

# RULES OF THE TOWN COUNCIL

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## **Section 1. RULES OF THE DERRY TOWN COUNCIL**

Regular meetings of the Town Council shall be on the first and third Tuesday of each month in the Derry Municipal Center. When the first or third Tuesday is a holiday, the regular meeting shall be held on the following day. The day, time, and place of meeting may be changed by a majority vote of the Council.

Any meeting may be recessed to a certain time, place and date, but not beyond the next regular meeting. Once adjourned, a meeting may not be reconvened.

A meeting may only be postponed by a majority vote of the Town Council due to an emergency; however, the chair may postpone or cancel a meeting if in his/her opinion weather warrants it or if a declared state of emergency exists on the state or national level. A motion to postpone need not contain an emergency preamble and may be taken verbally or by internet as long as the vote is reflected in the next regular (or special) meeting minutes. The postponement shall be posted on the Town's website as soon as practicable after the vote to postpone is taken.

## **Section 2. AGENDA**

A true copy of any order, request, measure or other form of business to be presented to the Town Council at its regular meetings for its action shall be filed in the Office of the Clerk or designee of the Council. All items to be placed on the agenda shall be submitted to the Clerk of the Council or designee by the close of business on Thursday prior to the next scheduled Council Meeting.

Except in cases of emergency, at least 48 hours before any meeting of the Town Council is to be held, an agenda containing all specific items which are scheduled to come before it at the meeting shall be posted. The agenda shall include an Administrator's Report and a Council Chairman's Report if needed.

No action taken on a matter not included in the posted agenda shall be effective unless the body first adopts by special vote or resolution declaring that an emergency exists and that the matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the Town. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two thirds of the Council present. If the subject matter is an ordinance, a simple majority is required. An emergency measure may be passed with or without amendment, or rejected at the meeting at which it is introduced. No measure making a grant, renewal, or extension, of any franchise or special privilege, whatever its kind or nature, shall be passed as an emergency measure.

Copies of the agenda shall be made readily available to the public.

Unless otherwise required by Charter, notice of the public hearings held by the Town Council shall be published in a newspaper of general circulation not less than ten (10) days prior to the day of hearing.

### **Section 3. OF SUBCOMMITTEES**

No Chairman of any sub-committee shall audit or approve any bill or account against the Town for any supplies or services, which shall not have been ordered by the sub-committee.

### **Section 4. CALL TO ORDER**

The Chairman, or the Chairman Pro-Tem of the Council in the absence of the Chairman, shall take the Chair at the hour appointed, or to which the Town Council had recessed or been called together. He or she shall call the members to order, cause the roll to be called and the names of the absentees recorded. If a quorum be present, he or she shall then proceed to business. If less than a quorum is present, the Council may recess generally or to a certain day, but not to a date beyond the next regular meeting.

### **Section 5. LENGTH OF MEETINGS**

Meetings of the Town Council shall adjourn or recess promptly at 10:00 p.m. unless the majority of the Council votes an extension. An extension shall be for ten minutes only and not more than two ten minute extensions shall be allowed at any one meeting without a two-thirds vote of the members present to change the time of adjournment.

### **Section 6. QUORUM**

A majority of the full Town Council shall constitute a quorum (four members).

### **Section 7. ORDER OF BUSINESS**

The posted agenda shall state the order of business. The Minutes shall be the first item on the agenda.

All papers addressed to the Town Council shall be presented by the Chairman who may explain the subject thereof, and they shall be disposed of in the order in which they are presented, unless the Town Council otherwise directs.

All items tabled or not acted upon shall remain on the regular meeting agenda or special meeting if called for that particular item.

**Section 8. VOTING**

Unless otherwise specified in these rules or in the Charter, any motion or measure may be adopted by a majority vote of those members of the Town Council present.

**Section 9. PRINCIPAL VOTES**

- Supplementary budget-----requires majority of full council
- Any appropriation-----requires majority of full council
- Confirm appointment-----requires majority of full council
- Emergency preamble/ordinance-----requires 2/3 vote of those present
- Emergency preamble/non ordinance-----requires majority of those present
- Waive rules-----requires 2/3 vote of those present

All votes shall be taken by a call of the roll and the ayes and nays shall be recorded in the minutes.

