

**COMMITTEE TO REVIEW TOWN COUNCIL RULES AND TOWN CODE**  
Selectmen's Conference Room 2<sup>nd</sup> Floor Town Hall Building  
367 Main Street Hyannis, MA 02601

August 27, 2024  
5:00pm

**MEETING MINUTES**

Councilor Betty Ludtke opened the meeting of the Committee to Review Town Council Rules and Town Code in the Selectmen's Conference Room at 5:00pm and made the following announcement:

This meeting is being recorded and will be rebroadcast on the Town of Barnstable's Government Access Channel. In accordance with Massachusetts General Laws Chapter 30A, Section 20, the Administrator must inquire whether anyone else is recording this meeting and, if so, please make their presence known. This meeting will be replayed via Xfinity Channel 8 or high-definition Channel 1072. It may also be accessed via the Government Access Channel live video on demand archives on the Town of Barnstable's website: <https://streaming85.townofbarnstable.us/CablecastPublicSite/?channel=1>

The Administrator to the Town Council took a Roll call, all members present in the Selectmen's Conference Room with the exception of Councilor Clark

Also in Attendance was Karen Nober, Town Attorney and Allison Cogliano, Assistant Town Attorney

The Chair of Committee asked for public comment from those attending and via the Zoom link provided to the Public.

Larry Morin, Cotuit submitted the following for the July 30, 2024 meeting and was here tonight to ask the members if they had any questions regarding what he submitted, he would be happy to answer any of them.

FIRST DRAFT AD HOC (TCR) for 7/30 meeting ( asked about the document at the 8/27 meeting)

To: Kris Clark, Chair; Craig Tamash, Kristin Terkelsen, Betty Ludtke and Seth Burdick, and Karen Nober, Town Attorney as a "courtesy copy".

What follows are my comments regarding each of the following Town Council Rules (10-3-2019) as well as the initial set of changes as proposed by the Town Attorney. This First Set of Comments is subject to further edits based on comments during each of the Ad Hoc Committee's meeting and any further proposed changes. It is requested that any member of this Committee provide her/his thoughts about these changes.

Rule 1. Council Officers  
the proposed changes as of the 6/25/24 meeting, no additional proposed changes at this time

Rule 2. Role of Counsel President  
at the end of the third sentence, the phrase "subject to the approval of the Council" is unnecessary and could be deleted. Otherwise, there are no additional proposed changes at this time.

Rule 3. Presiding Officer to a logical extent, this seems to be duplicitous and adds very little to the useful rules. The three sentences lined out in green are "obvious" but the following provisions are suggested nonetheless:

The current Rule 13 should be deleted and replaced here with the following:

Dependent on any reasons as to why the President and/or Vice President are not able to retain their respective positions and/or to not be able to appear, the decisions and options for replacing either of them, whether temporary or permanently, these positions shall not be designated as “vacant” until the status has been discussed and confirmed by a roll call vote of the entire Council, whereupon replacements and other related decisions and assignments shall be determined.

#### Rule 4. Duties of the Presiding Officer(s)

At first glance, the description of these activities is reminiscent of kindergarten. It is my opinion that this rule be re-written or merged into other rules, such as quorum and voting provisions that follow.

Rule 5. TYPES OF MEETINGS CONVENED AND HELD BY TOWN COUNCIL Should add: DEFINITIONS AND REQUIREMENTS (break down into the following types of meetings, present separately and clearly with subsections): with reference to “Clerk of Council”, is that the Town Clerk(s) or Administrative Clerk? Regarding “rotating” council member to act as “president” in the absence of President and Vice President, it would be much better either to have alternate council members designated/assigned, or simply ask the council members: “which one(s) of you are willing and able to serve as “Acting or Interim President or Vice President?”.

#### Rule 5A.

The following are the types, purposes and guidelines for meetings are:

1. Regular Meetings (Open for Public Comments)  
references to Town Council under Code Sec. 220-1  
why only one meeting for the months of July and August  
(see original 5B)?

Delete and Replace Current Rule 5D. FILING DEADLINES FOR REGULAR MEETINGS and include with “Regular Meetings”.

Delete and Replace current Rule 5D. FILING FOR DEADLINES FOR REGULAR MEETINGS and retain here as part of Rule 5A. 1. as follows:

Any of the items of business to be presented to the Town Council..... shall be submitted in writing to the Administrative Assistant/Clerk of the Council for prompt delivery to the President or to any other designated Council Member. Thereafter, the proposed item may be submitted to the Town Attorney and/or the Director of Finance based upon the relevance of the content as determined by the President of his/her designee but not for editing or controlling the content or purpose of the filing.

2. Special Meetings (Open for Public Comments) basically okay for now (but may warrant discussion and changes).

3. Open Meeting Law Requirements and Compliance amend Code Sec. 220 to include specific references to the OML  
why does this apply only to the Town Council? Why not to the -- Town Manager? (refer to Administrative Code Sec. 241) -- all Boards, Committees and Commissions?

what about references to all Town Code Sections and other authorities if any of the measure items are for OML Complaints being filed?

There is no mention in the Town Charter or Town Council Code 220 as to Open Meeting Law compliance. [SEE KN3]

If an OML Complaint is brought against “the Town (any department)”, the Agenda and Message posting has got to be much better than as posted for the 7/18/24 matter!

Regarding “votes taken in Executive sessions”, the first matter to be posted must state that votes will be taken in response to wording of specific questions!

Roll call votes may be sufficient, but the minutes must disclose what the votes were: .....in favor of, ..... opposed to.... Or ... did not vote.

New Rule 5B.

EXECUTIVE SESSIONS (THIS SECTION DESERVES ITS OWN SECTION NUMBER)

why limited only to the Town Council? What about Town manager, and all boards, committees and commissions?

Dealing with stating and explaining the Purposes of convening an Executive Session:

Why was the phrase “**Purposes Warranting Executive Session:**” deleted? If anything it should be expanded and explained not only for the council members but especially for the public.

With respect to “citing the reasonS for using and going into Executive Session”, the reasons must be specified much more clearly than has been provided. List all of the reasons and state verbally by the presiding officer who presents the announcement.

The first listed “reason” should be **for matters and measures either presently in pending litigation, or for which litigation may reasonably be anticipated:**

The Second listed “reason” should be Open Meeting Law Complaints filed and directed against the Town Council (which may/may not include the Members)

All of the other enumerated, listed reasons currently in the Rule should be listed, although may be presented in reduced content or format.

