

REPORT TO COUNCIL: Rules & Ordinances Committee Meeting
Minutes of Tuesday, April 2, 2024 at 6:30 p.m.
Louis P. Andrews Upper Conference Room, 3rd Floor
149 Main Street, Watertown, MA 02472

AGENDA: Continue Discussion of City Council Rules for the 2024-2025 Term.

Present: John Gannon, chair; John Airasian, vice chair; Lisa Feltner, secretary

Also present: President Sideris, Councilors Piccirilli and Gardner; Municipal Policy Analyst Doug Newton; Rita Colafella, and via Zoom were Councilors Palomba and Bays.

Chair Gannon convened this third meeting on the topic of Council Rules at 6:33 p.m.; previous committee meetings were held on February 20 and March 5, 2024. Councilor Feltner moved to accept the draft minutes of March 5 with related attachments; seconded by Councilor Airasian; approved 3-0. The chair suggested we save discussion of proposed Definitions for later.

The committee discussed whether to create a new rule 8.8 that would also include a chart for referrals in order to support the newer City Charter section 3-2 (3A) which describes that the manager will meet with the council to discuss priorities for a department and desirable qualifications and qualities of candidates prior to posting and beginning searches for certain positions. It was noted that we have been following this Charter requirement in practice, but given the ongoing transition in our administrative reorganization, the lack of proposed chart text to accompany this proposed addition, and since Council doesn't make confirmations in these instances, the committee decided to instead record its interest in addressing this process and its inclusion under a future review of Council Rules.

The discussion continued with a review of referrals to City Council committees, using a new chart for completeness and to help clarify related matters per Rule 11 and related confirmations. **See attached proposed chart.** Some text changes were made to Rule 11.1 for clarity and better inclusion of currently appointed boards and newer Council committees. It was noted that this doesn't remove the power to send matters to which committees or to refer to joint committees. It was also recognized that whether to retain a standing committee on Education and School System Matters should be discussed in the future; no changes are proposed for this term. During the committee's review, it was also noted that there are some inconsistencies in appointments and their confirmation, due to how ordinances were written over time and as additional appointed boards were created. Therefore, the following action item for Council was proposed:

Action Item: Motion by Feltner to recommend City Council refer to Rules and Ordinances as New Business to review the appointment process and ordinances for those boards/committees/commissions that do not currently require Council Confirmation, and which are not solely controlled by state statute, such as the Bicycle & Pedestrian Committee, the Commission on Disability, the Historical Commission, and potentially others; seconded by Airasian; approved 3-0.

At 7:55 the discussion moved to consider adding a list of definitions to accompany Council Rules as proposed by Councilor Palomba. Chair Gannon read aloud an email received from the city attorney (below) who confirmed we may include these to help provide clarity of some terms in our rules. The committee proceeded to review each proposed definition (see amended list below). During a discussion of understanding differences between Public Forum and Public Hearing, the committee decided to correct text in the first sentence of both Rules 15.5 and 15.6.

At 8:35 the committee finished reviewing the proposed definitions, and Feltner made a Motion to adopt Definitions as amended to accompany updated Council Rules; seconded by Airasian; approved 3-0.

Chair Gannon moved the committee discussion to consider creating new rules for Individual Councilor Meetings referenced in Charter Section 2-10 (adopted November 2021). He read guidelines previously received by the manager suggesting these meetings should not be held between September 1st and election day in the second year of a term. It was noted that Councilors may try to avoid "bunching" and spread them through the year, but nine officials are each trying to fit them in within twelve months -or approx. eight months of the term's second year-

since we cannot hold joint meetings. Feltner suggested it would be helpful if the city or Council had a meeting reservation and/or space request calendar or process -the Library is one example- so we could have a better idea of availability for scheduling in general, but in the end, people have to do what works for them. The Charter lays out a basic framework and during its review, the public emphasized the desire for informal two-way discussions; the use of City buildings and resources are as a portion of Council duties regardless of the time of year and not as an individual running for elected office. It was also noted that there is very limited public space and few suitable locations available for community meetings, particularly in Districts A and B. It seems cost-prohibitive, \$5K or more, to rent private space (which must be ADA compliant) for this public conversation meeting with each Councilor, and the feeling was this is not the best use of tax dollars with a tally that would not be strongly supported by voters. Virtual/remote meetings are possible but without staff support. The committee decided to highlight these concerns in the minutes for future public consideration, including perhaps with the next Charter Review in 2026, and doesn't propose new rules for these meetings for this term.

