TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: April 13, 2015
Submitted by: Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon
Department:
Speakers: Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon

Date of Meeting: April 23, 2015

Time Required: 15 minutes
Background Info. Supplied: Yes: _☒_ No: _☐_

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	☐	Recognition/Resignation/ Retirement:	☐
Public Hearing:	☐	Old Business:	☐
New Business:	☒	Consent Agenda:	☐
Nonpublic:	☐	Other:	☐

TITLE OF ITEM

Amendment of Town Council Rules of Procedure

DESCRIPTION OF ITEM

The Town Council to consider amending the Rules of Procedure to meet once a month in the months of July, August and meet on the first and third Thursdays in the months of November and December.

REFERENCE (IF KNOWN)

RSA:		Warrant Article:	
Charter Article:		Town Meeting:	
Other:		N/A	

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	☐	Grant Requirements:	☐
Easel:	☐	Joint Meeting:	☐
Special Seating:	☐	Other:	☐
Laptop:	☐	None:	☐

CONTACT INFORMATION

Name:	**Nancy Harrington**	Address	**6 Baboosic Lake Road**
Phone Number		Email Address	nharrington@merrimacknh.gov

APPROVAL

Town Manager: Yes _☐_ No: _☐_ Chair/Vice Chair: Yes _☒_ No: _☐_

07/06

Town of Merrimack
Town Council
Rules of Procedure

PREAMBLE

These Rules and Procedures are adopted by the Merrimack Town Council pursuant to Article 4-7, D of the Merrimack Town Charter to guide the Council's deliberations, assure the orderly conduct of business and to assure transparency to the voters of Merrimack.

Section 100 Council Meetings

101 Regular Meetings

The Council shall meet in regular session on the 2nd and 4th Thursday of every month. The meetings shall take place in the Town Hall, at 7:00 p.m. Meeting places and times occasionally may be changed at the discretion of the Chair to accommodate Council and/or Council member needs.

102 Special and Emergency Meetings

Special Meetings may be called in accordance with the provisions of Article 4-7, C (2) or (3) of the Town Charter.

103 Recessed or Continued Meetings

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.

104 Length of Meeting

104.1 Generally, all regular meetings of the Council shall not continue beyond 10:00 p.m

104.2 The Council may complete action on any matter under consideration at 10:00 p.m.

104.3 No new matter may be considered after 10:00 p.m. unless the Council, by majority vote, agrees to suspend the rules and allow the meeting to continue with or without limitation.

104.4 All business not completed by 10:00 p.m. or upon adjournment shall be automatically tabled and referred to the next regular meeting.

105 Seating

Council members shall be seated as directed by the Chair.

106 Leaving a Meeting

Any member may leave a meeting after notice to the Chair, providing there is no loss of quorum as determined by the Chair. A loss of quorum will require a recess or adjournment of the meeting.

107 Appearance by Telephone or by Electronic Communication

Under certain circumstances, a member may, with the permission of the Council, appear at a meeting by means of telephone or electronic communication where physical attendance is not reasonably practical. Unless an emergency exists, a quorum of the Council must be physically present at any such meeting where a member or members intend to appear by telephone or by means of electronic communication. Any member who appears by telephone or by means of electronic communication must identify the location from which the member is participating, those present, and the reasons for why physical attendance is not reasonably practical. The means of communication by a member who is appearing by telephone or electronically shall:

a. Be audible or otherwise discernable to the public in attendance (at the location specified in the notice of the meeting); and
b. Enable all members of the Council to communicate contemporaneously.

The minutes of any meeting where a member appears by telephone or by means of electronic communication shall state the reasons why it was not reasonably practical for the member to be physically present. Members appearing by telephone or by means of electronic communication in accordance with this provision shall be deemed present and eligible to vote on any matters before the Council for which recusal is not required.

For the purpose of this provision, the term "emergency" shall mean that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the time required for action. The determination of whether or a not an "emergency" exists shall be made by the Chair and the reasons shall be so stated in the minutes. In the case of an emergency, a quorum of the Council is not required to be physically present at the meeting location and members may appear by telephone or by means of electronic communication as provided for herein.

Section 200 Officers

201 Presiding Officer

The Chair of the Council shall be the Presiding Officer for the Council. The Presiding Officer shall preserve order and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded. No other business shall be in order until the question raised by the appeal has been decided.

