

RULES OF THE TOWN COUNCIL

(Town Charter Sec. 5.9)

Originally adopted

July 6, 1993

Amended: 6/17/1997

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Amended: 1/6/2015

Amended: 10/03/2017

Amended: 1/19/2021

Section 1. RULES OF THE DERRY TOWN COUNCIL (*Ch. 5.9; 10.6 (C)*)

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 their 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. (*Ch. 5.9*)

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. (*Ch. 10.6 (B)*)

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 (**Ch. 6.3**). 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. (**Ch. 10.6 (B)**)

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

Unless otherwise required by Charter or state statute, notice of the public hearings held by the Town Council shall be published in a newspaper of general circulation not less than seven (7)-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). (*Ch. 5.9 (B) & 10.6(E)*)

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 reports and other information 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 appropriations -----requires 2/3 vote of full council (*Ch. 9.6*)

Any appropriation-----requires majority of full council

Confirm appointment-----requires majority of full council

Emergency preamble/ordinance-----requires 2/3 vote of full council (*Ch. 6.3*)

Emergency preamble/non ordinance-----requires majority of those present

Exception to budget limitations-----requires 2/3 vote of full council (*Ch. 9.4 (B)*)

Resolutions/non-emergency ordinance --- requires majority of those present

Special Assessment----- requires 2/3 vote of full council (**Ch. 9.11**)

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 pretense or appearance of any amendment.

Section 11. MOTIONS, QUESTIONS, VOTES

The ordinary motions rank as follows, the lowest in rank being at the bottom and highest at the top of the list. When any one of them is immediately pending the motions above it in the list are in order, and those below are out of order.

- 1) Adjourn

- 2) Recess
- 3) Lay on the Table
- 4) Previous Question
- 5) Postpone to a certain day
- 6) To Committee
- 7) Amend
- 8) Postpone indefinitely
- 9) A main motion

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. **(Ch. 5.4)**
- Preside at all meetings of the Council and may speak and vote at such meetings.
- Call special meetings of the Town Council as needed. **(Ch. 5.9)**
- 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. **(Ch. 6.1)**
- 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. (Ch. 9.16)
- Prepare, after consultation with the Town Administrator, the Agenda for the meetings of the Council. **(Ch. 10.7 (A))**
- 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. **(Ch. 10.7 (B))**
- Advises the Council on a monthly basis as to activities and progress on matters assigned to the Chairman. **(Ch. 10.7 (C))**

Section 14. CODE OF ETHICS

The Town Council shall abide by the Town Code of Ethics as may be adopted by the Town Council and applicable to all Town officials, employees, board and commission members.

The Council shall take note of those provisions of the Town Charter which relate to ethical conduct:

SECTION 10.3 Prohibition

SECTION 8.7 Non-interference by Individual Members of the Town Council

SECTION 5.6 Removal of Councilors

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. ELECTIONEERING PROHIBITED

Members of the Town Council shall comply with the provisions of Chapter 28 of the General Code, Electioneering by Board, Committee and Commission Members Prohibited.

Section 187. CHANGING THE RULES

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