



KEENE CITY COUNCIL

Council Chambers, Keene City Hall

January 1, 2016

12:00 noon

1. Meeting called to order by the City Clerk, Patricia A. Little
2. The City Clerk announces that Kendall W. Lane is present to take the Oath of Office
3. The Honorable Howard B. Lane, Jr. administers the Oath of Office to Mayor-elect Kendall W. Lane
4. Mayor Lane takes the Chair and directs the clerk to call the roll of the Councilors-elect
 - Carl B. Jacobs
 - Jay V. Kahn
 - Randy L. Filiault
 - Thomas F. Powers, III
 - Robert B. Sutherland
 - George S. Hansel
 - Gary P. Lamoureux
 - Steve L. Hooper
 - Bettina A. Chadbourne
 - David C. Richards
5. The Honorable Kendall W. Lane administers the oath of office to the Councilors-elect
6. Mayor Lane directs the clerk to call the Roll of the Keene City Council
7. Invocation – The Reverend Michael F. Hall
8. Pledge of Allegiance – Led by Claire and William O'Connor
9. Inaugural Address
10. Resolution R-2016-01: Relating to the City Council's Rules of Order
11. Announcement of Standing Committee Assignments
12. Benediction – The Reverend Michael F. Hall

Adjournment



CITY OF KEENE

R-2016-01

Sixteen

In the Year of Our Lord Two Thousand and

Relating to the City Council's Rules of Order

A RESOLUTION

Resolved by the City Council of the City of Keene, as follows:

That the City Council of Keene, New Hampshire, in accordance with Section 20 of the Keene City Charter, hereby adopts as its rules for the transaction of its business during 2016 and 2017, hereinafter called its Rules of Order, the following:

COUNCIL MEETINGS

SECTION 1. REGULAR COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (holidays excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the Council.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal or absence from the City, by five (5) or more members of the Council, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a notice of the special session stating time, place, and object, and this notice shall either be mailed at least forty-eight (48) hours before the time of the meeting, or in an emergency, it shall be served personally upon each member of the Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent effort to notify each member of the Council by telephone or otherwise of such special session.

SECTION 3. ADJOURNED SESSIONS. Any session of the Council may be continued or recessed from day to day, or for more than one (1) day, but no recess shall be for a longer period than until the next regular meeting thereafter.

SECTION 4. QUORUM. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council or public hearings before the City Council. In case that a less number than a quorum shall convene at a regular or special meeting, the majority of the members present are authorized to send for all absent members.

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, the Council shall proceed to elect a Councilor, by a majority vote of those present, as chairman of the meeting to act until the Mayor appears. The temporary chairman shall have the obligation to vote in accordance with Section 14, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the Council and shall perform such other duties as the Mayor and a majority of the Council may prescribe.

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the Council unless excused by the Council or Mayor. Any member of the Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the presiding officer, subject to the provisions of Section 12, "Right of Appeal," of these Rules of Order.

SECTION 9. DECORUM AND ORDER. The presiding officer shall preserve decorum and if a member transgresses the rules of the Council, the presiding officer shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section 12, "Right of Appeal," of these Rules of Order. There shall be no smoking within the Council Chamber while the Council is in session.

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 10. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the presiding officer, shall confine himself or herself to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's argument or vote. No member of the Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

SECTION 11. EXCUSAL DURING MEETING. No member may leave the Council Chamber while in regular session without permission from the presiding officer. There shall be, at a convenient point to be selected by the Mayor or presiding officer in the absence of the Mayor, a recess of approximately (5) minutes, after the Council has been in session for two (2) hours, including hearings.

SECTION 12. RIGHT OF APPEAL. Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded the member making the appeal may briefly state his or her reason for the same, and the presiding officer may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the Chair is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The Chair shall not have a vote.

SECTION 13. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any one question until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice on any one question, nor for a longer time than ten (10) minutes in all, without leave of the Council.

SECTION 14. VOTING AND CONFLICT OF INTEREST. Every member present when a question is put shall vote thereon, except when the member has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene. A conflict may exist when a Councilor's spouse, civil union partner, parent, child, or other member of the Councilor's immediate family has a conflict. A conflict exists when a business or individual has a matter before the Council and a Councilor is employed by the business, or is otherwise a party in interest. If the conflict becomes known prior to a Council meeting, the Councilor shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor claimed to have the conflict of interest shall not vote. When such a conflict exists, the member having the conflict shall be prohibited from participating in the discussion and voting. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any other Councilor in any other place or any other time.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The question will then be decided as set forth above.

SECTION 15. DEMAND FOR ROLL CALL. Upon the demand of any member, made before the negative has been put, the roll shall be called for yeas and nays upon any question before the Council. It shall not be in order for members to explain their vote during the roll call.

