

COMMITTEE TO REVIEW TOWN COUNCIL RULES AND TOWN CODE

Selectmen's Conference Room 2nd Floor Town Hall Building
367 Main Street Hyannis, MA 02601

January 06, 2025

4:00pm

Vice President Kris Clark (Chair)
Councilor Kristin Terkelsen
Councilor Seth Burdick
President of the Council Craig Tamash
Councilor Betty Ludtke

MEETING MINUTES

Chair of Committee opened the meeting up at 4:00pm. All members participating via Zoom.

Councilor Clark 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 virtually via zoom link listed on the Agenda and the Town of Barnstable web page.

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

The Chair of Committee asked for public comment and asked that Larry Morin of Cotuit who had submitted his comments in writing be brought into the meeting. Mr. Morin also discussed the meeting today being held virtually and would like to go back to in-person, and when the committees were formed by the last leadership there was never mention of these being held virtually. The other issue of discussion he brought up was the current membership of the committee and the fact that there has been new leadership change at the Council level and should the make-up of this committee change as well because of the recent change. Mr. Morin suggested Councilor Crow should come aboard and replace President Tamash. His comments submitted in writing may appear confusing, and he tried to make notes as he followed along with the meetings. Mr. Morin broke up his comments in two categories, what he thought were the more serious in terms of conduct of the Council, and those that he thought could wait to be looked at and minor adjustments to be discussed. The following are the comments made by Mr. Morin

Larry's notes, comments and recommendations from Jan 6 TCR Meeting submitted in writing (below is original documentation)

1. with respect to Rule 6 Parliamentary Guidelines, brief discussion about Roberts' Rules TA and some of committee members tried to say that Robert's was not easy to find or be available, and that the "cost" of getting a set for each council member to have to pay would be "too expensive"

From Larry's review and familiarity of Roberts, they are smooth and easier to use with respect to motions and customary procedural matters during council discussions and deliberations. Also, the Rules are loaded with examples or samples of situations to enable the Councilors to learn them

As for “training and workshop”, TA and some of the council members tried to present and argue that it would be too time consuming and too difficult for the councilors to bother with. But, Larry would have countered that with: there’s no need for the council to have to learn the whole content of Roberts, rather, just the common and key provisions could be presented and discussed, THAT would constitute training. But TA doesn’t want the councilors to know how any such guidelines really work... flexible versus stiff and formal.

2. Town Council Code of Conduct and several other so-called “Rules”: ALL of the following four such guidelines, codes, rules, whatever are STATE directives; further, what has been avoided (maybe intentionally?) is that “someone” (who?) should be in charge of EVERY filing upon which any of the following rules, etc. will or may apply. That Person should NOT be: town attorney, town manager, department heads.

Further, each of the following “rule” should be noted on the Agenda as to whether any of these rules apply to those matters.

Code of Conduct.... But the way TA has written them, they come across as treating the councilors as if they have or will present instances of MISconduct, so now is the time to keep them from doing so?

Code of Ethics.... Not discussed, but realistically, potential Ethical matters as well as circumstances when and where council members may be prone to violations are rare, BUT it’s easy to spot them

Conflict of Interest --- already covered at regular intervals through Cindy and/or Ann Quirk, and again, there have been enough contractual and transactional matters where the council members, staff, department heads and others HAVE been involved and engaged in matters which ARE conflicts of interest, yet have they been flagged, identified, addressed, reprimanded, sanctioned, punished? Sort of like the NFL?

Open Meeting Law there are two primary areas where the Town council is and has been both vulnerable and abusers, yet without disclosure or recognition.... Executive Sessions and minutes and records are the most obvious. The multiple abuses of the OML, whether by the Town council or committees of any kind should be identified and investigated BEFORE they become fodder for filings.

The Certificates of Completion, preceded (presumably by training and tests) were explained by Cindy who usually handles most of these, BUT does she also cover the Town committees, or is that handled by and through someone else?

There was also discussion about how codes, etc. are monitored and handled with respect to all boards.... Training, etc. From my own (17+ years) I can tell you that some if not most of the committees are not “trained” with respect to the underlying federal or state codes that are supposed to govern their investigations, discussions and decisions.

Larry’s “Problem” at this stage of committee discussions?

There was and has been forever the exclusion of input from people other than the committee members, and that applies to public comment as well. The various provisions in the “rules” prohibiting discussions and “debates” by and between those who are NOT council members, and the public just confirms that, for the most part, the views from the public were closer to being “correct” than those from the council members.

Regarding the HEADINGS to the various Rules, etc. there were several back and forth comments as to changes that have been, or need to be, changed and clarified (notably raised by Kristin Terkelsen)

Further, with respect to Rule 2 and IIA, there was some discussion about the president being (an “automatic”? Ex-officio member) of ALL of the committees, some clarification emerged as between “Town Council Committees” and “Standing Committees”; however, and fortunately, further clarification was initiated, it remains to be seen if and how it’s carried forth.

Larry's comments would have been directed towards the Administrative Code Sec. 241;

if noted in the very first committee meeting (6/4), he raised that issue from the outset; however, from a review of Sec. 241, (buried somewhere?) it seems that the Town Manager is or has been charged with changes and updates to several Standing Committee descriptions. Larry stands ready and able to go through all of those committee "bios" and clean them up, uniform categories and content. Proposed Unnumbered Rule regarding Town Council Leadership

It is proposed that, following investigation, research into the Town Charter, Ordinances and any existing rules, guidelines or other alleged sources of "authorities", that a new Regulation be drafted, including Public Comment, concerning the procedures and members to be elected or appointed before Open Meetings as the so called "Council Leadership". While current council members are part of this unofficial body, it is believed that unelected persons have been included to act as "leadership".