Also, make it clear that only the members of the town council present will attend the Executive Session UNLESS the presiding officer states who else may or will be invited, why those persons are needed, and that they will not have any voting rights.

New Rule 5C .... NEW SECTION DESIGNATION for “Regular Meeting Schedule”

Include a provision that states and provides for changes/amendments to the annual schedule as initially chosen and voted upon following the election of President and Vice President. New provision shall confirm flexibility and ability, upon the request of any member of the Town Council, to state reasons and circumstances upon which the date of a scheduled hearing may be changed. (in other words, these dates should not be treated as if they’re “set in stone”)

It is often asked by citizens/residents: “How can an “eligible citizen” (define criteria) be able to submit and enable an issue or message of interest not only to be posted on an Agenda, but also discussed and acted upon?

As to the ability or opportunity for members of the public to have certain measures posted on a Meeting Agenda, why is there no specific Rule or provision by which an individual person, corporation, charity,

etc?) can have a clearly defined procedure by which their concerns can be presented to the Town Council and for which responses are taken seriously, and for having their name(s) recognized and stated? As it now stands, residents/citizens, other than Public Comments (with three-minute limitations) have minimal means to really “be heard” and to have their issues and concerns taken seriously. (I have drafted a new proposed Rule or regulation dealing with how Public Comments should or could be handled, and will submit separately)

Old Section Number 5C “Introduction of Council Business” should be renamed and numbered and replaced with New Rule 6 with relevant subsections such as:

New Rule 6  
AGENDA CONTENTS INCLUDING OLD BUSINESS, NEW BUSINESS, MEASURES AND NON-MEASURES

Rule 6A.

Measures and Non-Measures

What is meant by: “measures”? What is meant “to be inherently legislative in nature”?

Buried in the language as it now exists are the words “Contract approval”!  
What does that mean and include? It’s essential to discuss and provide a clear, concise definition and examples that are recent and relevant.

Require that for every measure/application that involves a “contract approval” that information be stated as to its applicability and reason.

Why are “measures” that are posted require: Two (2) readings, the first of which is silent [unless pressured]?

Why have there been no discussions either invited or offered regarding appointments, some of the financial matters, etc.? is the concept of “measures” a by-product of Mason’s Rules of Procedure?

Why are “supplemental” budget/appropriations deleted from this rule? Example: moving money to and from one account to another, yet without any clearly stated reasons?

What is the difference and impact between “measures” and “NON-measures”? Is that covered in the Charter? Any of the Town Code provisions?

Give examples as to both so that there is a much better understanding.  
This is essential so that the Council Members will not depend upon definitions, reasons or interpretations from only the Town Attorney.

Rule 6B.

How come appointment recommendations require two (2) readings, the first of which is silent? without any offer or opportunity, inquiries or expressions of support or opposition or other nominations at the very first reading?

also, why can it not be allowed to offer objections, alternative candidates, or reasons why a particular person should be appointed? As it stands, the Appointments Committee should only be viewed as a “filter” to interview and do as it says in 241 to RECOMMEND!

I have been working on a complete re-write of Ch. 37 dealing with the Appointments Committee, will present that to the Ad Hoc “Committee on Committees”.

## New Rule 6C. ESTABLISHMENT OF AN AGENDA COMMITTEE

No later than ..... days prior to either a regularly scheduled meeting (which may also include inclusion of Executive Session or other contemporaneous meetings or subcommittees), the President or her/his designee shall convene a meeting to assemble and organize the items/measures to be scheduled, as outlined more definitely under (Current) Rule 5E [to be renumbered].

## New Rule 7..... PROCEDURES AND CONDUCT OF MEETINGS

(Replace current Rule 5E. With New Rule 7A) ... ORDER OF BUSINESS (to be revised as follows)  
From current Rule 5E:

Items 1., 2., 3., may remain in this sequence.

It is suggested that Public Comments, Council Responses to Public Comment, and any other matters to be presented by the President and/or any Member of the Council or Town attorney or Town Manager either precede the Public Comments, or the Order of Business may also include the reopening of Public Comments following measures/matters for which public inquiry and/or comment is requested.

The remaining numbers: 6., 7., 8., 9., 10. and whatever else may come up seems okay... so far.

(Current Rule 5F. To be re-designated as New Rule 8. and to be given extensive thought.)

**Public Comment .... (this one needs and deserves tons of thought and effort!!)**

setting aside the period for public comment is essential and obvious “reserving a place” has no longer been used, employed or required. Delete it! recognizing at the podium is customary where possible and available, those persons presenting comments to be associated with a specific project or matter are asked and encouraged to state which projects and to adhere thereto; no idea what is meant by “other members or persons” delete it regarding length of time, while it may face resistance as to allowing time beyond 3 minutes, if a speaker/presenter indicates the need to cover his/her topic that additional time should be granted as for addressing “all remarks and comments to the Council as a whole” that has been the procedure all the time; however, there should be no objection to having comments referred or focused on those council members who may be more familiar than other members  
(this next one is a great idea that’s needed) “With permission of the presiding officer, members of the Council as well as the person(s) presenting comments may engage in appropriate discussion and dialogue directly, which may stimulate and encourage better “councilor responses”. Interaction between council members and presenters may serve to generate answers and even resolutions to certain issues of concern.  
the rest of what’s there may survive.

(I have also drafted a proposed change to the entire Public Comments procedure primarily to create means and methods by which Public Comments can and should be recognized, answered and if needed, deferred for further investigation. I will submit that proposal to the “Committee on Committees” once that Ad Hoc committee becomes “active”.)

(Current Rule 6. to be replaced by New Rule 9.)

### **Parliamentary Guidelines**

In simple terms and for the following reasons, the current use and dependency on “Mason’s Manual of Legislative Procedure” are and should be considered and deemed to be “out of date” and extremely cumbersome. Rather, it is requested and encouraged that those persons {not other Council Members or Town Legal} who are familiar with Robert’s Rules of Order should be afforded the opportunity to

present and explain the differences and reasons why Mason's should be discarded and Robert's installed in its place.

(Current Rule 6A., to be revised and renumbered as New Rule 10.

#### **Quorum**

The two sentences as edited are for starters, but not enough.

Add: for quorum purposes during which any votes are conducted during Executive Sessions, the roll count votes shall require a majority of those members of council who voted to go into executive session. However, for those votes that would require a 2/3rds vote during any public session, for any matter or issue voted upon during executive session, the 2/3rds count shall be required.

(Current Rule 6B. Needs to be reconsidered as to its usefulness and vitality).