SECTION 16. MOTIONS. A long or complex motion shall be reduced to writing if the Chair so directs; or if any member of the Council requests it. When a main motion is under debate, the Mayor may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone	2nd required	Simple majority	Debatable	Amendable

definitely				
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor may receive the following incidental and restoratory motions, which have no rank:

Adjourn	2nd required	Simple majority	Not debatable	Not amendable
Recess	2nd required	Simple majority	Not debatable	Not amendable
Division of the question	2nd required	Simple majority	Not debatable	Amendable
Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	2/3 majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd	Simple	Debatable	Not

	required	majority		amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

SECTION 17. PERMISSION REQUIRED TO ADDRESS COUNCIL. Persons other than the Mayor, members of the Council or the City Manager shall not be permitted to address the Council except upon introduction by the Mayor or a Council member and only after the person's name and address has been clearly stated. If any Councilor objects to the person being permitted to address the Council, he or she shall be permitted to speak only by a majority vote of the Council.

SECTION 18. MOTION TO ADJOURN. A motion to adjourn shall be in order at any time, except as follows:

1. When repeated without intervening business or discussion
2. When made as an interruption of a member while speaking
3. When the previous question has been ordered
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

SECTION 19. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration for that action at the next regular meeting of the Council. For the purposes of this Rule, the next regular meeting of the Council shall be the next regularly scheduled meeting of the City Council which is at least ten (10) days after the meeting of the Council at which the decision to be reconsidered occurred. The Councilor shall submit a written notice and the question shall be placed on the agenda in accordance with these rules. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has once been acted on, no other motion for a reconsideration thereof shall be made. If the original vote is sustained at the next regular meeting as defined herein, the Council shall have no further right of reconsideration on the question.

SECTION 20. TIE VOTE. In case of a tie vote on any proposal, except an election by ballot vote, the presiding officer shall cast his or her vote to dissolve the tie vote.

SECTION 21. SPECIAL COMMITTEES. All Special Committees of the Council such as the Council may establish, shall be appointed and announced by the Mayor. The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council. Special

Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

SECTION 22. STANDING COMMITTEES. At the commencement of each municipal year, the following Standing Committees of the Council shall be appointed by the Mayor. All Standing Committees of the Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items referred to Committee shall be in accordance with their areas of concern as set forth below:

Finance, Organization, and Personnel Committee

Assessment, budget, claims, City owned property and its disposition, finances, information services, insurance, leases, organization, personnel, purchasing, elections, and taxes.

Municipal Services, Facilities and Infrastructure Committee

Airport, cemeteries, downtown parking facilities, infrastructure, fire, health, human services, library, parks, police, recreation, safety, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport land use planning, cable television, code enforcement, easements, economic development, floodplain, general development, housing, infrastructure planning, land use, permits, licensing, management of open space, conservation, planning, Rules of Order, wetlands, and zoning.

No member of the Council who is not a member of the Committee may indicate how they will vote on an item on a Committee agenda; he or she may ask questions and participate in the discussion but not participate in the deliberations after a motion and 2nd has been made concerning an item on a Committee agenda. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, only the members of the Committee shall attend the session.

All Standing Committees, except Finance, Organization and Personnel, shall normally meet on the Wednesday following a regularly scheduled Council meeting. The Finance, Organization and Personnel Committee shall normally meet on the first Thursday following the regularly scheduled Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 PM on the Tuesday before the Committees hold their regular meetings. Not less than every three (3) months, the Chairman of each Standing Committee of the Council shall submit an attendance report for his or her Committee to the Council for its information. At the last meeting of the months of March, June, September, and December, all Committees shall list the subject matter of all matters pending before the Committee which has been granted more time. A majority of each Committee shall constitute a quorum. The City Manager and those department heads needed by the respective committees shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head

or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will make arrangements to avoid conflicting demands on the City Manager's time.

SECTION 23. ORDER OF BUSINESS. The business of all regular meetings of the Council shall be transacted in the following order.

1. Call to order
2. Roll call of attendance
3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting.
5. Public Hearings and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff
9. City Manager Comments
10. Legislation (Ordinances/Resolutions)
11. Non-Public Session
12. Adjournment

SECTION 24. ITEMS OF BUSINESS - OUT OF ORDER. The presiding officer may permit any item of business to be taken up out of the regular order unless there is an objection by a Council member in which case a majority of the Council may vote to take the item out of order.

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council must be signed by the person introducing the same and must give his or her residential address, mailing address, if different, at which he or she can be reached to be notified of committee meetings, etc. Communications containing a scanned image of the person's actual signature may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk and will not be placed on the agenda of the City Council. Communications addressed to a Councilor of a personal or argumentative nature shall not be introduced in Council.

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the Council holds its regular meeting. Ordinances, Resolutions, and documents, except Committee reports, to come before the Council for consideration shall be personally hand signed by those submitting same. Committee reports shall be signed by the Committee chairman or his or her designee.