Thusfar, there has been no mention by the TCR Ad Hoc committee to recognize and to consider and initiate how this level of unappointed or public approved members constitute the "Council Leadership".

Rule 5A – relabeled now, need to be revisited

Kristin Terkelsen: back to headings again and their meanings; in a new format as to "Categories" and Heading groupings and number changes, EVERY such heading should be revisited... such as just saying it out loud and see how it sounds.

Rule 5B – minor changes regarding the July and August (one meeting only per month)

But WHY was that not discussed and reconsidered?

Rule 5C – paragraph 1 as to the "preceding officer"

paragraph 3... break up a too long sentence into two or more parts (TA)

Rule 5D --- lost track of what was discussed

Rule 5E (new number?) dealing with AGENDA, But WHAT about how the Agendas are put together? WHO participates? Who's excluded? What amendments "only by president and Town Manager "out of necessity" again: why just the two of them and under what basis of authority does the Town Manager [a hired staff members but not elected] have such a role and level of authority?

Regarding the requirement for "two reads" for ALL appointments

--- to just Standing Committees?

TA acknowledged that the Appointments was NOT a "measure" Fair amount of discussion but not clear as to where or why it wound up.

Larry's longstanding question:

why is there "silence" upon the very brief, sparse first reading? Why might there not be some open discussion as to whatever appointment RECOMMENDATIONS from the Appointments Committee have been based or submitted?

Rationale? To better inform not only the public but also the council members as well as staff, etc. The "reliance" on Agenda Postings as sufficient for the public to become "informed" is ridiculous>

Larry's further comment: he will prepare and submit to the "committee on committees" some proposed but extensive revision to Ch. 37 as to how the Appointments committee should consider and revise certain aspects of their proceedings.

Rules 5E – 5F – 5G need to look at most recent updates as to rule number changes so cannot

comment on these rules at this time BUT at some place throughout many of these Rules in their former state, there were way too many lines or information that, on the unquestioned action by the TA, were just deleted or removed; thereby most if not all of the content on those deleted lines and words were never discussed or considered by the committee.

Rule 5H (new Number for Public Comment?)

Larry's comments: way too many flaws as to how Public Comments have been held not only in prior years but also in the most recent year (2024) Larry will prepare and submit a complete revision to Public comment that will either be considered by the Committee or the Full Town Councilors

Rule 6A – Quorum? No discussion

Again, Kristin Terkelsen came back about headings

Rule 6D – MOTIONS

some evasive discussion as to “debatable”?

Rules 6E – 6F -6G/ 7 /8A and 8B, para. 2 (presumably these are a combination of new and renumbered rules)

8A still applies to Votes... will take time to go back through all the changes as of 1/6/25 there was discussion regarding voting; it was asked: “how or when would it be known that it’s time to vote”? The answer that seemed to stick was: “put to a vote”; BUT the overall flaw that has been stated in Larry’s notes as of 12/30/24 point out that to some extent, the Rules but also The council has a whole are way too stuffy and formal, not only with reference to some of the terms, but also as to “president A” and councilor “B” or town attorney “C” or Town Manager “D” ... everyone knows who you are!! Just state your name for purposes of the tape and video so that for future transcripts, that will be even more clear that your overstated titles. Also, and again at this point, Kristin Terkelsen commented and questioned about “headings” as they may apply to the assortment of “the Elevens” and as to what committees were under what category, etc.; from the future edits and reviews, it remains to be seen if and how these changes have been made to enable people to figure out what they’re reading.

11A – Committee Guidelines and parameters no meaningful discussions on Jan 6, remains to be reviewed further

11B --- too fast to take note of what was covered

11C --- same as 11B

11D - a “new rule”, if so what is it?

12 - committees “of the Town”? We’re just recirculating back around all of the committees which will necessitate clear delineations under Ch. 241

With special attention to the various committees under the Town Manager which, for the most part, are not reviewed p. 10 again, Kristin Terkelsen made references to “residents” or “registered voters” when it came to [what? My notes missed it] there was discussion, to some extent, acknowledging that: pursuant to 2024-166, on 3/21/2024, as Vice President, Craig Tamash was “allowed” to be appointed to this Ad Hoc committee; as of election on 12/12/2024, Craig Tamash was elected as President of the Council and whereupon, according to the current Town Council Rules and Charter, was designated to become and serve as an “ex officio officer” for all of the Town council committees; on 6/4, Kris Clark was elected as the chair of the TCR committee and on 12/12/2024 was elected as the Vice President of the Town Council All of the four members of this TCR committee (other than Craig) have been appointed or assigned to what is being “short-worded-designation as” the “committee on committees” which Ad Hoc committee has not yet been activated; At the time the five Ad Hoc committees were approved and thereafter appointments made, John Crow was appointed, not necessarily “officially” to replace Craig, but rather to be the fifth member; BUT Larry expressed his concern that the Ad Hoc

Committee assignments made it clear that the President was to be only an “Ex Officio” member of all of these committees, but now that that Craig was the president of the council, the issue was raised: how could he be “ex officio” yet still a voting member on the TCR, and how could both the new President and Vice President of the council vote in favor of the TCR Committee’s recommendation, and then when the matter is presented before the full Town Council, assume in a leadership position to vote in favor of the committee’s recommendations in that capacity?

