

***Town Council Rules Committee  
March 16, 2010 @ 7:00 PM  
Town Council Chambers***

Present: Chairman Kevin Whitaker  
Councilor Robert Conlon  
Councilor Michael Smart  
Councilor Arthur Mathews

Not Present: Councilor Brian McDonald

Also Present: George Lane, Town Solicitor  
Michael Gallagher, Director of Administrative & Community Svcs.  
Kathy Deree, Assistant Town Clerk  
Diane Hachey, Assistant to the Council

Chairman Whitaker called the Town Council Rules Committee Meeting to order at 7:00 PM.

The Chair noted his wishes to dismiss meeting formality this evening and have a working committee meeting, in order to facilitate open discussion. There was discussion on the Chairman's plan of allowing members of the public to speak prior to the committee's deliberations commencing, but there was no representatives of the public present.

(Please note that in excess of 50 suggestions were received by the Rules Committee, for purposes of minutes, only those suggestions which resulted in a unanimous acceptance by the Committee and/or a change in procedure will be noted below. Those revisions submitted for which the committee did not have an appetite are not noted.)

Mr. Gallagher asked to speak to three points based on his review of the proposed changes to the rules:

**1-posting of meetings-** Mr. Gallagher's goal is to automate the meeting posting process as it is currently labor intensive. Changes would hopefully be implemented in fiscal year 2011, as the goal is to have departments input their own detail, resulting in the Town Clerk's Office having the capability to print off meeting schedules and post them. Mr. Gallagher's future plan is to eventually have an electronic bulletin board, located outside the Town Clerk's Office.

Based on the aforementioned future plans, Chairman Whitaker noted that he will pull out the numerous suggested revisions from both he and Diane Hachey pertaining to meeting postings

**2-electronic submission of measures-**Mr. Gallagher wishes to move in that direction in that all measures and backup would be filed electronically with the Town Council Office.

**3-electronic posting-**Again, Administration is moving in the direction of automating and moving things from manually to electronically.

Chairman Whitaker thanked Mr. Gallagher for his input.

The committee accepted all grammatical corrections submitted to the committee.

Solicitor Lane had issue with one suggested revision, namely **“Maybe some language on a second opinion when there is disagreement on the town solicitor’s reading on the charter or anything else.”** Attorney Lane stated that he always solicits numerous legal opinions, prior to delivering his ruling, which are always in the best interest of the town. The committee discussed further limitations and case law on this point and did not accept the proposal.

The committee reviewed/discussed the following suggested revisions:

**“The agenda that includes a discussion/vote of the whole committee on the budget should be minimal (no citations or other items that could be put off to another meeting).”**

The Committee discussion resulted in leaving the agenda up to the discretion of the Council President.

**“The town meeting should also be for presenting the budget to the public and not include a lot of extraneous stuff that makes it difficult or unlikely that residents will attend because it is so late by the time the budget rolls around. It feels manipulative.”**

President Mathews noted that he is relooking at the format of the Annual Town Meeting. Chairman Whitaker deferred this discussion until later as one of his suggestions is on this topic.

**“When the Mayor is asking for funds for a particular department (overtime for the fire department, a piece of equipment for the DPW) then the department head should be in attendance to answer questions”**

Chairman Whitaker noted that the Charter speaks to this issue and he would like to defer this issue to the President. President Mathews noted that Administration has always been cooperative in the past when we extend invitations to attend Committee and Town Council Meetings.

The Committee reviewed/discussed Ms. Hachey’s suggested revisions as follows:

**Suggested addition of a new rule entitled “Dissenting Votes”**

**“If a dissenting vote occurs, the President restates the vote and/or requests a roll call vote to be taken by the Clerk of the Council and officially entered into the record.”**

Ms. Hachey explained (Ms. Deree concurred) that this would allow for clarity for both the public and the recording secretary as the vote is taken altogether, dissenting votes cannot be deciphered.

It was agreed that past Presidents have been cognizant of this, but President Mathews agreed that he will be more careful of this in the future. It was determined that there is no need at this time for a separate rule, but if need be, this issue will be revisited.

**“Rule 24-add the following after Clerk of the Council on line 3-or his/her designee”**

The committee agreed to include this revision.

