors relating to parliamentary procedure or factual information bearing on the business of the City Council;
9. To declare the meeting adjourned when the City Council so votes or, where applicable, at the time prescribed in the order of business, or at any time in the event of a sudden emergency affecting the safety of those present.

Section 6 PRESIDING OFFICER IN ABSENCE OF MAYOR. In the case of a vacancy or in the absence of the Mayor, the President of the City Council shall preside and shall retain voting privileges. At a duly called meeting of the City Council when both the Mayor and President are absent, the City Council may elect by majority vote, a President pro-tempore, who shall preside for that meeting and shall retain voting privileges.

Section 7 MAYOR'S RIGHT TO LEAVE CHAIR. After any meeting is organized, the Mayor being present, the Mayor shall have the right to leave the chair, and in the absence of the President, appoint a City Councilor to perform the duties thereof, but only for that day, or during the meeting.

Council President

Section 8 NOMINEES FOR PRESIDENT PRESENT QUALIFICATION. At any meeting when a City Council President is to be elected, and after nominations are made by members of the Council, candidates may present their qualifications to perform duties of President, and state how their Presidency

will result in making Council functions most responsive to city residents' concerns.

Meeting Format/Requirements

Section 9 CALLING MEETINGS TO ORDER. The Mayor shall call the City Council to order at the time appointed for the meeting or to which it may have adjourned, if a quorum be present, which shall be determined by calling the roll. The names of members not present at the meeting shall be recorded by the Clerk of the Council.

Section 10 ORDER OF BUSINESS.
The order of business at every regular meeting of the Council shall be as follows:

1. Roll Call;
2. Approval of minutes of the previous meeting;
3. Proclamations and Resolutions
4. Appointments, Elections and Public Hearings;
5. Licenses;
6. Reports of Committees
7. Financial Orders
8. Orders and Ordinances;
9. Updates from Council President and Committee Chairs:
10. New Business

The agenda shall be published in this manner and adhered to at all meetings unless changed by a majority vote of the Council upon the request of any member of the Council.

Section 11 ACTION OF CITY COUNCIL TO BE RECORDED BY CLERK OF THE COUNCIL. The Clerk of the Council shall keep a brief record of the votes and proceedings of the City Council, entering thereon all accepted resolutions, orders, and ordinances, shall notice reports and memorial, and other papers submitted to the City Council only by their titles or a brief description of their purport.

Section 12 MINUTES OF PREVIOUS MEETING. The Clerk of the Council shall submit minutes of the previous meeting with the council agenda, at the next regular scheduled meeting of the City Council. Said minutes shall contain

a brief description of all resolutions, orders, and ordinances as adopted by the City Council and shall not be limited to the following:

1. Date of council meeting
2. Action taken, and vote of the council
3. Moved by, seconded by

Section 13 TERMS OF EXPRESSION. In all votes, in which the City Council expresses anything by way of command, the term of the expression shall be "Ordered" (except in case of ordinances), and whenever it expresses opinions, principals, facts or purposes, the form of expression shall be "Resolved."

Section 14 NUMBER OF READINGS REQUIRED. Every order or resolution or ordinance shall have two separate readings on two separate days, in the City Council, at each of which readings the question shall be on passing the same. When the same shall have passed two readings, it shall be signed by the clerk and signed by the Enrollment Committee. After having passed two readings, each order, joint resolution or ordinance shall be presented to the Mayor for approval. This section may be suspended for a specific purpose by the affirmative vote of six or more members of the City Council.

Section 15 CONDUCT. All conduct at City Council meetings shall be civil and respectful including Councilors, those addressing the Council and members of the public.

* **Section 16 OPEN PERIOD FOR PUBLIC TO ADDRESS COUNCIL.** For a period of time to be determined by the presiding officer preceding each City Council meeting, individual members of the public shall be permitted to address the Council on any matter. The duration of the public session may be extended at the discretion of the Chair. Individuals wishing to speak will be recognized by the chair and must state their name and address to the clerk. The chair shall determine and announce the amount of time that individuals have to speak. The presiding officer shall rule out of order during the public comment session of the Finance Committee or City Council meetings any remarks that clearly constitute defamation, with due regard for the distinction between elected officials and city employees who are public figures and those city employees who are not public figures. * Amended by Council vote 3/15/07

Section 17 INTRODUCTION OF NEW BUSINESS. New business may be introduced by any member of the City Council in keeping with Section 14.

