

TOWN OF BRIDGEWATER TOWN COUNCIL RULES AND PROCEDURES

I. PREAMBLE

The Bridgewater Town Council, as the elected representatives of the people of Bridgewater, commit to the highest levels of openness and transparency in their meetings and deliberations, consistent with the prudent transacting of the business of the town. These rules and procedures are intended to codify and clearly express the means and methods of communicating at meetings. Public input and engagement is a high priority for the Council and is recognized with its prominent role in Council Meetings. The rules and orders contained herein shall be observed at every meeting of the Town Council.

II. PARLIAMENTARY PROCEDURE

The Council shall be governed by Robert's Rules of Order Newly Revised, in all questions of parliamentary practice not provided for by special rules or orders.

III. COUNCIL MEETINGS

Regular meetings of the Council shall be held in the Council Chambers (Academy Building or another suitable location as needed and as determined by a majority group of the Council or by the Council President). Regular meetings will be held twice monthly on Tuesdays; dates to be as voted annually by the Council, commencing at 7:30 PM. During the months of July and August, the Council shall meet monthly on the first Tuesday following the first Monday. Generally, Council meetings should not exceed three hours, therefore, no agenda item shall be brought forth after three hours, unless approved by a majority of the then-present Councilors. The seats of the members of the council shall be numbered and determined by lot, and no member shall change his seat except by permission of the President.

(Revised 11/2020 per Ordinance D-FY21-004)

IV. QUORUM

A quorum of the Town Council shall consist of a majority of its members. If at any time a meeting is called to order, or, if during a meeting a roll call shows less than a quorum present, the President shall declare a recess of not more than fifteen minutes, after which time, if a quorum is not present, the meeting shall be adjourned. Any member may call for a roll call on the question of the presence of a quorum.

V. PUBLIC POSTINGS

In accordance with the Massachusetts Open Meeting Law, M.G.L. c. 30A, §§ 18-25, public notices of all Council meetings, except in emergencies, must be posted with the Town Clerk a minimum of 48 hours before any meeting and posted on the Town's website.

VI. MINUTES

A written record of each council meeting and council committee meeting is required by law and becomes part of the public record. Town Council meeting minutes shall be created, maintained and posted in accordance with Massachusetts Open Meeting Law.

Should meetings be recorded, the recording shall be made available in accordance with Massachusetts Open Meeting Law. In accordance with section 2-8 of the Bridgewater Home Rule Charter, notices and minutes of meetings shall be maintained by the Council Clerk.

(Revised 4/2011 per Order #2011-014)

VII. THE PRESIDENT -- POWERS AND DUTIES

The President, or Vice President in the absence of the President, shall take the Chair at the hour appointed for the Council to meet and shall immediately call the members to order. In the absence of the President, the Vice President shall assume the role of President pro tem. The Clerk will designate a presiding President by seniority in the event both the President and Vice

President are absent. The President shall exercise all powers and duties as outlined in section 2-3 of the Bridgewater Home Rule Charter.

VIII. PRESERVATION OF DECORUM AND ORDER AND APPEALS FROM DECISION OF THE PRESIDENT.

The President shall preserve decorum and order, may speak to points of order in preference to other members, shall decide all questions of order, subject to an appeal to the Council, regularly seconded, and no other business shall be in order until the question on the appeal shall have been decided. The question shall be put as follows: "Shall the decision of the President stand as the judgment of the Council?" The vote shall be by roll call.

IX. VIVA VOCE AND RAISED HANDS

All questions shall be stated and put by the President. In case of a roll call vote, the President shall declare the result, after the Clerk has announced the number voting on each side. The President shall call the roll i from left to right. Ensuing votes shall be in reverse order. The results of viva voce votes shall be declared by the President without reference to the Clerk. Where a raised hand vote is taken, the President shall count and announce the result. Where the result of a viva voce vote is in doubt, the President may, and on demand of any member, shall call for a division of the Council, which shall be taken by a show of hands, or by a roll call if requested by any Councilor. It shall not be in order for members to explain their votes during the call of the roll.