**“Addition to rule number 28 (Agenda Section) The Councilor must announce or divulge detail of late agenda item prior to initiating a vote to accept the late agenda item.”**

It was clarified that addition of a late agenda item is not referring to administration requesting that an item is placed on the agenda once the Thursday deadline has passed, but refers to a Councilor requesting a late agenda item be added during the Council Meeting.

The Committee agreed to include this addition to the rules.

**“Rule 28 under Resident and Community Comment-speaker must disclose the subject matter of their discussion, when requesting appearance before Council. Inclusion on the agenda is at the discretion of the Council President. “**

Ms. Hachey explained that constituents often request appearance before Council without divulging the subject matter. This is necessary in order to approach the Council President for both permission to appear and inclusion on the agenda.

Chairman Whitaker noted his preference for “open microphone” at Town Council Meetings, in which, citizens would have a nominal time frame to address Council but limit their discussions to agenda items before them, but since there was no appetite for this change, he would accept the proposed language as the President is ultimately responsible for setting the agenda and this would help the public understand the requirements to get listed on the Council’s agenda.

This revision was accepted by the committee.

**“Addition to Rule 43-The Auditor is the administrative authority for validation of Recording Secretary Invoices for Town Council and its committees.”**

It was discussed that we should not limit the signing authority to one individual-this should be left to the Council President to determine.

Suggested wording was as follows: New Rule: “The administrative authority for validation of Recording Secretary Invoices shall be appointed by the Council President.”

The Committee reviewed/discussed further suggested revisions as follows:

**“Announcements-The announcements section of the Town Council meeting shall be limited to announcement as to dates, times, and places of events or activities occurring in and around**

Weymouth. A brief description of the event is allowed. No Town Councilor should use the announcements section to raise any issues that relate to the individual Councilor or to the Council as a whole. The proper inclusion of any items other than information announcements should be limited to the agenda topic of New Business.”

The entire committee was in agreement of this proposed rule. It was noted that this is necessary so that situations are not misconstrued as the voice of the entire Council when it is that of one individual Councilor.

**“Delete Rule 27-due to the Mullen Rule ordinance adopted by the Council”**

Solicitor Lane noted that there exists a standard form to review and sign- he is in favor of deleting this rule as a matter of state law. All Committee members were in agreement to delete this rule.

It was noted by the Chairman that the following two revisions were previously adopted by both the Rules Committee and Town Council during the 2008 review, but never made the final published document.

**“Resident and Community Comment-Role of Councilors”**

**“The intent of this rule is to preserve the speaker’s allotted time for their presentation. This portion of the Council’s agenda is an opportunity for residents or community members to present their issues of interest. Following a presentation, issues raised by a speaker may be informally referred to a standing or special Committee by the President. Following the Council Meeting, issues raised may also be submitted by any Councilor in accordance with these Town Council Rules. Items which have had a reasonable opportunity to be heard and are repetitive in topic shall not be allowed on the agenda without leave of the President.”**

The committee approved inclusion of this language.

**“Public Hearings-Role of Councilors”**

**“Public hearings before the Council are the public’s time to be heard by the Town Council. Councilors should ask questions to clarify their understanding of the speaker’s message, but should not express a particular opinion during an open public hearing. Responses to questions raised during a Council public hearing, if any, should occur only after the public hearing has closed and the matter is otherwise properly before the Council.”**

The committee approved inclusion of this language.

**“Revision to Rule Fifty-Five-Adoption of Rules-does away with review every two years.”**

**“Unless specified otherwise, these rules and any amendments thereto go into effect immediately upon passage by a majority of the full Town Council.”**

A discussion ensued and resulted in revision of “90 days” to “120 days.”

Councilor Mathews requested that Councilor McDonald receive notation of this evening’s changes as he was not present.

It was determined that Chairman Whitaker would work with Diane Hachey to determine proper placement of the approved revisions.

Chairman Whitaker noted that all Councilors will receive a copy of the proposed revisions in their packets, in anticipation of a Town Council vote on April 5, 2010. To this end, the Rules Committee will meet briefly, prior to the Town Council Meeting, to finalize the document.

With no further business to attend to, Councilor Mathews motioned to adjourn at 9:25 PM- motion seconded by Councilor Smart and voted unanimously.

Respectfully Submitted By:

Diane Hachey as Recording Secretary

Approved By:

Chairman Whitaker