Action Item: Motion by Feltner to Recommend City Council adopt amended Council Rules with supporting Referrals Chart and Definitions as described in committee meetings and as attached herein to the Rules and Ordinances report; seconded by Airasian; approved 3-0.

Motion to Adjourn at 9:02 p.m. by Feltner; seconded by Airasian; approved 3-0.

Respectfully submitted, Lisa Feltner

Encs: Email from City Attorney; amended City Council Rules with Definitions; Chart for Referrals to Committees; and accepted Minutes of March 5 (related attachments may be found with the posted March 5th meeting).

----- Forwarded message -----

From: **Mark R. Reich** <MReich@k-plaw.com>

Date: Wed, Mar 20, 2024 at 9:29 AM

Subject: RE: [Watertown] Rules & Ordinances Committee Seeking Opinion from KP Law

To: Mark Sideris <siderismark9@gmail.com>

Sir –

As we have discussed, and as indicated below, in my opinion the Rules and Ordinances Committee may establish definitions for the use of the City Council as part of the Council's rules. These definitions may be helpful in addressing matters not otherwise defined in the City Charter or Ordinances. However, it must be remembered that statutory definitions shall have precedence over these locally adopted definitions. For example, while the Council rules may include a definition for a "public hearing", that term may be otherwise defined in state law and that state law definition would be applicable when undertaking hearings required by statute. Therefore, caution should be exercised in broadly applying a definition beyond use in interpreting internal requirements.

Please contact me with any further questions.

Thank you.

Mark

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Amended at Rules & Ordinances Committee April 2, 2024 Meeting

CITY OF WATERTOWN, MASSACHUSETTS RULES OF THE CITY COUNCIL

Previously Approved by the City Council on July 12, 2022

Table of Contents

RULE 1. ORGANIZATION..... 1

RULE 2. MEETINGS OF THE COUNCIL 2

RULE 3. PRESIDING OFFICER 3

RULE 4. VOTING 4

RULE 5. DEBATE 4

RULE 6. PRECEDENCE OF MOTIONS 5

RULE 7. CLERK OF THE COUNCIL..... 5

RULE 8. ORDER OF BUSINESS 8

RULE 9. ENACTING STYLE..... 9

RULE 10. ORDINANCES..... 10

RULE 11. COMMITTEES..... 10

RULE 12. COMMUNICATIONS TO THE COUNCIL 12

RULE 13. ADMISSION WITHIN THE RAIL..... 12

RULE 14. RECORDING OF MEETINGS..... 13

RULE 15. PUBLIC PARTICIPATION 13

RULE 16. PARLIAMENTARY AUTHORITY 14

RULE 17. AMENDMENT OR SUSPENSION OF THE RULES..... 14

RULE 18. DISPUTE RESOLUTION PROCESS 14

RULE 19. SANCTIONS FOR VIOLATION OF RULES 15

DEFINITIONS - TBD See proposed amended list 16

Rule 1. ORGANIZATION

- 1.1** The City Council shall meet for the purpose of organization on the first secular day of January following the municipal election and the members shall severally, before the City Clerk, take their respective oaths of office to perform faithfully the duties of such office, provided that any member-elect who shall not be present at such organizational meeting shall take said oath at the first regular or special meeting of the City Council which such Councilor-elect shall attend.
- 1.2** The City Council shall, by majority vote of all members elected, elect a Vice President and such other officers as it shall from time-to-time deem appropriate.