Every member present when a question is put shall vote, unless the Council for special reasons excuses him. Application to be so excused on any question shall be made before the Town Council has decided a question, and such application shall be accompanied by a brief statement of the reasons and shall be decided without debate.

X. THROUGH PRESIDENT

All remarks and questions shall be addressed to the Council as a whole through the President 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 President.

XI. RECESS

The President may at any time, during debate or 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.

XII. ADDRESSING THE PRESIDENT

Every member speaking to a question or making a motion shall address the President as "Mr./Madame President," who shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Council shall confine themselves to the question under debate and avoid personalities; nor shall there be any conversation among the members while a question is being stated, while a member is speaking, or a paper is being read. If a member is speaking or otherwise transgresses the rules of the Council, any other member may call the offending member to order by addressing the President.

XIII. PRESIDENT MAY SPEAK

The President may speak in favor of, or in opposition to, any motion and will be bound by the same rules as those which are applied to other speakers; i.e., speaking once for no more than three minutes, as referenced in section XXXIII, and not to speak again until all others who wish to speak have spoken once.

XIV. CITIZENS COMMENTS

The Bridgewater Town Council encourages citizens to attend its meetings and welcomes their views on issues of import. A Citizen Open Forum will be placed on each Council agenda, and a citizen comment period will be included at the end of each agenda. Anyone may comment at this time for up to three minutes. Comments and/or inquires should be made in a respectful manner and not cast aspersions on individual council members or the council as a whole. All inquires should be responded to if the information is available at the time or a public response should be forth coming at a future meeting of the Town Council. Responses shall be limited to the question at hand and are limited to three minutes. The President shall have the discretion to declare any question or comment duplicative. Such a declaration may be overruled with a two-thirds vote of the Council.

Non-residents may speak only with the approval of a vote of the Council.

XV. POINT OF ORDER

Any Councilor on being called to a point of order shall cease debate until the point of order is decided, unless allowed by the President to explain.

XVI. ELECTION OF OFFICERS

A majority of all members elected to the Council (5) shall be required to elect a President and Vice President. The Clerk of the Council shall be appointed in accordance with the Charter.

XVII. VOTE REQUIREMENTS

All votes on ordinances shall be by roll call.

All action taken by the Town Council requiring a vote will be by a simple majority (majority of Councilors present and voting) unless otherwise provided for in the Massachusetts General Laws, Home Rule Charter, Ordinances, or by Rules set forth in the Procedures Manual of the Bridgewater Town Council.

Resolutions require a simple majority.

In case of a tie in votes on any proposal, the proposal shall be considered lost.

The passage of an ordinance requires a majority vote of the full Council (5), in accordance with section 2-6 (b) of the Bridgewater Home Rule Charter. Vote is by roll call.

Any adoption of an ordinance related to zoning requires a two-thirds vote of the full Council (6), unless otherwise provided for in MGL Ch. 40A, Sec. 5. Vote is by roll call.

An Emergency ordinance requires a two-thirds vote of the full Council (6). Vote is by roll call. Three votes are needed: One on the emergency [2/3 vote of the full Council (6)], one to suspend the rules (Section XVIII) to allow only one reading and one on the ordinance [2/3 vote of the full Council (6)].

To take money from the Stabilization Fund for any municipal expenditure requires a two-thirds vote of the Council membership (6) [MGL Ch. 40, Sec. 5b].

Unpaid and prior year's bills require 2/3 vote (Councilors present and voting)

Expenditures from the Capital Fund require a 9/10ths vote of those present.

Any Rule, Regulation, or other local legislation which provides for the imposition of any fine or penalty shall be provided for by the adoption of an ordinance. The Council shall vote annually on an ordinance setting all fees for the ensuing calendar year. Said ordinance shall be publicized in accordance with the requirements set forth in section 2-9 of the Bridgewater Home Rule Charter.