Section 18 RECESS DURING CITY COUNCIL MEETINGS. The Mayor or presiding officer shall provide for brief recesses at appropriate intervals during the meetings.

Section 19 PRIORITY OF MOTIONS. When a question is under debate the presiding officer shall receive no motion but to adjourn, to lay on the table, for the previous question, to postpone to a certain day, to commit, to amend, or to postpone indefinitely. These several motions shall have precedence in the foregoing order, and debate upon any of them shall be in conformity with Robert's Rules of Order.

Section 20 ORDER OF SPEAKING. No person shall speak more than once on a question, to the prevention of any other who has not spoken, and is desirous to speak.

Section 21 VOTING PROHIBITED WHEN MEMBER INTERESTED. No member shall be permitted to vote on any question or serve on any committee where the member's private interest is immediately concerned distinctly from that of the public in accordance with M.G.L., Chapter 30, § 22 and 23 inclusive.

DELETE

Section 22 REFERENCE TO MEMBERS BY NAME, PROHIBITED IN DEBATE. No member or the Chair shall be mentioned in debate by given name; but may be described by the place which the member occupies, the ward which the member represents or by such other designation as may be intelligible and respectful.

Section 23 RECONSIDERATION.

A. When a vote has passed, except for adjournment or to lay on the table, any member voting with the majority may move a reconsideration, to be acted upon at the same meeting.

B. Any member voting with the minority may move a reconsideration to be acted upon at the next meeting. Minority reconsideration shall have priority over majority reconsideration. The intent of

minority reconsideration is to allow time for the submission of new or additional information.

C. No motion shall be twice reconsidered.

D. Reconsideration shall not be used in a dilatory manner (Council Rules, Section 18, item 4). Minority Reconsideration shall be ruled out of order by the presiding officer if such reconsideration would in effect defeat the majority vote of the City Council.

Section 24 ORDER DURING DEBATE. No member should be interrupted while speaking, but by a call to order, or a request for information, or a question of privilege to appeal a discussion from the chair, or for the correction of a mistake, nor shall there be any conversation among the members while a paper is being read, or a question stated from the chair.

Section 25 DECIDING VOTES. The chair shall decide all votes, but if a member rises to doubt a vote the chair shall order a roll call vote.

Section 26 ROLL CALL VOTES. Any member may request a roll call vote on any question before the City Council and the Clerk shall take the census of the Council in that manner.

Section 27 METHOD OF RECORDING ROLL CALL VOTES. Roll call votes shall be conducted by this method. The first roll call vote of every session of the City Council shall be in alphabetical order. Each roll call vote after that shall progress to the next City Councilor in the alphabet to be the first Councilor voting, so that at the end of every nine roll call votes each Councilor has by alphabetical progression voted first in one of the nine roll call votes.

Section 28 ENDING TIME OF MEETING. Council Meetings shall end no later than 11:00 p.m.

Committees

Section 29 COMMITTEE APPOINTEES TO BE NOTIFIED. The Clerk of the Council shall notify the appointee, in writing, upon their appointment to such committee.

Section 30 FINANCE COMMITTEE - REFERENCE AND REPORT. Every order and resolution authorizing a loan, the levying of a tax or the expenditure of money (with the exception of the printing of the annual reports) shall be referred to the Committee on Finance before being presented to the City Council. It shall be the duty of such committee to report on the relation of such order, resolution, levy or expenditures to the finances of the City, but new provisions shall not be added to such resolution, order, levy or expenditure by said Committee unless directly connected with the financial features thereof, and then by recommendation only.

Section 31 REFERENCE TO COMMITTEES. When any matter is referred to a commission, board, authority, or committee of any agency of the City of Northampton, or to a committee of the City Council, the Clerk of the Council shall notify the chair of said commission, board, authority, or committee of any agency of the City of Northampton, or committee of the City Council of such reference and furnish thereto a copy of the original of all votes or papers pertaining to the subject matter referred. Any committee, board, authority or commission shall report to the Council approval, disapproval or return without recommendation, all in accordance with the City Charter.