- 1.3 Seating of the Council at the organizational meeting or at its first regular meeting thereafter, the order of seating of the members shall be determined by drawing of lots, provided however that the President of the Council shall occupy the center seat and the Vice President of the Council shall occupy the seat to the immediate right of the President. Members shall draw for such purpose in order of seniority of service, provided however, that in the event that two or more members shall have similar seniority in service, then the member who shall be senior in both service and age shall have precedence.
- 1.4 As soon as practical after the start of each new term, the Rules and Ordinances Committee shall review the Council Rules per referral of the City Council and strive to make recommendation/s to the full Council by March 15.
- 1.5 Each new City Council that is seated following the November municipal election shall, as soon as practical, place on the agenda of a Council meeting a referral to the Personnel and City Organization Committee to review Council compensation and make a recommendation to the full Council pursuant to Section 2-3(a) of the Charter.

Rule 2. MEETINGS OF THE COUNCIL

- 2.1 Regular meetings of the City Council shall be held in the Richard E. Mastrangelo Chamber of the Watertown Administration Building or, if agreed upon by a majority of the members any other suitable location within the City of Watertown, at 7:00 p.m. of the second and fourth Tuesday of each month, provided however, that the members may, by two-thirds vote, agree to hold any regular meeting on such other date as may be convenient.
- 2.2 The City Council shall be required to meet only once during the months of July, August and December, said meeting to be held on the second Tuesday of said months, and may meet a second time upon prior approval by vote of the members.
- 2.3 In the event any holiday or primary or general election shall fall on the regular meeting date, the City Council shall meet on the business day next following.
- 2.4 No board, commission or committee of the City shall meet concurrently with the time of any regular or special meeting of the City Council, provided however that this rule may be waived by the Council President, and provided further that a copy of any waiver granted under this rule shall be filed with the City Clerk.
- 2.5 No agenda item at a regular meeting of the City Council, except Executive Session and Public Forum, may be brought forward for consideration after 10:30 p.m. A regular meeting of the City Council shall adjourn after action is taken on the agenda item being considered at 10:30 p.m. An adjourned meeting of the Council shall not and may not be reconvened.
- 2.6 Special meetings of the City Council shall be held at the call of the Council President, or at the call of any three or more members, with such call to be by written notice to each member or by email; any such notice shall contain a listing of the specific matters to be acted upon. Except in the case of emergency, of which the Council President shall be sole judge of the time set for such meeting, a copy of any such notice shall be delivered not less than forty-eight hours in advance of the time set for such

meeting, and a copy of any such notice to the members shall forthwith, be posted upon the City bulletin board and all other sites where meeting notices are regularly posted.

- 2.7** All special meetings of the City Council shall be held in the Richard E. Mastrangelo Chamber unless an emergency, of which the Council President shall be sole judge, shall require such meeting to be held elsewhere, in which case the nature of the emergency and the location of such special meeting shall be clearly stated in the notice required by these rules.
- 2.8** The City Manager or designee shall be expected to attend all regular and special meetings of the City Council, unless otherwise specified by the Council President.
- 2.9** Except as otherwise authorized or provided by General Law, all sessions of the City Council and every committee or subcommittee thereof shall be open to the public and the media.
- 2.10** At the discretion of the Council President, an executive session may be called. Executive sessions shall be convened as allowed under Massachusetts General Law. All matters discussed in an executive session shall remain confidential until a vote is taken by the Council to release the minutes of the meeting or report publicly said discussions.
- 2.11** The presence of five members shall constitute a quorum for the transaction of business. Except as provided by General Law, the City Charter or these rules, the affirmative approval of not fewer than five members shall be required to adopt any ordinance or appropriation order.
- 2.12** The minutes of regular and special meetings of the City Council shall consist of the proceedings of the Council's order of business, including motions and second, votes, and questions of order along with the decisions thereon; said minutes shall list those members of the Council or of the public speaking on a given issue and shall provide only in summary form the major points raised by speakers. The minutes shall also include:
- a) a copy of all items that were linked to the meeting agenda, including all items that were presented at the meeting;
 - b) a copy of all Committee reports presented during the meeting;
 - c) a copy of any statement presented by a member during a meeting which has been delivered in written form prior to the end of the meeting;
 - d) a copy of the tally sheets for each roll call vote of the Council indicating the vote of each member; and
 - e) a copy of any other written document submitted during the meeting by any person.
- 2.13** No subcommittee or committee of the City Council may schedule or hold any meeting before 5:00 p.m. during the week or at any time on weekend days. The only exception being when the City Council President has deemed the matter being discussed time sensitive and/or determines that the meeting time would not be a detriment to public discourse.