As for Kris Clark’s status as Vice President of the Council, it seems logical and appropriate that Kris “slides into Craig’s spot” on the TCR considering that Craig, as Vice president of the council when the TCR committee became active, was also Vice President of the council. Further, Larry suggested that since the other four committee members have been through the gauntlet for TCR rules, while some of the proposed changes WILL come up under the Committee on Committees, NOW is the time for Craig to withdraw and for John to be appointed to the TCR Committee so that when the Committee on Committees does convene, he will have had time to become familiar and to get caught up.

As it turned out, however, based on the TA’s interpretations, that it would “not make sense” to “break up the group” at this stage. Again, since Larry was, at this stage of the discussion, not allowed to make further comment or offer suggestions, there was no in depth discussion upon which the other four members could have stated their positions. Beyond this, Larry’s notes were limited to those committee members who said that they were “exhausted” and that they just wanted to have it done with and submitted by the Town Attorney to the whole council. The date was kicked around between January 30 and February 6.... not sure when it will be presented or when discussion and debates will commence.

It did appear, however, that on Monday, January 27 at 4:00pm, there’ll be a “final meeting”(?) as to the TCR portion of this Ad Hoc assignment, and perhaps the beginning of the Town Code analysis.

Although not discussed or covered to any extent, by these comments, Larry will be providing the following comments and recommendations which may either be considered and ruled upon by the current TCR.

There were no others for public comment, Chair closed public comment.

Chair of Committee responded to Mr. Morin regarding the Roberts Rules vs Masons Rules, and the Town Attorney often refers to Mason’s Rules because they are tailored to legislative bodies. Town Attorney Karen Nober clarified the two by saying that Robert’s Rules are the rules typically used by Town Councils, and Masons Rules are used by state legislative bodies, both are similar but this committee can make the change if it decides; these are advisory rules, and are not set in stone, but they provide a source to look at when issues come up, and believes that Roberts is more for Town Councils. The other point of clarification that Attorney Nober wanted to make was there have been no open meeting law violations by the Town Council, which has been confirmed by the Attorney General.

Chair of Committee asked the other members their thoughts on the two forms of rules and what they thought should be used moving forward. President Tamash has heard from individuals that they do not have access to Masons Rules, and it is approximately 300 pages long, whereas Robert is easier to obtain and roughly 180 pages long; and it comes down to comfort, what we as a Council is comfortable with, if the legal department is comfortable with Masons, then they should be able to use that if they are used to that, but I would suggest whatever is the most comfortable for people. Councilor Terkelsen asked if there was any training involved, obviously the Council is not going to read a 300-page document, is there a shortened version or a training we could attend or go through to become familiar with the Masons Rules? Attorney Nober stated that she did not think that training on procedural rules would be helpful, the Town Attorney look at it when certain issues comes up they will look in Masons Rules to see if there is something that pertains to the issue at hand, or they look at they agenda and the items on it and try to anticipate questions that may be asked , and they look for any information that may help to answer those questions at the meetings. There is a lot of information that is in there so it would be hard to pick and choose sections that would be helpful for training purposes. Councilor Terkelsen asked if there was a top 10 main topics that would be the 10 most important things that legal thought the

Council members should all know. Councilor Terkelsen also asked what the Legal Department thought of each set of rules, and if there was a preference in their office to use either or. Attorney Nober answered their office is used to using Masons Rules, the copy in the legal office has markers in it as issues have come up, and from her personnel point of view she is comfortable with using Mason's; the two are very similar and if a switch was made their office could switch as well. Attorney Nober mentioned this committee may want to hold off deciding on this and have a discussion with the whole Council regarding this, as I am sure there will be discussion on this document when it is introduced to the Council, and the discussion could take place there. Councilor Burdick mentioned he believes it is sort of a tempest and a teacup scenario for all the use. There is not going to be a lot of maneuvering that's going on based on the minutia of the rules, the operative motions of the meetings remain the same based on any of them, so to change the way we have done things for years does not make sense to him. Attorney Nober stated it is still the Town Council Rules that control the Council, and if there is a need for clarity after the Town Council Rules we turn to Masons for guidance. Councilor Ludtke commented on the only difference is access right now, and which one is easier to access for the Council, why would we use a document that is harder to obtain. If Roberts Rules are easier, we should use that, and also if Masons is for State legislation why would a municipality use it, if Roberts is more for Town Councils. When Vice President Clark looked online there were a lot more cheat sheets per say for Roberts's Rules than there was for Masons Rules, so she found that helpful in her research of trying to look at both documents to see the differences; the Chair decided to move this discussion to a later time.

Town Attorney, Karen Nober introduced the following document:

TOWN COUNCIL RULES OF PROCEDURE (Updated 12/26/2024)

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 two readings and a majority vote of the full Council.

A. 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.

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 conflict-of-interest law education and training requirements. 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.

B. USE OF TOWN PHONES AND EMAIL

Upon election, all Town Councilors shall be assigned a Town cellphone and provided with a Town email account, and Councilors shall use the Town cellphone and Town email to conduct Town business to facilitate compliance with the state public records law. No Town resources shall be used for political purposes.

C. TOWN COUNCIL RULES

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 on or before~~ the next regular meeting. ~~At the meeting at which the election takes place, time shall~~ 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~~councilor 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

Except as set forth in Rule 11A, ~~t~~he 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 Town boards, committees and commissions. (See Rule 11D.) ~~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~~

RULE 4 DUTIES OF THE PRESIDING OFFICER (OR "CHAIR")

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 officer chair in rotating precinct order.