In order to expedite the Council's deliberations when considering lengthy proposed ordinances, when the reading of said proposed ordinances has been waived, and yet not to deprive the public of the nub of the matter at hand, a brief summary of the substance of the proposed Ordinance will be attached to it for reading by the Clerk of the Council.

The President may require that a vote be taken on any item before the Council if failure to do so would make the item illegal to adopt because of the expiration of a federal or state mandated time limit or similar circumstance.

XVIII. READINGS

Every ordinance, order or resolution shall have two separate readings and shall be voted only after two separate readings; the second of said readings and votes will not be less than fourteen days after the first, except in cases in which a shorter period is authorized by law. If any member of the Council objects to a reading, section 2-7c of the Charter shall apply.

XIX. RESUBMISSION

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 resubmission, except as otherwise provided in the Bridgewater Home Rule Charter and unless approved by a majority of the full Council.

A zoning ordinance which is voted down may not be reconsidered within two years unless the Planning Board makes a recommendation to do so, [MGL Ch. 40A, Sec. 5].

XX. SPONSOR ABSENCE

In the event that the sponsoring member of any order, resolution, or other matter is not present when the Clerk reads said matter, the President shall instruct the Clerk to withdraw said matter from consideration at that meeting.

XXI. MOTIONS

The order of precedence of motions shall be as follows:

1. Motion to Adjourn
2. Motion to recess
3. Raise a question of privilege
4. Lay on the table
5. Suspend the rules (two-thirds vote)
6. Previous question (two-thirds vote)
7. Limit or extend limits of debate (two-thirds vote)
8. Postpone to a certain time
9. Commit or refer
10. Amend
11. Postpone indefinitely
12. Main Motion

The highest in rank being at the head of the list and the lowest in rank at the last of the list. When any one of them is immediately pending, the motions before it on the said list are in order and shall be acted upon first, and those below are out of order.

The following motions shall be non-debatable:

1. To adjourn
2. To recess (when privileged)
3. To raise a question of privilege
4. To lay on the table
5. To suspend the rules
6. Previous question (two-thirds vote)
7. To limit or to extend limits of debate (two-thirds vote)

The following motions only can be amended:

1. To recess
2. To postpone to a certain time
3. To commit or refer
4. To amend
5. Main motion

A motion to adjourn shall be in order at any time except upon immediate repetition.

XXII. WRITTEN PROPOSALS

All proposed Ordinances, Orders, and Resolutions shall be in writing and shall bear the name of the sponsor, and shall be submitted to the Clerk of the Council. Each proposed ordinance shall include a statement of authority for the Council to act with the appropriate section of the Bridgewater Home Rule Charter or Massachusetts General Laws clearly cited.

XXIII. PERSONAL PRIVILEGE

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impugned.

XXIV. ORDER OF BUSINESS AND AGENDA

At every meeting of the Council the standard order of business shall be as follows:

- A.** Approval of Minutes
- B.** Announcements from the President
- C.** Proclamations
- D.** Citizen Open Forum
- E.** Appointments
- F.** Hearings
- G.** License Transactions
- H.** Presentations
- I.** Town Manager's Report
- J.** Discussions
- K.** Council Committee Updates
- L.** Legislation for Action
- M.** Old Business
- N.** New Business
- O.** Citizen Comments
- P.** Council Comments
- Q.** Executive Session
- R.** Adjourn

Only privileged motions (to adjourn; to recess; personal privilege; or orders of the day) shall be made during "Council Comments."

During "New Business," the Council shall consider only those matters that relate to or concern potential legislation. If a "simple majority as required by charter" of the Councilors present during "New Business" so determine, such matters will be included on a future agenda for consideration by the Council. Debate during "New Business" shall be limited to whether the matter raised shall be included on an agenda in the future and each Councilor shall be limited to three minutes.