Rule 3. PRESIDING OFFICER

- 3.1** The President of the City Council, if present, shall preside at all meetings. In the absence of the President, the Vice President shall preside. In the absence of both the President and the Vice President, a temporary chair shall preside who shall be the senior member in length of service, provided however,

that in the event that two or more members shall have similar seniority in service, then the member who shall be senior in both service and age shall have precedence and serve during the absence of both the President and the Vice President.

- 3.2** It is the duty of the presiding officer to preserve the decorum and order of a council meeting. ~~He or she~~ **They** may speak to questions of order in preference to other members. ~~He or she~~ **They** shall decide all questions of order, subject to an appeal of the ~~entire~~ City Council, which appeal shall be seconded; and no other business shall be in order until the question on the appeal from the ruling of the chair shall be decided by the members by a call of the roll, and the ruling of the chair shall stand unless a majority of members shall vote to the contrary. The chair shall be permitted to vote on any question of appeal.
- 3.3** The presiding officer shall declare all votes or other action of the members and, if the result shall be in doubt, may call for a roll call vote. Such declarations by the presiding officer shall stand unless reversed by a call of the roll.

Rule 4. VOTING

- 4.1** All final votes of the City Council on matters involving appropriations, expenditures, transfers of monies and/or bonding, shall be taken by a call of the roll and the result of such call of the roll shall be entered into the records. Additionally, the roll shall be called upon any other pending matter at the request of any member. In the calling of the roll, the order in which the names of the members are called shall be rotated following each such call of the roll.
- 4.2** When a question is put by the presiding officer, every member shall be entitled to vote yes, no, or present.
- 4.3** Prior to any vote, the Council Clerk shall record and may be asked to read aloud the exact language of the measure or motion to be voted on.
- 4.4** Members shall not participate in the consideration of, nor vote on, any question, nor serve on any committee in which their private interest shall be immediately considered distinct from that of the City or the public.
- 4.5** Prior to the announcement of the result of a call of the roll by the presiding officer, any member may ask to have their name called again for the purpose of confirming their vote or being recorded differently.
- 4.6** Any use of Charter Privilege shall follow Charter Section 2-8(b) of the Watertown Home Rule Charter.
- 4.7** A member who invoked the Charter Privilege may present a motion to withdraw the Charter Privilege. The motion will be treated according to Rules of the Council. If the members vote in favor of the motion, the presiding officer shall place the original measure before the Council.

Rule 5. DEBATE

- 5.1** Every member, when about to speak, shall respectfully address the presiding officer and await recognition. Once recognized, such member shall avoid personalities and confine themselves to the question under debate.
- 5.2** No member shall speak more than twice to the same question without leave of the presiding officer, nor more than once until all other members desiring to do so shall have spoken. No member shall have or hold the floor for more than ten consecutive minutes of debate, unless such time shall be extended by the affirmative vote of two-thirds of the members.
- 5.3** Once stated or read by the presiding officer, a matter shall be deemed to be in the possession of the City Council and shall be disposed of by vote or other appropriate action, provided however, that the mover may withdraw the motion or other matter at any time prior to amendment or other action by the members.