If to be retained and revised, new number to be assigned as New Rule 11.

#### **Order of speaking (Length of Speaking)**

Is this really necessary??!! If so, then I'll submit my suggested revisions.

(Current Rule 6C. To be re-evaluated, discussed and revised and renumbered as New Rule 12)

#### **Order of Motions**

To my knowledge and observation, there has yet to be any circumstances where there may have been "a debate" or that there has been any sequential order as to topic or matters.

For purposes of: adjournment, recess, lay to the table (what is that?) or to limit or extend limits for any debate/discussion, or to postpone to a certain date, **aren't all of these just customary and routine and normally "just happen"?**

However, for purposes of to refer, amend or postpone, or leave to withdraw: referring any specific matter/measure either to another committee, or to be considered and reviewed for purposes of a delayed amendment, those few instances may just be addressed as each issue/topic arises. (query: how often, if at all, has any matter been "postponed indefinitely"?)

(Current Rule 6D. Also needs to be re-evaluated, discussed, revised and renumbered to New Rule 13)

#### **Previous question**

The apparent "need" or "use" for such a situation, the best way to resolve and eliminate this is to get rid of Mason's and adopt Robert's Rules of Order

It is somewhat interesting that this provision, as it currently exists, calls for a 2/3rds vote, but does that make any sense? What really is required is to identify every type of matter or issue for which a two-thirds vote is required, then put all of those into one compact Rule

(Current Rule 8. covers and attempts to describe how "Votes" are to be handled and managed.

This rule can and should retain its title, but the content, sequence and detail necessitates a much clearer, more effective pattern as to "votes", "amendments", etc.

New Rule 14. **VOTES**

this may be the logical source as to how to differentiate and describe which types of votes can be satisfied by a majority vote after confirmation of a quorum, and then distinguish those that require two-thirds votes.

(Current Rule 8A. Needs to be renumbered to New Rule 14A. **Roll Call Votes**)

The simple way to deal with all of the voting procedures and requirements is to lump them all together as noted above.

The mention under current Rule 8A, which says that “all votes taken in Executive Session shall be roll call votes. [and] All votes taken in meetings held remotely shall be roll call votes. This needs to be deleted!

Having “remote” hearings and votes, it’s not about where or how the meeting is being held, but rather only based on the matters/measures at issue as to whether majority or two-thirds. (for instance, any Article 97 vote count calls for two thirds vote of the quorum because it constitutes a waiver of the State Constitution)

(Current Rule 9 also needs to be reconsidered and renumbered)

New Rule 15. **Rejected Measures** Doesn’t this just mean that if a vote count fails to meet or satisfy either a majority or two thirds count based on the matter upon which votes are conducted that the motion and/or subject of the measure is “denied” (ie. rejected)?

(Current Rule 10. deals with Record Keeping)

New Rule 16. **Record Keeping** will hold off on this one for the time being

The following Set of Current Rules addresses and deals with a section and function of Town Council decisions that require a great deal of thought. That’s just one of the reasons why there’s a separate Ad Hoc Committee; **Committee to Review the Purpose, Composition, Functionality and Effectiveness of Standing Committees (i.e. being referred to as “the Committee on Committees)**

(Current Rules 11, 11A and 11B, not only necessitate a current revision of content, but also should be held in abeyance pending the recommendations from the above-referenced Ad Hoc Committee) In the interim, this Rule should be redesignated as:

New Rule 17. Administration and Oversight of Committees under jurisdiction of Town Council. Subsections can then be assigned to specific topics.

Town Council Committees (name them or provide an index/list coordinated with Administrative Code Sec. 241)

Ad Hoc Committees (refer to new Rule number) the requirement that the “chair of any such ad-hoc committee shall be a Councilor... has already been overruled and should be deleted.

Current Rule 11B attempts to cover way too many topics and tries to include certain provisions that really should be covered elsewhere.

(Current Rule 12. not only should be covered under the New Rule 17, but also necessitates cross references to Administrative Code Sec. 241 and the interaction and/or designation of authorities to other entities such as the Town Manager, School Board, Airport Authority, etc.)

The Rule dealing with Appointments also should include the rules to be considered and covered regarding the Appointments Committee (I have already drafted a proposed complete revision to the

Appointments Committee and will submit that separately, first to the Ad Hoc Committee, then to the Town Counsel)

The KN9 suggestion that this (reference to the Appointments Committee's recommendations and procedures under Town Council approvals) should "require" 2 reads must be rewritten. There may be times when only one reading is sufficient, just as there may be times when more than two readings are sufficient.

The entire appointment process must clarify that the Appointments Committee does not "appoint", just recommends to the Full Council. Further, it should be clearly stated that the recommendations from the Appointments Committee are not final and can be waived, revised or overruled. (see my new changes to Ch. 37)

(as noted under Rule 1. the current Rule 13 should, in my opinion, become a subsection under Rule 1.)

First, this entire provision should appear under new Rule where the election of both President and Vice President occur.

The four lines underlined in green still deserves review and revisions.

Current Rule 14., dealing with "Inquiries and Investigations", while rarely used or deployed, involves more than just a "legislative" procedure; rather, it's more "judicial".

This subject matter should be reviewed, renamed, and New Rule 18. designated.  
Holding off for now, too long to summarize, breakdown and rewrite.

(Current Rule 15. "Agenda Items", should be deleted and as noted above under New Rule 6C) to be considered and covered under those matters)

(Current Rule 16. "Suspension of Rules", should be reviewed and revised and renumbered to New Rule 19.

Will look this one over later, too tired right now.

Councilor Ludtke thanked Mr. Morin for his thoughts and recommendations, she sees this as a DRAFT document once we have finished with the edits and recommendations, this Committee can go back and look at the concerns brought forward, and if there are some ideas in there that we feel are adequate and need to be in there, we will certainly consider them.

Councilor Terkelsen discussed Mr. Morin's suggestions, and said she needs to wrap her mind around all that needs to be looked at on the original document, before she looks at the suggestions from Mr. Morin, but appreciates all his efforts in submitting what he perceives that needs changing. The Town Attorney is going through each section with us and explaining each as we go, so she believes this is helpful to her, and then we can go back after we have a DRAFT of changes and look at the individual sections the Public has made comments on. This Committee has not even looked at the other Towns documents to see if there are anything other Towns have that we may need to incorporate into our rules.