Section 32 COMMITTEE'S DUTY TO MEET AND REPORT. It shall be the duty of every Committee of the City Council to hold an initial meeting and set a schedule of meetings within 60 days of the constitution of a new City Council. Once the committee has determined the time and place of its meeting it shall notify the City Council President and the Clerk of the Council. The time and place of said meetings shall be published in accordance with the Open Meeting Law.

It shall be the duty of every commission, board, authority, or committee of any agency of the City of Northampton, or committee of the City Council, to whom any subject shall be specifically referred, to report thereon within 60 days to the City Council President or designee unless otherwise ordered by Federal and State Laws or City Ordinances or report back asking for further time giving specific reasons why additional time is needed.

Section 33 REPORTS OF COMMITTEES AND CERTIFICATION BY CLERK. Committees of the Council shall have their reports made in writing and presented for consideration by the full Council at the regular meetings. No Committee shall act by separate consultation, and no reports, except minority

reports, shall be received, unless they have been agreed to in Committee actually assembled; which fact shall be certified by its clerk, and no report shall be accepted recommending the expending of money unless accompanied by a careful estimate of the amount required.

Section 34 COMMITTEE CHAIR - MEETINGS. The Mayor shall be, ex officio, chair of any committee of which Mayor is a member and of other committees, and whenever the chair of any such committee shall fail to call a meeting of its members for the space of ten days from the time any subject has been referred to it, after having been requested to do so, any two of the members of any such committee shall have the power to call meetings thereof.

Section 35 DUTIES OF CHAIRPERSON OF THE COMMITTEES OF THE CITY COUNCIL. When any matter is to be referred out-of committee to the City Council, the Chairperson of a committee shall notify the Clerk of the Council, in writing not later than on or before noon on the Friday previous to the date of the Council meeting at which it will be reported out of a committee.

Upon receipt of such information, the Clerk of the Council, will place the information on the Council meeting agenda.

Section 36 REPORTS TO BE IN WRITING - COPIES. All reports and other papers submitted to the City Council shall be legible and whenever possible, in electronic format and the Clerk of the Council shall make copies of any papers to be reported by committee at the request of the respective chair thereof.

Council Administration

Section 37 NOTICE OF ELECTIONS - NUMBER REQUIRED TO ELECT. A time shall be assigned to all elections by the City Council at least three days previous thereto. To elect a person to any of the boards, or commissions, or any offices regularly filled by vote of the City Council, a majority of five affirmative votes shall be required.

Section 38 SPECIAL PERMIT GRANTING AUTHORITY.

Purpose & Intent

These Bylaws and Rules of Procedure shall govern the operation of meetings and business before the Northampton City Council in carrying out its duties and responsibilities as assigned to it by the ordinances of the City of Northampton and the General Laws of the Commonwealth of Massachusetts. Where there appears any conflict between these Rules and either state laws or the City Charter, the Law and Charter shall govern.

For any item of parliamentary procedure not governed by these rules or by appropriate laws the provisions of Robert's Rules of Order (Revised) will govern.

Chair/Moderator

I. Selection of a Chair/Moderator

The Mayor or City Council President will chair the hearing per Article II of the City Charter.

Meetings and Hearings

II. Notice of Public Hearings

Notice of hearings shall be advertised as required by the provisions of General Law Chapter 40A, see law attached. A copy of the Notice shall be sent by mail, in a timely manner prior to the date of the hearing, postage prepaid, to the applicant, to "parties of interest" as defined in MGL Ch. 40A, as they appear on the most recent tax list. Notice of hearings held pursuant to MGL Ch. 40A, shall be filed with the City Clerk and posted a minimum of fourteen (14) days in advance of the date of the hearing. In addition to the legally required notices the City Council will make every effort to publish this notice broadly so the public will be fully informed, methods might include the City website, email distribution list and Northampton Community Television.

III. Calling of Public Hearing

Public hearings will be conducted.