Rule 6. PRECEDENCE OF MOTIONS

- 6.1** During consideration of any matter properly before the members, the presiding officer shall receive no motion except those listed herein, which motions shall have precedence in the order listed: To adjourn
To recess
To lay on the table
To take from the table
To move the previous question
To limit or extend the limits of debate
To postpone to a date and/or time certain
To refer
To amend
To postpone indefinitely
- 6.2** Following a vote of the City Council, it shall be in order for any member who shall have voted with the prevailing side to move reconsideration thereof at the same meeting at which said vote was taken, or to file with the Council Clerk not later than noon on the next business day following such meeting, a written motion for reconsideration. Following receipt of such a written motion for reconsideration, the Council Clerk shall place said motion on the calendar for the next regular or special meeting of the City Council, and cause the same to be included in the call thereof, and the Council Clerk shall also notify each member in writing of the filing of any such written motion for reconsideration. If any matter shall have been decided by a tie vote, the prevailing side shall be considered to be that side in whose favor the question was decided. Not more than one motion for reconsideration shall be entertained for any one vote, and no vote upon any motion to adjourn, to lay upon the table, to take from the table or to move the previous question shall be subject to reconsideration.

Rule 7. CLERK OF THE COUNCIL

- 7.1** The Council Clerk shall attend and keep records for all regular and special meetings of the City Council, shall record the names of member present, and shall have the care and custody of all records, documents, maps, plans, papers and other records and materials pertaining to the business of the City Council, including a compilation of voting records which can also be found in Council Minutes.

- 7.2 Matters to be placed on the agenda for the City Council, including but not limited to reports and communications from the City Manager and other city officials, boards, departments and commissions, and any ordinance, order, resolution, proclamation or other matter of business to be presented to the members for action at a regular meeting of the City Council shall be submitted to the Council Clerk not later than 5:00 p.m. on the Thursday preceding the regular meeting at which such matter is to be considered by the City Council, or not later than 5:00 p.m. on the Wednesday preceding the regular meeting when it follows a Monday holiday. With concurrence of the Council President, an item may be added to the Council agenda up to noon Friday, or up to noon Thursday preceding a Monday holiday. Items for placement on the agenda of upcoming Council meetings shall, in the absence of the Council Clerk, be submitted to the office of the City Manager. Every effort shall be made to have all matters that are submitted for placement on the agenda accompanied by materials sufficient to inform Council members of the nature and purpose of the agenda item.
- 7.3 If the timing of an event does not allow a proclamation to be submitted in accordance with Rule 7.2, any member shall notify the Council President and the Council Clerk as soon as possible. Any proclamation issued in this manner shall be subject to ratification by the City Council at its next meeting, at which time the proclamation shall be recorded in the minutes of the meeting.
- 7.4 Items submitted by members shall be placed on the agenda if they have a direct bearing on the business of the City Council, unless the Council President removes an item and informs the sponsoring member why such action was taken. In the instance that an item is removed from the agenda by the Council President, said item shall may be placed on the agenda of the subsequent meeting, at the request of the sponsoring member.
- 7.5 The agenda for each regular meeting of the City Council, together with copies of matters to be considered shall be delivered by the Council Clerk to the members not later than 5:00 p.m. on the Friday preceding such regular meeting.
- 7.6 The Council Clerk is authorized and directed by these rules to order and publish notice of hearings on petitions presented which require such public hearing by the City Council. Such petition/s and supporting materials, including signatures shall be forwarded to Council members prior to the public hearing.
- 7.7 The Council Clerk shall prepare the draft minutes of each regular City Council meeting and shall provide a copy to each member ideally no later than 5:00 p.m. on the Monday following the meeting, or by 5:00 p.m. on Tuesday following a Monday holiday, or by 5:00 p.m. on the third business day following a special meeting. If necessary, exceptions to this timetable may be made by the Council President.
1. The draft minutes shall include a copy of Council Clerk's summary of the meeting, including motions and seconds, votes, and major points raised by Council members and members of the public. The names of the public speakers will be included as possible.
 2. The Council Clerk shall note in the official minutes of all regular and special meetings of the City Council the names of all elected officials and invited guests as possible.
 3. Members shall provide the Council Clerk all agenda submissions in electronic form.