202 Temporary Presiding Officer

202.1 In case of the absence of the Chair, the Vice Chair shall assume the duties of the presiding officer until the Chair appears or the agenda of the meeting is concluded and the meeting adjourned.

202.2 If the absence of the Chair and the Vice Chair are foreseen, the Chair may appoint a Presiding Officer Pro Tem from the Council to serve until either the Chair or Vice Chair appears or the meeting is adjourned.

202.3 If the absence of the Chair and the Vice Chair is unforeseen, the Council representative to the Planning Board shall call the meeting to order and if a quorum is found to be present, the Council shall choose one of its members to act as chair by a plurality of votes until the Chair or Vice Chair appears or the meeting is adjourned.

203 Council Clerk

The Town Manager shall appoint a clerk to record and transcribe the conduct of meetings, prepare minutes of said meetings and other duties as may be assigned by the Council. The Clerk shall serve at the pleasure of the Council.

Section 300 Conduct of a Meeting

301 Addressing the Council

Council members, staff, and members of the general public participating in meetings shall address all questions or remarks through the Chair.

302 Recognition

Council members must raise their hand or otherwise request to be recognized by the Chair.

303 Decorum

When recognized by the Chair, a member shall respectfully address the presiding officer, shall confine him or herself to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's argument or vote.

304 Rules of Debate on all motions shall be as follows:

304.1 The Council member who introduces a motion may speak to that motion. Thereafter, the Chair shall allow every Council member to speak to the motion at least two times. The sponsoring Council member may also address the motion two times, thereby allowing the sponsor the right to address his or her motion a total of three times (once when introducing the motion plus two more times).

304.2 At the discretion of the Chair, all addresses to a motion may be limited to five (5) minutes for each address. Specific inquiries made or responses to inquiries shall be excluded from these limits, but all such inquiries and responses shall be specific to the question being debated. When the Chair establishes a limit on discussion, Council members may yield any portion of their time to another member.

304.3 At the discretion of the Chair, and without objection, the number of times and the length of time for remarks from Councilors may be extended.

305 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. The Chair shall not have a vote.

306 Roll Call Vote

Any member of the Council may request a roll call vote on any matter before the Council. A member of the Council shall not be required to explain their vote during the roll call, but may offer a brief explanation, if they desire. Notwithstanding the foregoing, at any meeting where a member is appearing by telephone or by means of electronic communication, a roll call vote shall be taken on any matter before the Council.

Section 400 Addressing the Council

401 Public Participation

Fifteen minutes will be designated at the beginning of regular meetings for the public to address the Council under the agenda item listed as "Public Participation:"

401.1 Members of the public wishing to speak shall identify themselves by name and address.

401.2 Topics of discussion shall be pertinent to agenda items (the Council Chair has the authority to declare a topic non-pertinent).

401.3 Members of the public may speak only once during this segment.

401.4 Comments shall be limited to three (3) minutes maximum per speaker, unless extended by the Chair.

401.5 Anyone who wishes to speak but is unable to due to the expiration of the fifteen (15) minute limit is encouraged to speak during the Public Participation segment at the end of the meeting.

401.6 The Public Comment period may be extended at the discretion of the Chair.

402 Comments from the Public

The public will also be able to address the Council at the end of the meeting under the agenda item entitled "Comments from the Public." Comments should be related to topics of pertinence to the Council:

402.1 Members of the public wishing to speak shall identify themselves by name and address.

402.2 Questions shall be addressed to the Chairman. Individual Councilors may respond to questions at the discretion of the Chair. Speakers are to be reminded that members of the Council are without authority to act independently in official matters.

402.3 Speakers may offer such objective criticisms of town operations and programs as concern them. However, in public session, the Council will not hear personal complaints of town personnel nor will they hear complaints against any non-elected person connected with the town government.

402.4 The Council vests in its Chair, or other presiding officer, authority to terminate the remarks of any individual when they do not adhere to these rules.

403 Permission Required to Address the Council During a Meeting

Persons other than the Chair, members of the Council, the Town Manager or a town employee appearing on official business shall not be permitted to address the Council during a meeting, except upon introduction by the Chair or a Council member and only after the person's name and address has been clearly stated. If any Councilor objects to that person being permitted to address the Council, he or she shall be permitted to speak only by a majority vote of the Council.

Section 500 Agenda

501 Submission of Items

Any member of the Council, the Town Manager or the public may submit an item or items for consideration by the Council at any Regular meeting.