Vice President Tamash discussed the document the Council asked the Town Attorney to put together regarding public comment and the parameters of public comment so that it is clear to all what is expected. The following document is a DRAFT only: and was read by Vice President Tamash to the members of the Committee.

***Draft statement to be read before Public Comment:***



*I wish to remind everyone that no member of the public may speak without first being recognized by the Council President (or presiding officer). The public will have an opportunity to speak during the public comment portion of the meeting and during any public hearing on an agenda item.*

*You are free to express your thoughts, opinions and criticisms during public comment. However, your comments must be directed to the Council as a body, through the President of the Council. You may not speak directly to any individual Councilor. You also should not be addressing your comments to anyone else in this room – not to Town staff and not to another member of the audience. Public comment is to be directed to the Council.*

*We also ask that the members of the public refrain from making audible comments during the meeting unless they have been recognized to speak by the Council President. The Council President will request silence in the chamber if anyone ignores this rule.*

*Thank you.*

Committees can choose how to conduct themselves. However the Council and Committee meetings are meetings of the body, it is not a discussion dialogue back and forth but then there are points in the meetings where the public has the opportunity to speak or if there is another reason the presiding officer can grant the public comment if they so choose. Vice President Tamash said this makes sense so that the meetings do not have chaos and there is structure within the meetings.

Councilor Terkelsen asked if this document should be given to each Chair of the committees, so that it is clear to them as well. Attorney Nober mentioned it is a Town Council Rule, that is why we have this document before you, however that doesn't mean that the Chair of each Committees can read this or at least use it, but I would not tell the Committees how they need to function, and there are some committees that do not have public comment, and that is a whole other issue, so for right now this document was meant for the Town Council, because you have a Town Council Rule regarding Public comment. (RULE 5F)

Below is the Town Council Rules document introduced tonight by Attorney Nober: (all red line has been added as new)

Councilor Ludtke liked the Amhurst document, as it had language similar to this:

Vice President Tamash likes the vote for this to be Majority of Full Council in the first section (2/3? Majority?) vote of the full Council

#### **TOWN COUNCIL RULES OF PROCEDURE (Updated KLN 08/23/2024)**

**These Town Council Rules of Procedure (“Rules” or “Town Council Rules”) are adopted pursuant to Section 2.6(c) of the Town of Barnstable Home Rule Charter (“Charter” or “Town Charter”). Amending or repealing these Rules shall require a (2/3? Majority?) vote of the full Council.**

#### **COUNCILOR CODE OF CONDUCT**

**Councilors shall conduct themselves in a professional and peaceable manner during Town Council meetings. Discourse shall be marked by civility, openness and respect, even in the face of disagreement. Councilors shall not make comments that are personal in nature and shall not use insulting, threatening or abusive language. Councilors should conduct themselves in a manner that respects the orderly procedure of the meeting to assure the business of the Town is attended to as expeditiously as the deliberative process allows. To that end, discussion and debate shall focus on the agenda item being discussed or voted on until a decision is made or the discussion is postponed to a later time. Councilors**

shall not engage in private conversations during Council meetings, including texting or emailing each other during a meeting. Cell phones shall be silenced during Council meetings.

ve process allows. To that end, discussion and debate shall focus on the agenda item being discussed or voted on until a decision is made or the discussion is postponed to a later time. Councilors shall not engage in private conversations during Council meetings, including texting or emailing each other during a meeting. Cell phones shall be silenced during Council meetings.

Councilors shall strive for openness and transparency in the performance of their duties. Councilors shall comply with the state conflict of interest law, M.G.L. c. 268A, and comply with and complete the education and training requirements on the conflict of interest law. Councilors shall comply with the state Open Meeting Law, M.G.L. c. 30A, §§ 18-25, and shall certify, as required, receipt of copies of the open meeting law, the regulations and the Open Meeting Law Guide prepared by the Attorney General's Office.

Councilor Terkelsen would like to see all cell phones eliminated during the meeting, texting from a meeting is not appropriate, we should not be receiving text from individuals at home or in the public audience for any reason. Attorney Nober does not want to get in the habit of policing people, but it is a discussion the Council can have with leadership.

#### **RULE 1 COUNCIL OFFICERS**

The first Town Council meeting in December shall be an organizational meeting. At that time, ~~Councilors~~the Council shall nominate a President and a Vice President, election of which shall take place ~~at or before~~ the next regular meeting. At the meeting at which the election takes place, time shall~~ould~~ be allotted for ~~nomination~~ speeches by each candidate, which would be limited to five (5) minutes per candidate per office. Voting will be done by roll call. Each ~~C~~ecouncilor shall state the name of the candidate of their choice. If no candidate receives a majority, the candidate receiving the smallest number of votes shall be eliminated and balloting shall continue until one candidate receives a majority vote.

#### **RULE 2 ROLE OF COUNCIL PRESIDENT**

The President shall serve as a non-voting ex-officio member of all Council Committees. The President and Vice President shall ~~may~~ designate Councilors to serve as liaisons between the Council and the Town's boards, committees and commissions. (See Rule 11C.) ~~also be designated by the Council to be its representative to all boards and commissions. The President may delegate that responsibility in whole or in part to any member or members of the Council,~~

~~subject to the approval of the Council.~~The President of the Barnstable Town Council shall be the official head of the Town of Barnstable for all ceremonial purposes, and may designate other councilors to serve in this ceremonial capacity. (See also~~In accordance with Rule 11B.)~~

#### **RULE 3 PRESIDING OFFICER**

The President of the Town Council shall preside at the meetings of the Town Council. In the absence of the Council President, the Vice President shall preside; and in the absence of both, the Clerk of the Council shall designate a Councilor to serve as presiding ~~officer~~chair in rotating precinct order. ~~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. No office of the Council shall remain vacant for more than two regular meetings.~~

Commented [KN1]: Addressed in Rule 13

#### **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 ~~meeting~~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 as follows: "Shall the decision of the chair stand as the judgment of the Council?" The vote shall be a roll call and it shall be decided in the affirmative by a majority vote. All votes shall be declared by the presiding officer, after receipt of the tally from the Clerk of the Council. If any member doubts a vote, the chair, without further debate upon the question, shall require a roll call vote. No vote shall take place~~decision shall be declared~~ unless a quorum of the Council is present (abstentions count toward the quorum, but are not considered votes; recusals do not count towards the quorum)~~shall have voted~~.~~

The presiding officer shall vote on all matters that come before the Council. The presiding officer may at any time, during the debate and 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.