RULE 5A TIME AND PLACE OF MEETINGS; MEETING REQUIREMENTS

The time and place of regular meetings shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once a month. 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).

No regular meeting shall be scheduled on a solemn or legal holiday. (See Rule 5B – Regular 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 or more members, by written notice. Said notice will include the meeting agenda, including all agenda items and supporting documents, which will be delivered to the Town Clerk and to each Councilor at least forty-eight (48) hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday. The meeting notice for a special meeting of the Town Council shall be posted in accordance with the requirements of the Open Meeting Law.

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, §§ 18-25, and the Open Meeting Law regulations, 940 CMR 29.00.

Executive Session: The Council may enter Executive Session only after the Council has first convened in Public Session, provided that notice of the Executive Session has been appropriately posted in accordance with the Open Meeting Law. The presiding officer shall make 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.

RULE 5B REGULAR MEETING SCHEDULE

The Barnstable Town Council shall meet on two Thursdays each month, with every effort made to schedule those meetings on the first and third Thursdays, except in the months of July and August when only one meeting will be held on the third Thursday. Meetings shall conclude at 11:00 P.M. except that the subject at hand may be finished if it was ongoing at 11:00 P.M. Thereafter, the meeting may continue after 11:00 P.M. with a two-thirds vote of the Councilors present and voting. If a regular meeting date falls on a solemn or legal holiday, the President shall make every effort to reschedule such meeting to another Thursday but may choose another day if necessary and warranted by the circumstances. In addition, regular meetings may be rescheduled by the President if necessary and warranted by the circumstances, including, for example, lack of quorum on the scheduled meeting date. Every effort shall be made to reschedule any such meeting to another Thursday, but another date may be chosen if necessary and warranted by the circumstances. No town board, commission, or committee shall meet on a regularly scheduled meeting night of the Town Council.

RULE 5C ATTENDANCE; REMOTE PARTICIPATION

Except in emergencies, Councilors shall notify the Council President and the Council Administrator in advance if they will be absent from a Town Council meeting. At the beginning of the meeting, the presiding officer shall announce the names of any absent Councilors. Councilors shall make every effort to notify the Council President and Council Administrator if they anticipate that they will arrive late to a

Council meeting. The presiding officer shall note the arrival of any Councilor who joins the meeting late. Any Councilor who is leaving the meeting early shall announce their departure, and the presiding officer shall note the Councilor's departure for the record.

To the extent permitted by state law, Councilors may participate remotely in Town Council meetings in accordance with the Town Council Policy on Remote Participation then in effect, subject to any amendment or revocation of that policy as may occur; provided that any such amendment or revocation shall not require an amendment of these Rules. (A copy of the Town Council Policy on Remote Participation approved by the Council at its February 15, 2024 meeting (Item No. 2024-162) shall be attached to these Rules for informational purposes as Attachment A, but such Policy shall not be deemed to be an integral part of these Rules, and such attachment shall be removed, updated or replaced, as appropriate.)

If technical problems interrupt or prevent remote participation, the presiding officer will wait up to five (5) minutes to allow for the connection or reconnection prior to beginning or resuming the meeting. After waiting five minutes, the meeting shall continue even if the technical problems have not been resolved, but, at the discretion of the presiding officer, the meeting may be delayed for an additional reasonable period to allow for a further attempt to try to resolve the problems or the meeting may resume. In such case, the presiding officer may choose to skip certain agenda items while an attempt is made to resolve the problems. If the Councilor is disconnected, the fact and time shall be noted in the minutes. If the Councilor reconnects, the fact and time shall be noted in the minutes.

RULE 5D 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. 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.

MEASURE: A "measure" is any matter coming before the Council that is 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.

Measures require 2 readings.

NON-MEASURE: A "non-Measure" shall include any matter 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, appointments, resolutions, proclamations, tax classification votes, contract approvals that are not measures and petitions to the General Court.

RULE 5E AGENDA SETTING

The Council President, after consultation with the sponsoring Councilor 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 Report, 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.

RULE 5F CONSENT AGENDA

A Consent Agenda may be used to approve a grouping of agenda items with one vote and no discussion; provided that upon objection by any Councilor to the inclusion of one or more items in any particular Consent Agenda, the item or items shall be removed from the Consent Agenda for separate deliberation and vote by the Town Council; and provided, further, that separate public hearings and votes shall be held for agenda items requiring a public hearing.

RULE 5G 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 Report (which may be pre-recorded)
7. Act on Public Session Minutes
8. Communications from Elected Officials, Boards, Committees and Commissions, and Staff, Correspondence and Announcements
9. Orders of the Day
 - A. Old Business
 - B. New Business
10. Adjournment

RULE 5H PUBLIC COMMENT

At each regular meeting of the Council there shall be a period set aside for public comment. Any member of the public who wishes to participate in public comment shall be recognized by the presiding officer 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) for the record. Generally, public comment will be limited to three minutes for each individual speaking, but additional time may

be granted at the discretion of the presiding officer. All remarks and questions shall be addressed to the Council as a whole, through the presiding officer, and not to any individual member. No member of the public may speak at a Council meeting without first being recognized by the presiding officer. 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. 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). At the beginning of public comment, a statement shall be read by the presiding officer or his or her designee substantially in the form set forth below:

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 (or presiding officer). 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 (or presiding officer). The Council President (or presiding officer) will request silence in the chamber if anyone ignores this rule.