4. Members may propose corrections of factual errors/or additional comments. Corrections of factual errors shall identify the specific information in the draft minutes that is in error and, if approved by the Council, shall result in a change in the body of the minutes. Additional comments shall elaborate upon remarks and comments made by the member at the Council meeting if approved by the Council, shall be appended to the final minutes. Additional comments shall be limited to one page. Corrections or additions shall be delivered to the Council Clerk no later than 5:00 p.m. of the Thursday, or 5:00 p.m. on Wednesday when there is a Monday holiday preceding the next regular Council meeting. In the case of a special meeting, such submission deadline shall be at noon on the fifth business day following the day of delivery of the draft minutes. In voting on the acceptance of the minutes at the following City Council meeting, the City Council shall take a single vote on the draft minutes including corrections and additions, unless any single member requests separate votes.
5. In the event that a member submits a written request for a correction or addition on the publication of the agenda prior to a regular City Council meeting, the minutes shall be automatically laid on the Table at the City Council meeting, and not taken up until the subsequent Council meeting so as to allow members the opportunity to consider fully such corrections or additions prior to the vote for the acceptance of the minutes.
6. If a motion is made to table the draft minutes for the purpose of amending or modifying the minutes, and this motion is approved by the City Council, the councilor who made this motion shall provide to the Council Clerk such amendments/modifications in writing within 5 business days of the action to table the minutes. All amendments/modifications will be provided to the Council Clerk and included in materials forwarded to councilors for the next meeting of the City Council.
7. Other than typing errors, any correction or addition to the draft minutes must be approved by a majority vote of the City Council.
8. Upon acceptance of the draft minutes by a vote of the City Council, the Council Clerk shall revise the draft minutes to incorporate corrections and append additions accepted by the City Council, and shall file the final minutes with the City Clerk within one week of the City Council's vote of acceptance.
9. Typing errors, whether in the draft or final minutes, should be reported to the Council Clerk who will be responsible for correcting the errors. The correction of typing errors in the draft or final minutes will not require a Council vote.

7.8 The Council Clerk shall distribute all Council-related documents electronically. Paper copies of any Council-related document can be provided upon request.

7.9 Pursuant to release of Executive Session minutes, every three months the Council President shall consult with the City Attorney to determine whether the purpose of keeping Executive Session meeting minutes and accompanying material withheld from the public is still met. Once it has been agreed that

such records are no longer exempt from the Public Records Law, the City Council shall vote to release such minutes and other materials in the same manner as with meeting minutes of open meetings.

- 7.10** Requests for Information and questions raised by Council members and accompanying responses and answers will be posted to the Council web page within a 14-day period.

Rule 8. ORDER OF BUSINESS

- 8.1** The Order of Business for regular meetings of the City Council, which order shall not be departed from except by the affirmative vote of a majority of the members present, shall be as follows: Call of the Roll

- Pledge of Allegiance
- Public Forum
- Examination of records of previous meetings
- President's Report
- Presentations of petitions, proclamations, and similar papers and matters
- Motions for reconsideration
- Unfinished business from prior meetings
- Public Hearings
- Informational Presentations
- Motions, Ordinances, Order, and Resolutions
- Reports of Committees
- New Business**
- Communications from the City Manager
- Consideration of nomination for appointments
- Requests for Information/Review of List of Pending Matters
- Announcements
- Public Forum
- Recess or adjournment

- 8.2** The posted notice of the Agenda for the City Council shall state this order of business.