~~The presiding officer may state facts, ask questions (without commenting or giving an opinion) and give opinions upon questions of order without leaving the chair. The presiding officer also may explain his or her vote. When the presiding officer exercises the right to debate, the gavel shall be passed to the Vice President for the duration of the debate on that matter. In the event that the Vice President is absent or chooses to debate, the Clerk of the Council shall designate a presiding chair in rotating precinct order.~~

#### **RULE 5 MEETINGS**

The time and place of regular meetings shall be published in December of each year for the following calendar year in accordance with the ordinance governing Council meetings (see Chapter 220 of the Town Code).

#### **RULE 5A MEETING REQUIREMENTS**

##### **DEFINITIONS**

Regular meetings of the Town Council shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once monthly. No regular meeting shall be scheduled on a solemn or legal holiday. (See Rule 5B – Meeting Schedule, and Chapter 220 of the Town Code.)

~~Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any four~~five~~ or more members, by written notice. ~~online code reads 220-2~~Special meetings.~~

~~Special meetings of the Town Council may be held on the call of the President of the Town Council, or on the call of any four or more members, by written notice. Said notice shall include agenda items and pertinent documents pertaining to those items which will be delivered to the Town Clerk and to each Councilor at least 48 hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday.~~

Commented [KN2]: Charter Sec. 2.6(c) says 4

Said notice will include the meeting agenda, including relevant all agenda items and supporting pertinent documents, pertaining to those items which will be delivered to the Town Clerk and to each Councilor's residence at least forty-eight (48) hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday.

Commented [KN3]: Replace "solemn" with "religious"?

Open Meeting Law: All meetings of the Town Council and of Town Council committees are subject to the state Open Meeting Law, M.G.L. c. 30A, sections 18-25, and the Open Meeting Law regulations, 940 CMR 29.00.

Executive Session: -The Council may enter Executive Session may be entered only after the Council has first convened in Public open Session, provided that for which notice of the Executive Session has been appropriately posted in accordance with the Open Meeting Law (unless an emergency exception applies). The presiding officer makes the motion to go into Executive Session, citing the reason for going into Executive Session and stating whether the Council will or will not return to Public Session after the Executive Session. The vote to go into Executive Session is a roll call vote, and all votes taken in Executive Session are roll call votes. The reason(s) for going into Executive Session must be a reason permitted under the Open Meeting Law and calls for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate an executive session.

**Purposes Warranting Executive Session:**

1. To discuss the reputation, character, physical condition, or mental health, rather than professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least 48 hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) To be present at such executive session during discussions or considerations which involving that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) To speak in his own behalf.

2. To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be 4 of 15 Amended TC Rules 11/06/14 cap waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) To be present at such executive session during discussions or considerations involving that individual.

(b) To have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

(c) To speak in his own behalf. 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body; to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

4. ~~To discuss the deployment of security personnel or devices.~~
5. ~~To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.~~
6. ~~To consider the purpose, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.~~
7. ~~To comply with the provisions of any general or special law or federal grant in aid requirements.~~
8. ~~To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.~~
9. ~~To meet or confer with a mediator, as defined in section twenty three C of chapter two hundred and thirty three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that:~~
  - (a) ~~any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed,; and~~
  - (b) ~~no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice may be required in this section.~~

~~(Adopted by TC Item 96-061, 1/4/96) (The above rules are extracted from MGL Chapter 39 Section 23B.)~~

#### **RULE 5B REGULAR MEETING SCHEDULE**

The Barnstable Town Council shall meet on the first and third Thursdays of each month, except in the months of July and August when meetings will be held on the third Thursday only. Meetings shall conclude at 11:00 P.M., ~~except that it~~ ~~The subject at hand may~~ ~~ould~~ be finished if it was ongoing at 11:00 P.M. ~~Thereafter, and the meeting may~~ ~~ould~~ continue after 11:00 P.M. with a two-thirds ~~2/3's~~ vote of the Councilors present and voting ~~council after 11 P.M.~~ If a regular meeting date falls on a solemn or legal holiday, the president shall make every effort to reschedule such meeting to the Thursday of the following week, but may choose another day if warranted by the circumstances. No town board, commission, or committee shall meet on a regularly scheduled meeting night of the Town Council.

#### **RULE 5C INTRODUCTION OF COUNCIL BUSINESS**

No measure or non-measure shall be received or acted upon unless introduced by a member of the Council, Town Manager, or by petition as provided by the Town Charter ~~home rule charter~~. Every measure or non-measure, appearing on the Council agenda shall, if appropriate, be accompanied by the approximate amount of cost involved, and other background information prior to being placed on the agenda.

**MEASURES:** A "measure" is any ~~All matters to~~ ~~come~~ ~~ing~~ before the Council that ~~is~~ ~~are~~ inherently legislative in nature, including, but not limited to, ordinances, charter amendments, appropriations, loan orders, lease approvals, certain contract approvals (e.g., contracts which are required by law to be approved by the Council), and eminent domain authorizations.

**Commented [KN4]:** Need to look at vote. Wrong cite for Open Meeting Law. Correct cite is M.G.L. c. 30A, secs. 18-25. Regs are 940 CMR 29.00

**Commented [KN5]:** Substitute "religious"?

**Commented [KN6]:** Deleted General Laws

**Commented [KN7]:** Insert language from memo

Measures require 2 readings.

and public hearings are required for budget items, Capital Improvement Plan items, supplemental budget/appropriation items and ordinances.

**NON-MEASURES:** A ~~“Non-Measure”~~ shall include ~~any~~ matters to come before the Council which ~~is~~ not specified to be a “measure” under the Charter, such as any matter which is executive, administrative or ministerial, or quasi-judicial in nature, including, but not limited to ~~without limitation,~~ appointments, resolutions, proclamations, tax classification votes, contract approvals that are not measures ~~contract approvals,~~ and petitions to the General Court.