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.

RULE 5A MEETING 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. (See Rule 5B) 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 five or more members, by written notice. [online code reads 220-2Special 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.

Said notice will include relevant agenda items and pertinent documents pertaining to those items which will be delivered to the Town Clerk and to each councilor's residence at least forty eight hours in advance of the time set. Executive session may be entered only after the council has first convened in open session for which notice has been appropriately posted (unless an emergency exception applies). The presiding officer cites the reason for going into executive session 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:
10. (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. The subject at hand could be finished if it was ongoing at 11:00 P.M. and the meeting could continue with a 2/3's vote of the council after 11 P.M. If a regular meeting date falls on a solemn or legal holiday, the president shall reschedule such meeting to the Thursday of the following week. 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 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: All matters to come before the Council that are inherently legislative in nature, including ordinances, charter amendments, appropriations, loan orders, lease approvals and eminent domain authorizations.

NON-MEASURES: Non-Measures shall include all matters to come before the council which are not specified to be measures such as any matter which is executive, administrative or ministerial, or quasi-judicial, including, without limitation, appointments, resolutions, proclamations, tax classification votes, contract approvals, and petitions to the General Court.

RULE 5D 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 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 agenda, including the Town Manager's Communication, complete with documentation shall be delivered to the Town Councilors no later than 48 hours prior to the regular meeting of the Council.

RULE 5E ORDER OF BUSINESS

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

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Public Comment
5. Council Response to Public Comment
6. Town Manager Communications
7. Act on Minutes (Includes Executive Sessions)
8. Communication from Elected Officials, Boards and Commissions and Staff, Correspondence, 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 on the public comment docket shall be recognized by the chair, and shall state his/her name and 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, public comment will be limited to three minutes for each individual speaking. All remarks and questions shall be addressed to the Council as a whole through the chair and not to any member thereof. 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 (in accordance with MGL CH. 39, S. 23C).~~

RULE 6A 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, ~~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 6BA 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 eight~~ (9).

RULE 6CB 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 twice~~ until all other members choosing to speak have spoken. The length of time that any member may discuss the subject on the floor of the Council shall be limited to three minutes, 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 6DC 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)
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 6ED PREVIOUS QUESTION

The previous question shall be put as follows: ~~"I call the previous question."~~ "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 6~~FE~~ 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 or standing 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 standing committee, commission or board of the Town with appropriate jurisdiction for advice sought by the Town Council upon motion and a majority vote of the Council.

RULE 6~~GF~~ 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. In addition, any Councilor who has voted with the prevailing side may make a motion for reconsideration at the next regular meeting of the Council following the vote; provided, that if such motion for reconsideration was not noticed on that next regular meeting's agenda, then any such Councilor shall give notice that a motion for reconsideration shall take place at the following 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~~A~~ 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 8~~B~~A ROLL CALL

All final votes of the Town Council on ordinances, appropriation orders, and ~~or~~ loan authorizations shall be taken by roll call vote, and shall be duly recorded by the town Clerk of the Council. On other matters requiring a vote, a roll call may be requested by any Councilor. 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 Councilor present when the question is put shall vote yes, no, abstention, or pass. If a Councilor 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 Councilor 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 Charter.

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 Administrator, who shall arrange for the preparation of requested transcripts from tape recordings of meetings, hearings or debates.

RULES 11~~A~~ COUNCIL COMMITTEES COMMITTEES OF THE COUNCIL

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. 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, who will notify the Council President and post as required with the Town Clerk. The President and Vice President of the Council shall not serve as a chair or vice-chair person of any committee of the Council, except that a Councilor already serving as chair or vice-chair of an Ad-Hoc Committee may continue in that role if subsequently elected as President or Vice-President of the Council.

The President shall be a non-voting ex-officio member of all committees of the Council, except that the President may continue to be a voting member of any Ad-Hoc Committee on which he or she serves if such service pre-dates his or her election as President. Meetings of committees may be called by the chair 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 by and the Council Administrator, 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 Charter, the General Laws of the Commonwealth, or as otherwise voted by the Town Council. All new standing committees, boards and commissions of the Town Council 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.

11BA 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 or 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. At the discretion of the committee, a vice-chair may be selected by vote of the committee. 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. The Town Council shall limit the number of ad-hoc committees in existence and meeting during any given period to no more than two (2); provided, however, that the Town Council by majority vote of its members may override this rule and allow for the creation of up to two (2) additional ad-hoc committees.

The chair shall 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 shall record the minutes. Ad-hoc Committees shall have access to the Council Administrator under the direction of the Council President. Ad-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.

RULE 11CB COMMITTEE PARAMETERS AND GUIDELINES-STANDING COMMITTEES

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 Administratorive Assistant, who will notify the Council President and post as required with the Town Clerk.

Standing committees shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council, 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 chairperson of any standing committee.

Ad-hoc committees shall select a chairperson who will organize the committee and be responsible for the conduct of the committee and shall be the spokesperson for the committee in matters with the Council. The Town Council AdministratorA 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-hoc Committees shall have access to the Council's Administratorive Assistant under the direction of the Council Presidentofficers. Ad-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 chairperson 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 Administratorive 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 TownBarnstable Home Rule Ccharter, the General Laws of the CommonwealthMGL, 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

RULE 11D 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. Liaisons shall sit where the public are seated. Liaisons who wish to express a personal opinion shall do so during the public comment portion of the meeting in the same manner as other members of the public and shall state that they are speaking in their personal capacity. When recognized by the Chair, liaisons may ask questions and make comments during discussion and shall identify themselves as liaisons prior to the first instance of speaking, unless speaking in their personal capacity during public comment. Liaisons shall not commit the Council to a course of action and are not to speak on behalf of the Council.