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined

by the Mayor or Manager to be routine City business, or easily resolved by the City staff, or of a nature that investigation by the City would be desirable in order to better determine how to proceed with that item of business, or of a nature that the matter be dealt with confidentially under applicable law, shall be referred, as appropriate, to the City officer, department, City Council, Council Committee, or other agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor or City Manager shall determine to be appropriate. The Council shall be provided with a summary of these items of business and their disposition. The City Manager shall take reasonable measures to insure that these referrals are followed up. Items of business not resolved to the satisfaction of their sponsor, shall be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items appearing on the Council agenda for the first time shall be referred by the Mayor to a Committee or Committees in accordance with its or their areas of concern as set forth in Section 22, Standing Committees, hereof for its or their consideration and report for the next meeting of the Council, unless more time is granted by the Council. Any item appearing on the Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. All petitioners, communications, reports and documents appearing before the Council shall be ordered filed with the records of the Council by the Mayor unless, after inquiry, he or she hears objection by any Councilor to that procedure. If there is objection, a motion as to disposition will be in order. After filing, motions will be in order for referral, for more time, or for such other action as the Council deems appropriate. Once more time has been granted on a matter, it shall remain on more time until placed on the committee agenda for action or a motion to call it out of committee passes. Notwithstanding any other provisions of these rules, Resolutions of a congratulatory or ceremonial nature and items referred directly to a committee under this Section and then reported out may be debated and acted upon when they first appear on the Council agenda without suspension of the rules.

SECTION 27. REVIEW AND INTRODUCTION OF ORDINANCES AND RESOLUTIONS. All proposed Ordinances and Resolutions shall be introduced to the Council with the name of the Councilor introducing same being announced by the Clerk.

SECTION 28. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds and all Ordinances shall be read twice. The first and second readings to be by title only. On the announcement of a second reading, the question shall be voted on by a roll call vote. Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in Council. No item which has been the subject of a public hearing may be considered by Council on the same day as the hearing.

SECTION 29. AMENDED ORDINANCES. If an Ordinance is amended in Committee, it shall be reported as an amended Ordinance. The Committee report shall explain the recommended amendments.

SECTION 30. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for the appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call and entered in full upon the record. Every member shall be required to vote unless excused

for cause by vote of the Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

SECTION 31. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed annual operating budget during the budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the Council agenda no later than five (5) days prior to the Council meeting scheduled for the adoption of the annual budget. After the annual appropriation has been passed, subsequent expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. In such case said subsequent expenditure creates a City debt the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

SECTION 32. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the budget, Resolutions calling for the appropriation of funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the funds to which it is to be charged.

SECTION 33. REPORT BY COMMITTEE. All matters referred to a committee must be reported out of that committee at the next regular meeting of the Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony with regard to a public hearing shall be accepted by the City Clerk up until 1:00 PM on the Tuesday immediately preceding the committee meeting. Written testimony with regard to any other business before the committee shall be accepted by the City Clerk up until 4:00 PM on the Tuesday immediately following the committee meeting in order to be included in the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a committee at the next regular meeting after the hearing unless otherwise ordered by a majority of the Council Committee members present. If not reported as above, or if immediate action is required, a motion by the City Council to call the matter out of committee will then be in order. Passage of that motion will place the matter before the Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, the member shall be permitted to speak against the recommendation of the Committee.

SECTION 34. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the Council regarding the disposition of an item of business submitted to it, except for a reconsideration vote under these rules, the identical subject matter to that in the item of business so decided shall not be taken up again by the Council as an item of business during that calendar year, unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result. During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event

that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.

SECTION 35. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the majority of members present. All persons present except the Mayor, City Council, the City Manager, City Attorney and City Clerk, unless any are excused, shall leave the meeting, unless specifically requested to remain.

SECTION 36. SUSPENSION OF THE RULES. Any provision of these rules not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the Council, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

SECTION 37. TO AMEND RULES. These rules may be amended or new rules adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be referred to the Planning Licenses and Development Committee. This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected. Changes shall become effective upon passage.

SECTION 38. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or temporary chairman (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy.
- B. When a vacancy is declared to exist, the Mayor or temporary chairman (in the case of a vacancy in the office of the Mayor) shall establish an eight (8) day period within which candidates may file notice of their intent to seek election to the vacant office.
- C. Following the declaration of the vacancy by the Mayor, the City Council shall choose a qualified person at the next regular meeting of the City Council, at which time an election shall be held. Following the declaration of the vacancy by the temporary chairman (in the case of a vacancy in the office of Mayor), the City Council shall choose a qualified person at the meeting after the next regular meeting of the City Council at which time an election shall be held.

The following procedure shall be followed:

1. The Mayor, or temporary chairman in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.
2. Each candidate will be given five (5) minutes to address the City Council relative to his/her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.
3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
4. The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council will be declared the winner.
5. Voting shall be by roll call vote, each City Councilor stating the name of his/her choice. In the event that a City Councilor does not wish to vote for any candidate, he/she shall vote "No".

In the event that no candidate for the vacancy receives a majority vote of the elected City Council, then the Mayor or temporary chairman shall establish an additional eight (8) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above.

6. Following the successful result of an election, the prevailing candidate shall take the oath of office.

SECTION 39. RULES OF ORDER. "Roberts Rules of Order," as amended, shall govern points of order not covered herein.

SECTION 40. COUNCIL POLICIES. Policies to be introduced to the City Council shall be in the form of a Resolution and, upon its adoption; they shall be indexed and appended to the Rules of Order for ease of reference. A Council policy shall remain effective until superseded by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. The City Council shall annually review 20% of all adopted policies to be certain that the intent of the policy remains valid.