IV. Public Hearings

1. Public hearings will be advertised in accordance with the applicable provisions of the State Statues that governs it.
2. Public hearings, when called, will be conducted in the following manner:
    A. The Chair will announce that it is time for a Public Hearing and will announce the subject of such hearing.
    B. The Chair will review evidence of adequate advertisement and legal notice and, if found to be appropriate and proper according to law, will have the advertisement read into the record. The Chair will then explain the procedure to be followed, including the time limits on speakers' and the fact that each speaker shall give his

name and address for the record. By majority vote the City Council may extend the time granted to a particular speaker by the Chair. The chair may limit testimony that is repetitive.

C. The Chair will report on any new or changed information pertinent to the subject, if any, and then have read into the record all memoranda, opinions, comments and recommendations or City departments or boards pertinent to the matter.
D. The applicant will be given a reasonable amount of time to make a presentation regarding the matter.
E. Other persons supporting the position of the proponenets will then be allowed to express the fact of their support and to present such supportive information as was not included in the initial or previous presentations. A five-minute time limit shall apply but the Council could extend the time on a majority vote.
F. Before opponents to an application or petition are called to speak, a member of the Council, may move for invocation of a summary procedure and, if seconded and approved by a majority of the quorum, may subsequently move to deny the request made by the applicant, based on a finding that the evidence presented was not adequate to justify the request. If the motion for denial is then seconded and is approved by the quorum, the public hearing may be deemed complete.
G. Those persons speaking in opposition to the position taken by the principal proponent are then allowed to speak, each being allowed to express the fact of his opposition and to present such supportive information as was not included in previous presentations before the Council. A five-minute time limit shall apply and the Council could extend the time on a majority vote.
H. After all opponents have been heard, the Chair will then allow the proponent and or project staff person to respond to any issues/questions raised by the opponents.
I. After the proponents have responded to the opponents, the opponents shall have an additional opportunity to respond, the chair shall determine which opponent shall respond at which time. A three minute time limit shall apply but the Council may extend the time by majority vote. The motion to extend time is non-debatable.
J. The Chair will then enter all documents received concerning the matter into the record. The applicant or project staff may then answer any questions raised in the letters.
K. If new information is presented the Chair or the Council may allow additional time for the appropriate party to respond. Immediately or in writing later but before the close of the public hearing.
L. The Chair will then hear questions from the general public regarding aspects/issues that have not been addressed in previous testimony. The chair shall refer questions to the appropriate person and may rule questions out of order if the subjects of the questions have already been addressed. Questions may also be submitted in writing.
M. At any point, a public hearing may be continued or postponed to a time, place and date certain, provided that these rules and procedures are adhered to when it is resumed, or may be continued or postponed to a time, place and date not certain, providing required advertising and notice procedures are followed to announce the time, place and date of resumption. Each meeting is a continuation of the same public hearing.

V. Votes of the Council

Unless otherwise stated within these Rules and Regulations or as stated within applicable statues and regulations of the Commonwealth of Massachusetts, the majority of the City Council is required for a passing vote, except for Special Permits, where a 2/3 majority of the Council is required for a passing vote.

VI. Site Inspector for Public Hearings

City Council members shall make site inspections. Members of the press may be invited to said inspections.

Applications before the City Council

VII. Permit Applications

Applications for a Special Permit before the City Council shall be prepared in accordance with the procedures in the Northampton Zoning Ordinance and the instruction on and attached to the application form. Every application for action by the Council shall be made on the official application form, and as approved by the Council and adopted by reference in these Bylaws and Rules of Procedure.

Section 39 TIME FOR FILING BUSINESS TO BE TRANSACTED AT MEETINGS. All orders, ordinances, resolves, contracts and written business to be transacted by the City Council shall be filed with the Clerk of the Council on or before noon on the Friday previous to the date of the meeting at which it is to be first considered. No so-called "late filings" received after Friday noon prior to the date of the Council meeting shall be considered unless it is for a specific purpose and receives an affirmative vote of five (5) members of the Council.

Section 40 ORDINANCES - ENACTING STYLE - FORMS AND NUMBERING. All by-laws passed by the City Council shall be termed "Ordinances," and the enacting style, which shall be but once recited in each ordinance, shall be "Be it ordained by the City Council of the City of Northampton in City Council assembled, as follows."

There shall be three forms printed; one for the addition of a section to the Code of Ordinances, one for the amendment of a section, and one for the repeal of a section. All ordinances proposed to the City Council shall be presented on one of the three forms prepared.