Liaisons shall receive meeting postings, agendas, reports, and minutes from the other body. Liaisons shall attend or watch the meetings of the other body, as they deem appropriate, and should be familiar with the materials provided as above and maintain contact with the other body's Chair.

RULE 12 APPOINTMENTS - (Nominations by the appointments committee)

Appointments require 2 readings. 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.

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 ~~a~~ before two regular meetings have passed. No office of the Council shall remain vacant for more than two regular meetings. The nomination and election process shall conform with the process set forth in Rule 1 above
~~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.~~

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 the Town Manager's 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 its 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 ~~e~~Committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the subcommittee's work, subject to review at the request of the subcommittee. If the subcommittee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council. 14 of 15 Amended TC Rules 11/06/14 eap
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 subcommittee 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 subcommittee 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; ~~Individual and Group-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, including amendments to or repeal of the Town Council Rules of Procedure; Group Petitions; Loan Authorizations; Supplemental Appropriations; and any 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 two-thirds 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.

ATTACHMENT A

[Attach Town Council Policy on Remote Participation then in effect]

Attorney Nober introduced the CLEAN VERSION below:

TOWN COUNCIL RULES OF PROCEDURE (Updated 12/26/2024)

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 two readings and a majority vote of the full Council.

A. 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.

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 conflict of interest law education and training requirements. 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.

B. USE OF TOWN PHONES AND EMAIL

Upon election, all Town Councilors shall be assigned a Town cellphone and provided with a Town email account, and Councilors shall use the Town cellphone and Town email to conduct Town business to facilitate compliance with the state public records law. No Town resources shall be used for political purposes.

C. TOWN COUNCIL RULES

RULE 1 COUNCIL OFFICERS

The first Town Council meeting in December shall be an organizational meeting. At that time, Councilors shall nominate a President and a Vice President, election of which shall take place at the next regular meeting. At the meeting at which the election takes place, time shall be allotted for speeches by each candidate, limited to five (5) minutes per candidate per office. Voting will be done by roll call. Each Councilor 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

Except as set forth in Rule 11A, the President shall serve as a non-voting ex-officio member of all Council Committees. The President and Vice President shall designate Councilors to serve as liaisons between the Council and Town boards, committees and commissions. (See Rule 11D.) 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.

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 in rotating precinct order.

RULE 4 DUTIES OF THE PRESIDING OFFICER (OR "CHAIR")

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

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 officer in rotating precinct order.

RULE 5A TIME AND PLACE OF MEETINGS; MEETING REQUIREMENTS

The time and place of regular meetings shall be held at a time and place fixed by ordinance, but which shall not be less frequent than once a month. 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).

No regular meeting shall be scheduled on a solemn or legal holiday. (See Rule 5B – Regular 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 or more members, by written notice. Said notice will include the meeting agenda, including all agenda items and supporting documents, which will be delivered to the Town Clerk and to each Councilor at least forty-eight (48) hours in advance of the time set. No special meeting shall be scheduled on a solemn or legal holiday. The meeting notice for a special meeting of the Town Council shall be posted in accordance with the requirements of the Open Meeting Law.

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, §§ 18-25, and the Open Meeting Law regulations, 940 CMR 29.00.

Executive Session: The Council may enter Executive Session only after the Council has first convened in Public Session, provided that notice of the Executive Session has been appropriately posted in accordance with the Open Meeting Law. The presiding officer shall make 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.

RULE 5B REGULAR MEETING SCHEDULE

The Barnstable Town Council shall meet on two Thursdays each month, with every effort made to schedule those meetings on the first and third Thursdays, except in the months of July and August when only one meeting will be held on the third Thursday. Meetings shall conclude at 11:00 P.M., except that the subject at hand may be finished if it was ongoing at 11:00 P.M. Thereafter, the meeting may continue after 11:00 P.M. with a two-thirds vote of the Councilors present and voting. If a regular meeting date falls on a solemn or legal holiday, the President shall make every effort to reschedule such meeting to another Thursday but may choose another day if necessary and warranted by the circumstances. In addition, regular meetings may be rescheduled by the President if necessary and warranted by the circumstances, including, for example, lack of quorum on the scheduled meeting date. Every effort shall be made to reschedule any such meeting to another Thursday, but another date may be chosen if necessary and warranted by the circumstances. No town board, commission, or committee shall meet on a regularly scheduled meeting night of the Town Council.

RULE 5C ATTENDANCE; REMOTE PARTICIPATION

Except in emergencies, Councilors shall notify the Council President and the Council Administrator in advance if they will be absent from a Town Council meeting. At the beginning of the meeting, the presiding officer shall announce the names of any absent Councilors. Councilors shall make every effort to notify the Council President and Council Administrator if they anticipate that they will arrive late to a Council meeting. The presiding officer shall note the arrival of any Councilor who joins the meeting late. Any Councilor who is leaving the meeting early shall announce their departure, and the presiding officer shall note the Councilor's departure for the record.