**Section 10. RULES OF DEBATE**

A member of the Town Council may speak on any one subject; a member of the Council may not speak again until all other members who wish to be heard have spoken, and no member shall speak more than twice on any subject unless authorized by the Council. No member shall speak longer than five (5) minutes on a subject without approval of the Council.

A motion shall be made and seconded. To clarify the debate, the Chairman of the Council may ask the Clerk to read the motion from the notes. A motion may not be withdrawn without the consent of the second. When the mover modifies the motion, the second may withdraw.

Any ruling of the Chairman may be appealed by request of any member. The Chairman shall call for a roll call to see if the Chair shall be upheld. If the vote fails to carry, the decision or ruling of the Chair is reversed.

No motion or proposition on a subject different from that under consideration shall be admitted under color of any amendment.

**Section 11. MOTIONS, QUESTIONS, VOTES**

- When a question is under debate, no motion shall be received, but
- first, to adjourn;
- second, to lay on the table;
- third, to postpone to a certain day;
- fourth, to committee;
- fifth, to amend;

sixth, to postpone indefinitely;  
seventh, for the previous question;  
which several motions shall have precedence in the order in which they are arranged.

A motion for reconsideration of a vote shall be open for debate, but such motion shall not be considered unless made by a member voting with the majority that night or at the next regular meeting. Only one motion for the reconsideration of any vote shall be permitted.

### **Section 12. DECORUM**

The Chairman of the Council shall preserve order and decorum. He may speak to the points of order in preference to other members and shall decide all questions of order, subject to appeal to the Council.

When a member is about to make a motion, second a motion, speak in debate or deliver any matter to the Council, he or she shall confine him or herself to the question under debate and avoid disrespectful discourse. Although spirited debate may be warranted from time to time, Council members must remain civil and no member engaged in debate shall make reference to any other member but in respectful terms.

No person shall be interrupted while speaking but by a point of order, or for explanation. When a member is called to order, he or she shall immediately take his or her seat, unless permitted to explain; and the Council, if appealed to, shall decide the case without debate. If the decision is against the member, he or she shall not be permitted to speak unless by way of excuse for the same, until he or she has made satisfaction.

### **Section 13. DUTIES OF THE CHAIRMAN OF THE COUNCIL**

The Chairman of the Council shall:

- Offer the first nominations for any appointment to a multiple member body of the Town or subcommittee of the Town Council. Such nominations may then be amended by individual Councilors to include other nominees. All nominations made by Councilors must be seconded before they can be considered.
- Be the official head of the Town of all ceremonial purposes unless he or she requests another Councilor to act in his or her stead for a particular event.
- Preside at all meetings of the Council and may speak and vote at such meetings.

- Call special meetings of the Town Council as needed.
- Authenticate all ordinances passed by the Council before they are recorded by the Clerk of the Town Council. Such authentication shall be by his or her signature along with that of the Clerk of the Town Council.
- Propose such other attorneys in addition to the Town attorney as are needed and deemed in the best interest of the Town. No such attorney shall be engaged without a vote of the Town Council which in its discretion may accept or modify the Chairman's proposal.
- Prepare an itemized estimate of the Council's expenditures for the next fiscal year and submit it to the Administrator for inclusion in the annual budget of the Town.
- Act in conjunction with the Administrator to direct the Treasurer to pay out monies belonging to the Town by signing a document prepared by the Administrator listing payments to be made. The Administrator shall attach to the document all supporting papers as specified by the Administrative Code before presenting it to the Chairman of the Council.
- Co-sign with the Administrator all purchase orders in excess of \$20,000.00 and all leases and contracts regardless of the total amount.
- Prepare the Agenda for the meetings of the Council.
- Meet with the Administrator as often as they both shall deem necessary in order to ensure that the Administrator and the Town Council are in agreement as to decisions made, or to be made, and to share information that may be of benefit to the Chairman and the Town Council regarding public relations, economic development plans, or other public matters the Council may request the Administrator to pursue.
- Advises the Council on a monthly basis as to activities and progress on matters assigned to the Chairman.