Section 41 PROPOSED NEW ORDINANCES - REFERENCE TO CITY SOLICITOR AND COMMITTEE. Every proposed new ordinance or ordinance amendment to be submitted for City Council action shall;

a) be first submitted by the sponsor to the City Solicitor for examination and approval as to form and legal character. If there is a disagreement between the City Solicitor and the sponsor regarding the correct form or legal character or if the approval of the City Solicitor does not occur within 30 days, the sponsor may request of any member of the Ordinance Committee that the matter be placed on the agenda of that Committee for resolution as to how the proposed new ordinance will be initially referred to the full council. The Ordinance Committee shall attach a report outlining the differences of opinion regarding form or legal character to the proposed new ordinance or amendment.

b) be forwarded by the City Solicitor to the Mayor for placement on the agenda of the City Council meeting. If the proposed new ordinance or amendment has not been placed on the agenda within 30 days of being forwarded by the City Solicitor, the sponsor may refer the matter to the Ordinance Committee, which may decide to move the proposal forward to the City Council.

c) be referred by the City Council to the appropriate committees of the Council and any other boards, authorities or commissions of the City as is deemed appropriate by the Council for action, approval and/or recommendation. In any event, no proposed new ordinance or ordinance amendment shall be considered by the City Council until it shall have been first referred to the Committee on Elections, Rules, Ordinances, Orders, and Claims. The sponsor of the proposed new ordinance or amendment shall submit to the City Council a brief factual explanation of the intent of the proposed change.

d) have any amendment made by any committee, board, authority or commission to an ordinance approved as to legal form and character by the City Solicitor prior to enactment of said amendment by the City Council.

Section 42 LIMITATION OF AMENDMENTS. No motion or proposition on a subject different than that under consideration shall be admitted under color of an amendment.

Section 43 SPONSORS TO SIGN ORDERS, ETC. All orders, ordinances, resolves or written business, other than routine matters, shall be signed by the person or persons, Board, Committee, or group, sponsoring the same. A Councilor sponsoring orders, ordinances, resolves or written business, may be privileged to show after the name of the Councilor, the comment "by request of constituent."

Section 44 CLERK OF THE COUNCIL. The Clerk of the Council shall be appointed by the City Council. In the case of a vacancy, the Mayor shall submit to the City Council the name of an individual who, upon receiving a majority vote in the City Council, shall serve as clerk pro-tempore.

Section 45 CUSTODY OF BOOKS, DOCUMENTS AND PAPERS. The books, documents and papers belonging to the City Council shall be in the care of the Clerk of the Council, who shall keep an accurate list thereof and no book, document or paper shall be taken therefrom by any person without giving notice to the Clerk, who shall enter the names of the persons taking the same in a book kept for that purpose.

Section 46 VIDEO ~~TAPE~~ RECORD OF PREVIOUS MEETING TO BE INCLUDED AS PART OF THE MINUTES. Two (2) video ~~tapes~~ RECORDS secured from Cable company or its successors that record the entire Council meeting shall be included as a section of the minutes of the previous meeting. One copy shall be sent to Forbes Library and one copy shall be secured. It will be understood that all Councilors approving the minutes will be voting to accept the video~~tape~~ RECORD, not as a sole representation of the meeting, but as a supporting document. Since not every Councilor will have been able to look at every ~~tape~~ VIDEO RECORD of every meeting, it will be held as a matter of fact that the ~~tape~~ VIDEO RECORD is complete and true only if supporting written corroboration of votes and actions taken are submitted along with the ~~tape.~~ VIDEO RECORD

Section 47 PAPERS ADDRESSED TO CITY COUNCIL. All papers addressed to the Council shall be presented by the President of the Council or by a member in his\her place, and shall be read by the President of the Council, Clerk or such other person as the President of the Council may request.

Miscellaneous & Council Seating

Section 48 PROHIBITIONS AS TO SEATING. No person not a member of the City Council shall occupy or sit in a Councilor's chair while the City Council is in session.

Section 49 SEATING ARRANGEMENTS. The seating arrangement for the members of the City Council shall be determined at the first meeting of a new Session.