The above order shall not be changed except by a vote of a majority of all the members of the Council; and upon the motion to change the order, no debate shall be allowed. Additions to this order may be made by the President and/or Town Manager when setting the agenda (Example: Committee Reports).

All items for the agenda, including any relevant communications from town officers and town boards other than the Town Manager, shall be submitted to the Council Clerk in writing no later than 10:00 AM on the Wednesday preceding the regular Council meeting. The agenda including any additional relevant information shall be provided to the Council on the Friday preceding a Tuesday Council meeting.

The agenda will be prepared by the Town Manager and Council Clerk with input from and approval by the Council President, or, in his absence, the Vice President of the Council.

All information requests from Councilors shall be submitted through the President to help coordinate, manage and prioritize the requests and responses from the Town Manager. All information requests should be in writing, clearly defined and provide a requested response date. Information request shall be sent/e-mailed to the Council President and the Council President will cc the requesting Councilor when the request is forwarded to the Town Manager. Councilors should provide the President with as much lead time as possible and understand that it may take a few days to process their requests.

All correspondence related to information requests between the Council President; or designee, Town Manager, and Council members should be via town e-mail accounts.

Once a request has been forwarded from the President, or designee, the Town Manager may correspond directly with the requestor, but should copy the President to keep the President informed.

The Town Manager, or designee, will maintain a list of all requests for information, their current status, and priority assigned. The updated list must be emailed to the Council by the end of each week.

The information request list should be discussed during the Managers Report at each Council meeting.
(revised 6/2011 per Order #2011-017, 10/2011 per Order #2011-032 and 10/2011 per Order #2011-033)

XXV. HEARINGS

The time devoted to public hearings at any meeting of the Town Council shall not be more than three (3) hours at any one sitting. Any hearing not completed within the specified time may be continued to another meeting. Hearings which are authorized by the order of the Council shall have precedence and shall be followed by public presentations. In all hearings before the Council, the case of the petitioner shall be first submitted, except where the President of the Council rules otherwise.

Public hearing format (after petitioner's presentation):

1. General questions from public
2. Public speaking in favor
3. Public speaking in opposition
4. Questions from Town Councilors

Debates on the merits of the petition shall be reserved until and if there is a motion duly made and seconded at the appropriate time and date following the hearing.

This format shall not apply during public hearings to consider the annual budget, when normal Council budget format is followed, in accordance with sections 6-2 & 6-3 of the Bridgewater Home Rule Charter.

XXVI. COMMITTEES

Committees of Council members shall be authorized by majority vote of the Council. The following standing Committees are hereby established by rule: A Budget and Finance Committee, whose members also serve as the Audit Committee, a Rules and Procedures Committee, A Public Safety Committee, a Community and Economic Development Committee a Strategic Planning Committee and a Review Committee. Appointments to committees of the Council are made by the President and must be made within 30 days of being elected. Appointed individuals shall receive notification of their appointment from the President prior to the public announcement of the makeup of the committee. Notice of all committee meetings must adhere to the Massachusetts Open Meeting Law. All Committee meetings shall be held in the Academy Building, unless otherwise authorized by the President.

(revised 3/2011 per Order #2011-008 and 2011-011, 11/2011 per Ordinance #2011-011, 6/2013 per Order #2013-020, 7/2013 per Order #2013-025)

XXVII. COMMITTEE MEETINGS

A committee shall meet on the call of the Committee Chair, or a majority of its members.

XXVIII. COMMITTEE QUORUM

A majority of the members of a committee shall constitute a quorum.

XXIX. COMMITTEE REPORTS

The President of the Council, upon receipt of the Committee Report, shall call for the vote on the motion, petition, or order as introduced by the Committee, so that the vote would be on that motion, petition, or order, and not on the Committee Report itself.

When debate centers on committee reports, committee members may be recognized beyond the time limit to answer questions.