#### **Section 14. CODE OF ETHICS (§5.6 Derry Charter)**

The acceptance of a Code of Ethics implies the understanding of the basic organization of the Council under the Charter and the Rules of the Council. The Oath of Office of a Councilor binds a Councilor to adherence to applicable state laws and both the Charter and to the Council Rules.

This Code of Ethics delineates three areas of responsibility for Council members:

I. Relations with the community

Council members in their relations with the community shall:

- (a) Realize that their primary responsibility is to serve the Citizenry with dignity and respect, and to always act in the best interest of the Town.
- (b) Recognize that their basic function is to legislate and make Policy, not the daily administration of town affairs and all Councilors shall pay particularly close attention to the non-interference clause of the Charter,
- (c) Be well informed concerning the responsibilities of Council members,
- (d) Remember that a Councilor is only one member of the Council and must abide by all Council decisions once they are made,
- (e) Not benefit personally from his or her Council activities, and disclose to the Town Council any personal, financial or other interest<sup>1</sup> in matters affecting the town, which come before them for action.
- (f) No Council member in his or her official capacity shall introduce, discuss, deliberate, approve or vote upon any matter in which he or she or any member of his or her family or business associate has an interest known to said member. Neither shall s/he knowingly enter into any discussion, testimony or deliberation without first, publicly and for the record, stating all dealings, interests, relationships and possible conflicts<sup>2</sup> that may exist between said member, his or her family or business associate, the principals and the issue under deliberation, as may be known by the member. Violations maybe subject to the Derry Town Charter Section 5.6 Removal of Councilors.
- (g) Be independent, impartial, and responsible to their fellow citizenry in all actions.

II. Relations with the Town Administrator

The Council as a body in its relation with the Town Administrator shall:

- (a) Endeavor to establish sound, clearly defined policies which will direct and support the Administrator,
- (b) Give the Administrator full responsibility for discharging his duties, as defined by the Charter, and hold him responsible for acceptable results,

The Council members in their individual relations with the Town Administrator shall:

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<sup>1</sup> "Interests" in this context means material or substantial interests and excludes trivial or transient interests which are common to many residing in the Town.

<sup>2</sup> "Conflict is any matter that could result in a direct/indirect financial, material, proprietary, real estate (i.e. property value), benefit to him/herself, a relative, business associate, or any private organization in which he/she has a personal, business, legal, or political interest.

- (a) Recognize and support the administrative chain of command and refuse to act on complaints or requests as an individual outside this administrative chain,
- (b) Refer all complaints to the Administrator for solution and only discuss them at Council meetings if such solutions fail,
- (c) Offer advice when asked but shall not seek to influence the actions of the Town Administrator by threats, coercion, offers of financial incentives, or any other means,
- (d) Refrain from interfering in any way with the performance of the official duties of any town employee ultimately responsible to the Town Administrator.

### III. Relations with other Council members

Council members in their relation with fellow members should:

- (a) Treat their fellow Councilors with patience, courtesy, civility, and respect, even when they disagree on what is best for the community and its citizens.
- (b) Recognize that action at official meetings is binding, and that a Councilor alone cannot bind the Council outside of such meetings,
- (c) Uphold the intent of executive sessions and respect the privileged communications that exist in executive sessions,
- (d) Make decisions only after all facts on a question have been presented and discussed through the proper venue and channels of the Town's government,
- (e) Be knowledgeable of and adhere to the Rules of Procedure,
- (f) The board may publicly or privately censor any member for noncompliance with the rules or take such actions as the Charter allows.

#### **Section 15. ROBERTS RULES**

Roberts Rules of Order shall be the reference adopted by this Council on all points of parliamentary practice not specifically covered by the Rules of the Town Council.

#### **Section 16. NON PUBLIC MEETINGS**

The Council shall follow NH RSA 91-A in the conduct of all non-public meetings.

#### **Section 17. CHANGING THE RULES**

The Rules may be changed only after the proposed changes have been reduced to writing and voted upon twice (1<sup>st</sup> and 2<sup>nd</sup> reading) by majority vote of the Full Town Council.