To the extent permitted by state law, Councilors may participate remotely in Town Council meetings in accordance with the Town Council Policy on Remote Participation then in effect, subject to any amendment or revocation of that policy as may occur; provided that any such amendment or revocation shall not require an amendment of these Rules. (A copy of the Town Council Policy on Remote Participation approved by the Council at its February 15, 2024 meeting (Item No. 2024-162) shall be attached to these Rules for informational purposes as Attachment A, but such Policy shall not be deemed to be an integral part of these Rules, and such attachment shall be removed, updated or replaced, as appropriate.)

If technical problems interrupt or prevent remote participation, the presiding officer will wait up to five (5) minutes to allow for the connection or reconnection prior to beginning or resuming the meeting. After waiting five minutes, the meeting shall continue even if the technical problems have not been resolved, but, at the discretion of the presiding officer, the meeting may be delayed for an additional reasonable period to allow for a further attempt to try to resolve the problems or the meeting may resume. In such case, the presiding officer may choose to skip certain agenda items while an attempt is made to resolve the problems. If the Councilor is disconnected, the fact and time shall be noted in the minutes. If the Councilor reconnects, the fact and time shall be noted in the minutes.

RULE 5D 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. 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.

MEASURE: A “measure” is any matter coming before the Council that is 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.

Measures require 2 readings.

NON-MEASURE: A “non-Measure” shall include any matter 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, appointments, resolutions, proclamations, tax classification votes, contract approvals that are not measures and petitions to the General Court.

RULE 5E AGENDA SETTING

The Council President, after consultation with the sponsoring Councilor 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 Report, 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.

RULE 5F CONSENT AGENDA

A Consent Agenda may be used to approve a grouping of agenda items with one vote and no discussion; provided that upon objection by any Councilor to the inclusion of one or more items in any particular Consent Agenda, the item or items shall be removed from the Consent Agenda for separate deliberation and vote by the Town Council; and provided, further, that separate public hearings and votes shall be held for agenda items requiring a public hearing.

RULE 5G 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 Report (which may be pre-recorded)
7. Act on Public Session Minutes
8. Communications from Elected Officials, Boards, Committees and Commissions, and Staff, Correspondence and Announcements
9. Orders of the Day
 - A. Old Business
 - B. New Business
10. Adjournment

RULE 5H PUBLIC COMMENT

At each regular meeting of the Council there shall be a period set aside for public comment. Any member of the public who wishes to participate in public comment shall be recognized by the presiding officer 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) for the record. Generally, public comment will be limited to three minutes for each individual speaking, but additional time may be granted at the discretion of the presiding officer. All remarks and questions shall be addressed to the Council as a whole, through the presiding officer, and not to any individual member. No member of the public may speak at a Council meeting without first being recognized by the presiding officer. 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. 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). At the beginning of public comment, a statement shall be read by the presiding officer or his or her designee substantially in the form set forth below:

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 (or presiding officer). 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 (or presiding officer). The Council President (or presiding officer) will request silence in the chamber if anyone ignores this rule.

RULE 6A 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 6B 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 nine (9).

RULE 6C 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 6D 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)
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 6E 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 6F 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 or standing 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 standing committee, commission or board of the Town with appropriate jurisdiction for advice sought by the Town Council upon motion and a majority vote of the Council.

RULE 6G 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. In addition, any Councilor who has voted with the prevailing side may make a motion for reconsideration at the next regular meeting of the Council following the vote; provided, that if such motion for reconsideration was not noticed on that next regular meeting's agenda, then any such Councilor shall give notice that a motion for reconsideration shall take place at the following 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 8A 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.

RULE 8B 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 Clerk of the Council. On other matters requiring a vote, a roll call may be requested by any Councilor. 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 Councilor present when the question is put shall vote yes, no, abstention, or pass. If a Councilor 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 Councilor 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 Charter.

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 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 all Public Sessions of Council meetings and post said video recordings on the Town website. The Town Council Administrator shall be the clerk of Town Council committee meetings.

RULE 11A COMMITTEES OF THE COUNCIL

After the organization of the Council, the President, subject to approval by the 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. 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, who will notify the Council President and post as required with the Town Clerk. The President and Vice President of the Council shall not serve as a chair or vice-chair of any committee of the Council, except that a Councilor already serving as chair or vice-chair of an Ad-Hoc Committee may continue in that role if subsequently elected as President or Vice-President of the Council.

The President shall be a non-voting ex-officio member of all committees of the Council, except that the President may continue to be a voting member of any Ad-Hoc Committee on which he or she serves if such service pre-dates his or her election as President. Meetings of committees may be called by the chair 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 by the Council Administrator, 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 Charter, the General Laws of the Commonwealth, or as otherwise voted by the Town Council. All new standing committees, boards and commissions of the Town Council 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.

RULE 11B AD-HOC COMMITTEES

The President of the Town Council may designate the members of ad-hoc committees that are established by vote of the Council, the members of which shall include 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. At the discretion of the committee, a vice-chair may be selected by vote of the committee. 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. The Town Council shall limit the number of ad-hoc committees in existence and meeting during any given period to no more than two (2); provided, however, that the Town

Council by majority vote of its members may override this rule and allow for the creation of up to two (2) additional ad-hoc committees.

The chair shall 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 shall record the minutes. Ad-hoc Committees shall have access to the Council Administrator under the direction of the Council President. Ad-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.

RULE 11C STANDING COMMITTEES

Standing committees shall select a chair 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.