Documents referred to in committee shall be returned with the report.

Nothing in this rule shall be construed to prohibit the introduction of minority reports.

XXX. RELIEVING FROM FURTHER CONSIDERATION

Upon motion, the Council may, by a majority vote of all members of the Council, relieve a committee of further consideration of a matter referred to it and order the same placed on the agenda.

XXXI. MOTIONS FOR RECONSIDERATION

After a motion has been passed or defeated, any member voting with the prevailing side may move for reconsideration, which shall be open to debate. A motion to reconsider a vote shall be in order at the same or the regular meeting next succeeding that at which the vote was passed. No more than one motion for reconsideration of any vote shall be entertained. In the case of a question decided by a tie vote, the prevailing side shall be considered to be the one in whose favor the question was decided.

XXXII. DEBATE DECORUM

Every member when about to speak shall address the President and wait until recognized by the President. No member shall be recognized unless seated. Every member, when about to speak, shall raise their hand to be recognized and respectfully address the President and wait until he is recognized. When two (2) or more members request to be recognized at once, the President shall name the member who shall take precedence, providing that no member shall speak to the same question more than once until all other members choosing to speak have spoken. No member shall interrupt another while speaking, except by requesting a call to order.

In speaking, the member shall be confined to the question, shall not use unbecoming, abusive, or unparliamentary language, and shall avoid personalities. Any member who, in debate, Council related correspondence or otherwise, indulges in personalities or makes charges reflecting upon the character of another member, or of citizens, shall make an apology in open session at the meeting at which the offense is committed or at the next succeeding regular meeting and, failing to do so, shall be named by the President or held in contempt and suspended from further participation in debate until said apology is made.

XXXIII. DEBATE LIMITATION

No member shall speak more than once on a question when another member who has not spoken claims the floor and no member speaking shall, without his consent, be interrupted by another, except on a point of order. A member may speak upon a matter for no more than three (3) minutes at a time. A councilor may yield all or part of his or her time to another councilor. A member who has not spoken on a matter shall have priority and recognition by the President. Unless granted privilege by the Council President, no member shall speak more than twice on any question.

The Clerk of the Council shall inform the President whenever a member has spoken longer than three minutes or has spoken twice on any question.

XXXIV. CONFLICTS OF INTEREST

No member shall vote on any matters, or serve on any committee, where the member's private or family interest will conflict with the public's interest in a way that is violative of the Conflict of Interest Law, MGL. Ch. 268A, as amended. All Councilors shall conduct themselves in the true spirit of openness and transparency and shall honor the intent of section 1-8 of the Bridgewater Home Rule Charter.

XXXV. OPEN MEETING LAW

The Massachusetts Open Meeting Law, M.G.L. c. 30A, §§ 18-25, provides the public and the media with a legal right to attend all meetings of regional and municipal boards and committees, except when the board or committee votes to go into Executive Session.

Before an Executive Session can be called, the following procedure must be followed:

1. The body has first convened in an open session pursuant to M.G.L. c. 30A, section 21;
2. A majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
3. Before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;

4. The chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. Accurate records of the executive session shall be maintained

Executive Sessions can be held only when the following matters are discussed or considered:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
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 public body and the chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that 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, to consider and interview applicants who have passed a prior preliminary screening;
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

(i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

(ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities

organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

Votes and proceedings in Executive Session may be kept private, as long as privacy will serve the purpose for which the Executive Session was called.

All votes taken in Executive Session must be by roll call.

XXXVI. SPECTATOR DECORUM

Guests will be allowed in the gallery of the Council chamber when the Council or a Council Committee is in session. No demonstrations of approval or disapproval from guests shall be permitted, and if such demonstrations are made, the gallery may be cleared by the President.

XXXVII. AMENDMENT AND REPEAL

Changes to the rules shall conform to the procedures of adoption of ordinances and shall first be heard by the Rules and Procedures Committee.