#### **RULE 5D AGENDA SETTING/FILING DEADLINES FOR REGULAR MEETINGS**

~~Any of the above items of business to be presented to the Town Council at its regular meeting for action shall be submitted in writing to the Administrative Assistant no later than 10:00 am, seven days, exclusive of Saturday and Sunday preceding the regular council meeting. The Council President and/or the Town Manager may in case of necessity, approve any additional items for inclusion in the agenda after said deadline. The Council President, after in consultation with the sponsoring Councilor, Council Administrative Assistant and Town Manager, shall determine placement of business on the Council meeting agenda, or other appropriate disposition. The Council President shall set deadlines for the submission of agenda items by other Councilors, by the Town Manager, and by Town staff, through the Town Manager, with the goal of posting the agenda for a Thursday meeting by the preceding Friday. The Council agenda, including the Town Manager's Communication, complete with documentation, shall be delivered to the Town Councilors and posted in accordance with the Open Meeting Law no later than 48 hours prior to the regular meeting of the Council.~~

Commented [KN8]: Redlined language is new

#### **RULE 5E ORDER OF BUSINESS**

At every regular meeting of the Town Council, the order of business as set forth on the agenda shall be as follows: provided that matters may be taken out of order at the meeting at the discretion of the presiding officer:

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Public Comment
5. Council Response to Public Comment
6. Town Manager Communications (which may be pre-recorded)
7. Act on Public Session Minutes ~~(Includes Executive Sessions)~~
8. Communications from Elected Officials, Boards, Committees and Commissions, ~~and~~ Staff, Correspondence ~~and~~ Announcements ~~and~~ Committee Reports
9. Orders of the Day
  - A. Old Business
  - B. New Business

## 10. Adjournment

~~(Adopted by Town Council Item 2006-010, 08/18/05)~~

~~(Adopted by Town Council 2007-067, 02/01/07)~~

~~(Adopted by the Town Council 2015-027, 11/06/14)~~

### **RULE 5F PUBLIC COMMENT**

~~-At each regular meeting of the Council there shall be a period set aside for public comment. Any member of the public desiring to address the Council may reserve a place on the agenda with the Council Administrative Assistant by 4:30 p.m. on the day of the Council meeting. Each person Any member of the public who wishes to participate in public comment on the public comment docket shall be recognized by the chair, and shall be asked to state his/her name and, if a resident of Barnstable, asked to state the village in which they reside (if not a resident of Barnstable, they shall be asked to state their town of residence) address for the record. Other members of the public may also be heard at this time. Time allowed for public comment will be at the discretion of the chair. For the most part, Generally, public comment will be limited to three minutes for each individual speaking, but additional time may be granted at the discretion of the chair. All remarks and questions shall be addressed to the Council as a whole, through the chair, and not to any member thereof. No member of the public may speak at a Council meeting without first being recognized by the chair. The purpose of the public comment period is for the Council to hear comments from the public, and not for the public to engage in discussions or debate with the Council or with any member of the audience. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the presiding officer. If any person persists in disorderly behavior after a warning from the presiding officer, the presiding officer may order the person to leave the meeting (see Open Meeting Law in accordance with MGL CH. 39, S. 23C).~~

Vice President Tamash would like to see the document he read at the beginning of this meeting inserted into the Public Comment section of our Rules. If we are going to read this at a meeting, it should be in the rules as well. Attorney Nober will look at where in this section it should be inserted for the next meeting.

Councilor Ludtke would like to see some of our meetings shortened, it seems as though they are getting longer, is there anything we can do to make the meetings more efficient, she has read in some of the other documents that the other municipalities limit the public comment to just Agenda Items, so how does messages of concern get to the Town of Barnstable, and is the public comment the most efficient way to get your message across, if the Public comment is not about an Item on the Agenda, she is aware of the app we have, and the fact that people can email the Town, but is it the most efficient way of communication an issue to the Town Council. This doesn't have to be decided now, but if we limit the public comment to items on the agenda, is that more efficient. She is aware that individual want to talk about whatever they want when they get to the podium, but I wonder if we limit that comment to only Agenda Items is that a good idea?

Vice President Tamash believes that public comment should be whatever an individual wants to talk about, if we limit our residents, we are silencing them, and I do not believe that is a good idea to limit, we are elected to listen our constituents and if public comment is the way some reach us we should not limit them to just Agenda items.

Councilor Terkelsen is not in favor of limiting to only Agenda item comments, this is a chance for the public to speak on what ever they feel is important to them, we already have a time limit of 3 minutes, but I don't not believe that if an item of importance to you is a intersection that individuals cross as pedestrians is dangerous, we would never know about it because there is not an item on the Agenda

dealing with the dangers of that intersection, so I don't know how we would limit people's ability to bring up something that is important to them.

Attorney Nober wants to look at this before this committee decides on limiting the public comment to only agenda items, she will look into that and let this committee know of her findings. Councilor Ludtke believes Cambridge does not allow public comment unless the item is on the agenda, but they have also run into 5 hour public comments, so she can see why they may have adopted the policy.

Discussion continued for the next section below on parliamentary guidelines on whether the Town Council should refer to Roberts Rules, or Masons Manual of Legislative Procedures. Assistant Town Attorney Cogliano stated that Mason's is used at the state level a lot, where as the Roberts Rules are more for lower branches of government and municipalities and committees etc. Assistant Town Attorney did not know the differences off the top, unless she compared them side by side, she isn't sure of why one is used over the other but will look into it and let the members know what she discovers. Roberts Rules are the most popular in the local level. Masons Rules were written for the States, with that said Masons Rules are used when the State Constitution are silent. Attorney Nober wil look further at the history.

#### **RULE 6 PARLIAMENTARY GUIDELINES**

*In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth, 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 question, due regard shall be given to the entire scholarship of parliamentary procedure, with particular emphasis on Mason's Manual of Legislative Procedure, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.*

#### **RULE 6A QUORUM**

*One half of the total membership of the Town Council plus two shall constitute a quorum. A quorum for the current 13-member Council ~~is shall be nine~~ (9).*

#### **RULE 6B ORDER OF SPEAKING; LENGTH OF SPEAKING**

*Councilors shall not speak without being recognized by the presiding officer except to call the previous question or to doubt the presence of a quorum. When two or more members request the floor at the same time, the presiding officer shall name the member who shall first be heard. During debate, no Council member shall speak to the same question more than ~~once~~ 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, 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 (not debatable)*
- 3. To lay on the table (not debatable)*

**Commented [KN9]:** Revisit whether to switch to Robert's Rules of Order? Mason's is typically used by state legislatures; Robert's is more frequently used by legislative bodies at the local level, i.e., city councils or county commissions. Robert's Rules applies better to private organizations and civic groups that do not meet in daily public sessions.