- 8.3** All matters and items of business appearing on the agenda of the City Council shall be taken up in the order in which they appear on said agenda, shall be subject to full and open debate, and shall be disposed of by vote or other action of the City Council prior to consideration of any other item of business. **The City Council President may alter the order of the Council Agenda.**

- 8.4** ~~To comply with the Open Meeting Law, no item shall be brought up for a discussion or vote under New Business, unless it was not reasonably anticipated more than 48 hours before the meeting and is of a time-sensitive nature such that it would be detrimental to wait until it could be placed as a motion on the agenda of the next Council meeting.~~ **Re-number remaining rules if deleted.**

- 8.5** To comply with the Open Meeting Law, each Committee report on the agenda shall specify the action items, if any, that the City Council will be asked to vote on during the meeting.

8.6 No matter or item of business shall be referred to committee except for one or more of the following purposes:

- a) for study and report to a subsequent meeting;
- b) for the purpose of drafting an ordinance, order, or resolution;
- c) for the purpose of gathering information from persons with knowledge of or interest in matters of importance to the Council, or
- d) for any other purpose by an affirmative vote of the members.

8.7 Action by the City Council regarding appointments by the City Manager or other persons, which appointments shall require confirmation by the City Council, shall be received and automatically referred to the appropriate committee for hearing, review, and recommendation. If within thirty days of the City Council meeting where the appointment was presented, the committee takes no action to schedule a meeting for interviews; or if subsequent meetings are required and the committee takes no action to schedule subsequent meetings, then the Council Clerk shall automatically place a motion for a confirmation vote on the agenda of the next scheduled City Council meeting.

8.8 Each committee shall provide a report to the City Council on any meetings it held ideally within thirty days. The report will subsequently be included on the next regularly-scheduled City Council meeting agenda in compliance with all applicable Council rules.

8.9 A member who makes a request for information shall, no later than the next business day, provide a written summary of their request to the City Manager and a copy to the Council Clerk for inclusion in the minutes of the meeting when the request was made. A member who considers the response to their request for information to be inadequate or incomplete may repeat or supplement the request at one subsequent meeting. If, after the second request, the member feels that the response is inadequate or incomplete and wishes to request further information on the same or substantially the same matter, they must make a motion seeking a vote of the majority of the Council for their request.

8.10 No ordinance, order, resolution, or proclamation shall be received or acted upon unless submitted by a member of the City Council or the City Manager.

8.11 A petition or other matter which shall have been rejected by the members shall not be presented to the City Council for consideration in the same form or in a petition or other matter embodying substantially the same subject matter until the expiration of six months following said rejection, unless reintroduced shall have received prior approval in writing by not less than two-thirds of the entire City Council.

Rule 9. ENACTING STYLE

9.1 All laws enacted by the City Council shall be entitled ordinances and the enacting style shall be: "Be It Ordained by the Watertown City Council". All actions by which the City Council expresses its will shall be entitled orders and the enacting style shall be: "Be it Ordered by the Watertown City Council". In all actions by which the City Council expresses its opinions, principles, or purposes shall be entitled resolutions and the enacting style shall be: "Be it Resolved by the Watertown City Council". In all actions by which the City Council congratulates or thanks an individual(s) or organization(s), or marks a

holiday, occasion, or event shall be entitled proclamations and the enacting style shall be: “Be it Proclaimed by the Watertown City Council”.

- 9.2** All ordinances, orders, resolutions, and proclamations approved by the City Council, and other matters in the discretion of the Council, shall be signed by the Council President and the Council Clerk. Ordinances, orders, and resolutions shall also be signed after each meeting by an additional individual councilor (other than the Council President) on a rotating basis according to seniority. For proclamations, the additional councilor may be the sponsoring councilor. If no documents requiring signature are approved at a meeting, the councilor with signature responsibility at that meeting continues in that role until such time as a meeting requires their signature. If a councilor misses their turn in the rotation due to absence or other reason, the signature responsibility rotates to the next councilor.