502 Consideration

The Council will only be obligated to consider items that it is empowered to act upon.

503 Filing Deadline

503.1 Any routine matter to be presented at meetings of the Council shall be filed with the Town Manager's office, using the Town Council - Agenda Request Form, before 4:30 PM eight (8) days preceding the date of the meeting. All supporting documentation/information regarding the matter requested shall be submitted to the Town Manager's office with the Agenda Request Form. No item will be considered for an agenda unless

and until all supporting documentation is submitted to the Town Manager's office.

503.2 Exceptions to the filing deadline in 503.1 may be made at the discretion of the Chair.

503.3 Any matter requiring a Public Hearing shall be filed with the Town Manager's office, using the Town Council- Agenda Request Form, before 4:30 PM twenty (20) days preceding the date of the meeting to allow sufficient time for publication of a hearing notice in a newspaper of general circulation.

504 Council Consideration

504.1 Items presented for consideration may be placed on the Agenda at the discretion of the Chair.

504.2 Should the Chair refuse to schedule any item for an agenda, the Chair will make a copy of the refused item available to each Councilor. Any Councilor may call for an explanation of the refusal. The Chair shall be required to provide an explanation of his or her actions on the matter. A majority of the Council may vote to require the placement of the item on the next Regular meeting agenda or call a Special Meeting to consider the item.

505 Posting

505.1 Except in emergencies, meeting agendas must be posted 72 hours in advance of the meeting in two public places (one of which may the Town's website) and any other venues that will assure broad public access.

505.2 An Agenda may be amended after posting to reflect changes in the order of business or matters to come before the Council, but in no case, shall any amendment be made to the Agenda less than 24 hours before the meeting time.

505.3 The Agenda for any emergency meeting shall be posted at the same time and place as the public notice required under RSA 91-A:2, II.

504.4 In the case of emergency meetings, notice and the agenda for the meeting shall be posted as soon as practicable and shall employ whatever means are reasonably available to inform the public that a meeting is to be held.

506 Form

All agenda items shall be identified by title or subject matter and item number. An item which appears on a subsequent agenda shall be additionally identified in parentheses by the date and the agenda number of the original meeting. The minutes of the Council meetings shall identify matters by item number.

507 Order of Business

507.1 The order of business shall be as follows:

Call to Order

Pledge of Allegiance

Announcements

Comments from the Press and Public

Recognitions, Resignations and Retirements

Appointments

Public Hearing

Legislative Updates from State Representatives

Town Manager's Report

Consent Agenda

Old Business

New Business

Minutes

Comments from the Press

Comments from the Public

Comments from the Council

Adjourn

507.2 Order Changes

507.2.1 The Chair 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.

507.2.2 The Council by vote of a majority of its members may change the order of business of any agenda.

508 Minutes

508.1 Preparation

The Council Clerk shall prepare minutes of each meeting **in a form** and within the time frames required by NH State Law.

508.2 Acceptance

The Council shall make every reasonable effort to review and accept meeting minutes as soon as practicable after the minutes have been prepared and submitted

to the Council by the Council Clerk.

508.3 Official Record

The minutes of any meeting of the Council shall not be deemed the official record of that meeting of the Council unless and until the minutes are accepted by a majority vote of the members present and voting at a Regular Meeting.

508.4 Correction

508.4.1 The Council Clerk shall make the approved amendments/corrections to accepted minutes by the end of the first business day after the meeting at which the minutes were accepted by vote of the Council.

508.4.2 In the event of illness of the Council Clerk or extenuating or unforeseen circumstances, this procedure may be waived by majority vote of the Council.

508.5 Posting

508.5.1 The Town Manger or designee shall post copies of accepted minutes in two public places and on the town web site by the end of the fourth business day after acceptance.

508.5.2 The Council may by majority vote direct the Town Manager to post DRAFT minutes of meetings as an unofficial record of the meeting prior to their review and acceptance by the Council.

508.5.3 The date of posting shall be noted on all copies.

508.5.4 The Town Manager or designee shall maintain copies of the accepted minutes posted in two public places for at least two (2) calendar months after the noted posting date and for at least 12 months after the noted posting date on the town web site.

Section 600 Other Procedures

601 Parliamentary Procedure:

The separately adopted Rules of Parliamentary Procedure in effect upon adoption of these Rules and Procedures shall remain in effect until superseded or rescinded by a majority vote of the Council.