**Commented [KN10]:** Note: Explanatory info below is based on Mason's



4. For previous question (not debatable)
5. To limit or extend limits of debate (not debatable)
6. To postpone to certain date (debatable, but just the motion, not the main question) (may be amended but only as to the date)
7. To refer (to committee) (debatable; may be amended only as to the committee)
8. To amend (motion to amend a debatable question is debatable; motion to amend a question that is not debatable is not itself debatable)
9. To postpone indefinitely (motion is debatable and opens the main question to debate; has the effect of rejecting the main motion)
10. Leave to withdraw (not debatable; may be made at any time before voting has commenced; request for leave to withdraw, presiding officer asks if any objection, if none, motion is withdrawn; if there is an objection, then motion for leave to withdraw and vote on that motion)

#### **RULE 6D PREVIOUS QUESTION**

The previous question shall be put as follows: “I call the previous question:” or “I move the question.” All further amendments or debate on the main question shall be suspended until the previous question has been decided by a two-thirds vote of the Councilors present and voting. If the motion to move the question passes, the Council shall immediately take a vote on the main question.

#### **RULE 6E REFERRAL TO COMMITTEE**

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 the Town Council.

#### **RULE 6F RECONSIDERATION**

At any meeting at which a vote has been taken, it shall be in order for any Councilor who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the council. The vote for reconsideration shall be open to debate. The debate shall be limited to twenty minutes. A motion to reconsider requires a majority vote.

#### **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. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes.

#### **RULE 8 VOTES**

Except as otherwise provided by the General Laws of the Commonwealth, the Town Charter, Town ordinance (or these Town Council Rules, which are established pursuant to Section 2-6(c) of the Town Charter), any action taken by the Town Council requiring a vote shall be by a majority of the Councilors present and voting.

~~All action taken by the Town Council requiring a vote will be by a majority unless otherwise provided for in MGL, home rule charter, ordinance, or by rules set forth in the Policy and Procedures Manual of the Barnstable Town Council.~~

#### **RULE 8A ROLL CALL**

All final votes of the Town Council on ordinances, appropriation orders, ~~and~~ loan authorizations shall be taken by roll call vote, and shall be duly recorded by the ~~T~~own ~~C~~lerk. On other matters requiring a vote, a roll call may be requested by any ~~C~~ouncilor. The order of the roll call voting shall be alphabetical, and rotated after each vote. All votes taken in Executive Session shall be roll call votes. All votes taken in meetings in which any Councilor is participating remotely shall be roll call votes.

Every ~~C~~ouncilor present when the question is put shall vote yes, no, abstention, or pass. If a ~~C~~ouncilor passes, his or her name will be called again at the end of the vote for his/her vote. Prior to the announcement of the roll call vote, any ~~C~~ouncilor may have his/her name called again to record him/her differently."

#### **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 resubmission, unless resubmission is approved by a majority of the Council present and voting, or as otherwise provided by the ~~C~~harter.

#### **RULE 10 RECORD KEEPING**

Unless otherwise provided by the Town Council, the Town Clerk shall be the Clerk of the Council at regular meetings of the Council. The Assistant Town Clerk may serve in place of the Town Clerk. Said clerk shall keep a record of its proceedings and perform such duties as may be assigned by the Barnstable Home Rule Charter, by ordinance, or other council vote. The Council Administrator~~ive Assistant~~ shall prepare the meeting agenda and give notice of all meetings of the Town Council by transmitting a copy of the meeting agenda to its members and posting meeting notices for the public in accordance with the Open Meeting Law. Communications staff shall make best efforts to record on video.~~Said Administrative Assistant shall also audio tape record all Public Sessions of Council meetings and post said video recordings on the Town website. -and file said tapes with the Clerk of the Council. Said assistant shall coordinate with the Town Manager and/or any other committee currently in charge of the videotaping, to make sure that all meetings of the Town Council are videotaped. The Town Council Administrator~~ive Assistant~~ shall be the clerk of Town Council committee meetings, workshops held by the Town Council. A transcription of a regular meeting, public hearing or debate, or any portion thereof may be requested through the Council Administrative Assistant, who shall arrange for the preparation of requested transcripts from tape recordings of meetings, hearings or debates.~~

#### **RULES 11 COUNCIL COMMITTEES**

After the organization of the Council, the President, subject to approval by the full Council, may appoint members to standing committees of the Town Council. Appointments of Councilors to the Appointments Standing Committee shall be made in accordance with Section 37-3 of the Town Code.

## **RULE 11A AD-HOC COMMITTEES**

*The President of the Town Council may designate ~~the members of such~~ ad-hoc committees that are established by vote of the Council, the members of which shall include C~~omprised of councilors and~~ may include registered voters in the Town of Barnstable, as is deemed necessary. The chair of any such ad-hoc committee shall be selected by vote of the committee, except that the Council vote creating the committee may impose additional requirements. Ad hoc committees shall be comprised of an odd number of members. The period of existence for an ad-hoc committee, as specified by the Town Council vote creating the committee, shall commence from the date of the first meeting of the committee.*

Committee members discussed putting in language regarding Committees can or may have the option of electing a Vice Chair if needed. Attorney Nober discussed you could add language at the discretion of the committee.

## **RULE 11B COMMITTEE PARAMETERS AND GUIDELINES**

*All Standing and Ad-Hoc Committees of the Council shall be advisory to the Town Council and shall take no actions that bind the Council. Committees shall follow a schedule of meetings to be coordinated through the Council Administrator~~ive Assistant~~, who will notify the Council President and post as required with the Town Clerk.*

Councilor Ludtke would like to see all the language pertaining to AD HOC Committees be listed together (i.e first and third paragraph) Attorney Nober will look at rearranging the paragraphs.

*~~Standing committees shall select a chair~~person 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, town agencies, other government agencies, and the general public. A clerk shall be appointed from the committee to record the minutes. The President and Vice President of the Council shall not serve as a chair~~person~~ of any standing committee.*

*~~Ad-hoc committees shall select a chair~~person 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. The Town Council Administrator~~A clerk shall be appointed from the committee to~~ record the minutes. The President and Vice President of the Council shall not serve as a chairperson of any ad-hoc committee. Ad-~~h~~Hoc Committees shall have access to the Council's Administrator~~ive Assistant~~ under the direction of the Council ~~President~~officers. Ad-~~h~~Hoc Committees shall work through their chair to have access to town agencies/departments or the schools, respectively, in order to avoid duplication of effort.*

*~~The President shall be a non-voting~~ ex-officio member of all committees. Meetings of committees may be called by the chair~~person~~ or upon the written request of two members of the committee. All committees of the Town Council shall keep records of proceedings, and a copy of said records shall be filed with the Town Clerk and the Council Administrator~~ive Assistant~~, within 30 days following each meeting. Committees have the right and obligation to be creative, offer opinions, minority opinions, produce documents, communicate and participate with town departments/agencies, other government agencies and the general public, subject to the rules and procedures of the Town Council, the Town Barnstable Home Rule C~~harter~~, the General Laws of the Commonwealth~~MGL~~, or as otherwise voted by the Town Council. All new standing committees, boards and commissions~~;~~ will be evaluated at the end of the first year~~;~~ at which time a decision will be made by the Town Council whether to continue, disband, or change the entity.*

Attorney Nober added 11C because of all the questions she receives from Councilors asking about the role of the liaisons. Councilor Ludtke appreciates the Attorney putting this in, so everyone can see it.