RULE 11D 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. Liaisons shall sit where the public are seated. Liaisons who wish to express a personal opinion shall do so during the public comment portion of the meeting in the same manner as other members of the public and shall state that they are speaking in their personal capacity. When recognized by the Chair, liaisons may ask questions and make comments during discussion and shall identify themselves as liaisons prior to the first instance of speaking, unless speaking in their personal capacity during public comment. Liaisons shall not commit the Council to a course of action and are not to speak on behalf of the Council.

Liaisons shall receive meeting postings, agendas, reports, and minutes from the other body. Liaisons shall attend or watch the meetings of the other body, as they deem appropriate, and should be familiar with the materials provided as above and maintain contact with the other body's Chair.

RULE 12 APPOINTMENTS - (Nominations by the appointments committee)

Appointments require 2 readings. 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.

RULE 13 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 no office of the Council shall remain vacant for more than two regular meetings. The nomination and election process shall conform with the process set forth in Rule 1 above.

RULE 14 INQUIRIES AND INVESTIGATIONS

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

INQUIRIES:

An inquiry may be called for by a majority vote of those present at a regular Council meeting. An inquiry shall be made through the Town Manager if it concerns areas under the Town Manager's 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 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 Council finds that it needs information not readily forthcoming in order to make a determination, the Council may proceed with an investigation. Investigations are considered the last resort by the Council and should be entered into seriously and advisedly. The procedure to be taken shall be as follows:

1. A motion calling for an investigation shall clearly state in writing the purpose of the investigation and those persons, departments, or topics to be investigated. A resolution calling for an investigation shall not be voted at the first meeting at which it is introduced. A two-thirds vote of the full Council shall be required in order to authorize an investigation to proceed.
2. The Council may, by an affirmative vote of a majority of the full Council, establish a three-person committee of its members appointed by the Council President to hear testimony, collect evidence, and present facts to the full Council. A time may be set by the Council for completion of the committee's work, subject to review at the request of the committee. If the committee determines that the original scope of the investigation needs to be broader, it must receive authorization from a majority of the full Council.
3. Under its initial vote establishing an investigation committee, the Council shall decide whether the investigation is legislative or 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 committee shall be held in accordance with the Open Meeting Law.
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 provided to the full Council along with a copy of committee findings.

9. The committee will report its findings and recommendations to the full Council at a regular or special meeting of the Council. The 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; Individual and Group 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, including amendments to or repeal of the Town Council Rules of Procedure; Loan Authorizations; Supplemental Appropriations; and any 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, 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 **two-thirds** 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.

ATTACHMENT A

[Attach Town Council Policy on Remote Participation then in effect]

Committee members discussed changing some of the titles of the sections to make it make more sense to those that are reading it. Attorney Nober will clean up the headings of each section and present the document at the next meeting for clarification. Attorney Nober is also going to make sense of the Committees and the Standing Committees so that everyone is aware of what the two differences are. Attorney Nober will re look at sections 11 A B and add a rule12 for clarity. Chair of Committee asked the members if they would like to consider any of the public comment's suggestions sent in by Mr. Morin before Attorney Nober delivers the final draft for consideration at our next meeting. Councilor Ludtke feels that we have exhausted this document and made the changes necessary, and what the committee did today was administrative, for clarity purposes. We have gone into detail, Councilor Ludtke feels that the product today is sufficient to get a clean copy and let's go forward with it. Chair of Committee agreed. Attorney Nober will provide a red-line version and a clean copy so that the members of the committee can compare the two documents and see where the changes were made. President Tamash would like to get this on the January 30, 2024 Agenda for a first reading. Councilor Burdick would like it sent to the Council as soon as possible so that the Council has an opportunity to look at it and review it. Attorney Nober would like to do it the first meeting in February so that the whole Council has an opportunity to see it well before it goes on an Agenda. Attorney Nober will

email the document to the Committee first and then if the Committee gives their blessing it will go to the whole Council

A motion was made by President Tamash to delegate the final changes discussed in tonight's meeting to the Town Attorney, Karen Nober, this was seconded by Councilor Terkelsen. Administrator of the Town Council took a roll call vote:

President of the Council Craig Tamash	yes
Councilor Kristin Terkelsen	yes
Councilor Betty Ludtke	yes
Vice President Kris Clark (Chair)	yes
Councilor Seth Burdick	yes

Chair of Committee asked for a motion to accept the meeting minutes of December 16, 2024 as written. President Tamash made the motion to accept the meeting minutes as written of December 16, 2024, this was seconded by Councilor Terkelsen; a roll call vote was taken.

Vice President Kris Clark (Chair)	yes
Councilor Kristin Terkelsen	yes
President of the Council Craig Tamash	yes
Councilor Betty Ludtke	yes
Councilor Seth Burdick	yes

Next meeting to discuss the Code: Attorney Nober will ask the department heads when they meet and ask them if they have any issues or if they struggle with any part of the Code and will report back to the Committee with those concerns if any.

Next meeting January 27, 2024 at 4pm in the Selectmen's Conference Room. Attorney Nober will zoom in. Assistant Attorney Cogliano will be in person.

Chair of Committee asked for a motion to adjourn: the motion was made by Councilor Terkelsen, the motion was seconded by President Tamash. Administrator to the Town Council took a roll call vote

Vice President Kris Clark (Chair)	yes
Councilor Kristin Terkelsen	yes
President of the Council Craig Tamash	yes
Councilor Betty Ludtke	yes
Councilor Seth Burdick	yes

ADJOURN: 5:23pm