602 **Rules of Procedure for** Removal of Councilor:

Any complaint brought for violation of the Town Charter under the provisions of Article 4-4, B or Article 7-9 or state law shall be subject to review under a separately adopted Due Process Procedure.

Section 700 Voting

701 Roll Call Vote:

Whenever a vote is to be taken, any Member may demand that the vote be taken by roll call.

702 Withdrawal of Motion:

Any matter before the Council may be withdrawn by the mover at any time prior to the vote thereon.

703 Form

Every motion shall be reduced to writing, if the Chair shall so direct.

704 Reconsideration

Every motion shall be reduced to writing, if the Chair shall so direct.

704.1 No Council vote shall be reconsidered unless a motion for reconsideration is made by a Councilor who voted with the prevailing side. Such motion may be made only at the same or the next Regular Meeting of the Council. A motion to rescind is not in order.

704.2 A matter decided by the Council and not reconsidered in accordance with this section may be introduced again within the same calendar year only with the consent of five of the Councilors present for inclusion at the next Regular Meeting.

704.3 A matter laid on the table indefinitely shall not be taken from the table until the Council reorganizes pursuant to Article 4-2 of the Town Charter.

704.4 The consideration of any matter laid on the table indefinitely or not reconsidered in accordance with these procedures that requires action by the Council in the event of an emergency as defined by the Charter (Article 2-1, B (5)) may be taken off the table or reconsidered by a affirmative vote of five councilors at any Regular, Special or Emergency Meeting.

Section 800 Committees of the Council

801 The Council may establish subcommittees as it deems necessary to further the work of the Council.

802 The Council shall charge such subcommittees with the requirements of their task or mission and set a date for completion of its work. The Subcommittee shall cease to be authorized upon completion of its charge or date for completion whichever occurs first.

803 Pursuant to RSA 91-A:1-a, I (d) and RSA 91-A:1-a, II, committees of the Council shall submit a record of their meetings (minutes) to the Council. These minutes shall be posted on the town web site.

Section 900 Communications

901 Communications to be introduced to the Town 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 not containing all of the above will not be accepted by the Town Manager's office and will not be placed on the agenda of the Council. Communications addressed to a Councilor of a personal or argumentative nature shall not be introduced in Council.

902 All official correspondence shall be transmitted to the Town Council office at Town Hall. A Council member who receives official correspondence at their residence or place of business shall immediately notify the office of receipt and immediately convey the correspondence to the Council office. Materials originated by the Council or the Council office are exempt from this provision.

903 Members shall not use sequential communications (e-mail, text messages, conference call, voice mail etc.) in a manner that violates the spirit of the Right to Know Law. If such sequential communications inadvertently occur among a quorum of the Council over matters which the Council has supervision, control, jurisdiction, or advisory power, it shall be the responsibility of the participating members to disclose such communication at the next regularly scheduled meeting of the Council. Disclosure shall include providing the Council and Council clerk with a copy of the sequential communication. Notwithstanding, the circulation of draft documents which, when finalized, are intended to formalize decisions previously made shall not constitute sequential communications requiring disclosure.

904 Chance social meetings or encounters among a quorum of the Council, not convened for the purpose of discussing or acting upon matters which the Council has supervision, control, jurisdiction, or advisory power, shall not constitute a meeting.

Section 1000 Suspension of the Rules

Council rules may be suspended by a majority vote of the Council.

Section 1100 Amendment of these Rules

1101 These Rules and Procedures shall be reviewed, amended as the Council may desire, and adopted by majority vote, annually, as an extension of the provisions of Article 4-2, Organization Meeting.

1102 Once the Rules and Procedures have been adopted under Article 4-2, the adopted rules may be amended or new rules adopted by an affirmative vote of five (5) members of the Council. Any such alteration or amendment shall be submitted in writing at a Regular Meeting and shall be placed on the calendar of the next Regular Meeting under the order of New Business.

Section 1200 Supersession

These rules and procedures supersede any rules and procedures previously adopted by previous governing boards of the Town of Merrimack.

Section 1300 Severability

If any portion of these rules and procedures shall be held invalid, the remainder shall not be affected thereby.

Section 1400 Effective Date

These Rules and Procedures shall take effect upon adoption or at a later date specified by majority vote of the Council.

Adopted:	January 11, 2007
Revised:	April 25, 2007
Revised:	March 26, 2009
Revised:	June 24, 2010
Revised:	October 25, 2012