Councilor Ludtke would also like to limit the number of AD HOC Committees created at one time, so that it is not overwhelming to the members on each and staff support.

**RULE 11C LIAISONS TO BOARDS, COMMITTEES AND COMMISSIONS OF THE TOWN**

*In accordance with Section 241-8 of the Town Administrative Code, the President and Vice President shall designate each Councilor as the Council liaison to one or more of the multiple-member bodies of the Town. As set forth in said Section 241-8, each Council liaison shall meet with the chair of the board, committee or commission to which they serve as liaison to discuss and define an appropriate reporting relationship. Council liaisons shall not participate in the deliberations or votes, nor shall they participate in or attend any executive session, of such board, committee or commission.*

**RULE 12 APPOINTMENTS** - (Nominations by the appointments committee) Appointments require 2 reads. Any Council action regarding appointments shall be acted upon at the regular meeting succeeding that in which said appointments were presented to the Council as a first read.

Vice President Tamash wants to stick to the two-read rule for appointments. The first read in his opinion is to give the public a chance to see who has been recommended to serve on a particular committee, and then barring any comment from the public, the vote is taken at the second meeting of the Town Council. Attorney Nober said it gives a layer of transparency for the public to keep the two-read rule in place.

**RULE 13 COUNCIL VACANCY IN OFFICE OF PRESIDENT OR VICE-PRESIDENT**

*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, either because the Vice President can no longer serve or because the Vice President has assumed the powers and duties of the President, as set forth in the preceding sentence, the Council shall elect a new Vice President from among its members. The election of a new Vice President shall occur as soon as practicable but with the goal of ensuring that ~~before two regular meetings have passed.~~ No office of the Council shall remain vacant for more than two regular meetings.*

*A vacancy on the Council and or vacancy of an office on the Council shall be filled in accordance with Town Charter Section 2-5, and Council Rule 3.*

Councilor Ludtke would like clarification on the process, does the vacancy go through two reads again, like the general election in the beginning of the year, or is the nomination made that night and voted on. Attorney Nober will add in the process to this section of vacancies language.

**RULE 14 INQUIRIES AND INVESTIGATIONS**

*In accordance with and as set forth in Section 2-10 of the Town Charter, ~~the gives the~~ Town Council ~~may~~ the authority to conduct inquiries or investigations.*

*~~Section 2-10 Inquiries and Investigations: The Town Council may require any town officer or member of a board or commission to appear before it, and give such information as it may require in relation to an office held by such person, its function, and performance. The Town Council shall give at least forty-eight hours written notice of the general scope of the inquiry which is to be made; to any person it shall require to appear before it under this section. The Town Council may make investigation into the affairs of the town and into the conduct of any town agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.~~*

**INQUIRIES:**

An inquiry may be called for by a majority vote of those present at a regular ~~C~~eouncil meeting. An inquiry shall be made through the Town Manager; if it concerns areas under his authority, and specific questions asked shall be answered in a report by the Town Manager to the Council within 60 days. If independent expertise is needed, the Manager shall so notify the Council. If an inquiry is made into an area outside the Town Manager's area of authority, the Council may require such persons as ~~described~~mentioned in Section 2-10 of the Charter to appear to give information or make a report within 60 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 Manager 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 Town officer, board, or commission or ~~their~~ members, or if the ~~C~~eouncil 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 an investigation to proceed.

2. The Council may, by an affirmative vote of a majority of the full ~~C~~eouncil, establish a three-person ~~c~~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 ~~sub~~committee's work, subject to review at the request of the ~~sub~~committee. If the ~~sub~~committee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council. ~~14 of 15 Amended TC Rules 11/06/14 cap~~

3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or quasi-judicial in nature. If the investigative committee is quasi-judicial 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 ordinances and the Administrative Code, request the services of an independent attorney and/or other individuals qualified 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 ~~sub~~committee shall be held in accordance with the Open Meeting Law, ~~MGL C. 39, S. 23B~~.

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 Town Council.

8. The proceedings of all public sessions of the committee meetings shall be recorded on video and ~~transcribed verbatim~~ and provided to the full Council along with a copy of ~~sub~~committee findings.

~~Transcripts of meetings held in open session shall be made readily available to the public in a timely fashion.~~

9. The ~~sub~~committee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The ~~full~~ Council, by an affirmative vote of a majority of the full Council, will make the final determination and shall take any action it deems necessary, consistent with the General Laws, the Town Charter, Town ordinances, 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, and other non-measures, except appointments

The following agenda items require a first and second reading:

Appointments; Appropriation Orders; Amendments to General and Zoning Ordinances, as well as Administrative Code and other Rules of the Town of Barnstable; 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.

~~Certain items require public hearings, including, but not limited to, P, and public hearings are required for budget items, Capital Improvement Plan items, supplemental budget/appropriation items and ordinances.~~

#### **RULE 16 SUSPENSION OF RULES**

Upon a motion and an affirmative vote of a majority of the Councilors present and voting, any rule set forth in these Rules may be suspended in relation to a particular agenda item or for the duration of the Council meeting at which such vote is taken, provided that any requirement imposed by the Town Charter or the General Laws may not be suspended. The Council may suspend a provision of a Town ordinance by the same process that would be required to amend said ordinance.

Committee members left off at Rule 14. The Committee members all agreed to continuing at Rule 14 at the next meeting. Councilor Ludtke and Terkelsen would like to look at the other towns information regarding public comment, to see if there is anything in their rules we could use regarding public comment. Councilor Terkelsen made the motion to approve the meeting minutes of July 30, 2024 as written, this was seconded by Vice President Tamash, all members voted in favor of approving the meeting minutes of July 30, 2024.

Committee members decided on September 24, 2024, at 5:30 for the next meeting, Councilor Ludtke made the motion to adjourn, this was seconded by Councilor Terkelsen, all members voted in favor of adjournment

ADJOURN: 6:52 pm