Rule 10. ORDINANCES

- 10.1** Upon introduction, every proposed ordinance shall receive its first reading and shall then be referred for hearing and consideration to the Committee on Rules and Ordinances singly or jointly with such committee that shall be appropriate with such recommendation by a vote of the full Council.
- 10.2** Except in the instance of a special emergency involving the health and safety of the people or their property, no ordinance, loan order, borrowing or bond authorization shall be passed finally on the date of its first introduction. Any such emergency shall first be defined and declared in a preamble to the vote of the City Council, said preamble to be adopted upon a separate call of the roll and receive the affirmative votes of not less than two-thirds of all the members.
- 10.3** When a proposed ordinance is reported out of a committee, it is subject to debate and amendment by the City Council. The proposed ordinance shall be published in accordance with Section 2-8 (c) of the Watertown City Charter prior to a public hearing.
- 10.4** Every ordinance, or order involving a bond issue or other action pledging the credit of the City shall, before final action and passage by the City Council, be referred to the City Attorney or Bond Counsel, who shall forthwith examine same and advise the members regarding legality and notify the City Council of their findings in writing.

Rule 11. COMMITTEES -see new chart which aligns referrals to committees for confirmations

- 11.1** As soon as practicable following the organization of the City Council, the President shall appoint chairs, vice-chairs, secretaries, and members of the following standing committees:

Committee of the Whole: To consist of all members of the Council with the President as Chair, to deal with all matters referred to it by the Council.

Committee on Budget and Fiscal Oversight: To consist of three members of the Council, to consider matters pertaining to the City Budget and any other fiscal matters referred to it by the Council.

Committee on Climate and Energy: To consist of three members of the Council, to monitor and consider policy guidance on the implementation of the Watertown Climate and Energy Plan, and matters pertaining to the Environment and Energy Efficiency Committee.

Committee on Economic Development and Planning: To consist of three members of the Council, to consider matters pertaining to planning, development, redevelopment, zoning, land use, transportation networks, marketing, and promotion of current and prospective businesses in Watertown, and the Planning Board, Zoning Board of Appeals, Historic District Commission, Community Preservation Committee, Public Arts and Culture Committee.

Committee on Education and School System Matters: To consist of three members of the Council, to consider matters involving the School Department and education generally, and pertaining to the Watertown Cable Access Corp. Board.

Committee on Human Services: To consist of three members of the Council, to consider matters pertaining to Senior Services and the Council on Aging, Social Service programs, Veterans Services, Public Health, Affordable Housing, and the Board of Health, the Watertown Housing Authority, the Affordable Housing Trust, and the Human Rights Commission. and the Library

Committee on Parks and Recreation: To consist of three members of the Council, to consider matters pertaining to Parks, Recreation, the John A. Ryan Skating Arena, and the Conservation Commission. Community Preservation Committee.

Committee on Personnel and City Organization: To consist of three members of the Council, to consider matters involving City personnel, including Civil Service and proposals for organization or reorganization of the City's departments and agencies, and the Board of Assessors. and Licensing Board

Committee on Public Safety: To consist of three members of the Council, to consider matters pertaining to Emergency Management, Police, and Fire Civil Defense departments of the City, and the Traffic Commission.

Committee on Public Works: To consist of three members of the Council, to consider matters pertaining to the Department of Public Works, and the Stormwater Advisory Committee, and the Solid Waste & Recycling Advisory Committee. Conservation Commission.

Committee on Rules and Ordinances: To consist of three members of the Council, to consider the advisability and merit of proposed new ordinances or amendments to current ordinances, including the form and legality thereof; and all related legal matters, together with the City Attorney; and the Licensing Board.

Committee on State, Federal, and Regional Government: To consist of three members of the Council, to consider matters involving the Election Commission and City Clerk, and to serve as a liaison between the City and Federal Government and the Commonwealth of Massachusetts and its authorities, regional bodies, and political subdivisions.

- 11.2** City Council may from time to time establish other special or standing committees as it shall deem necessary or appropriate, which special or standing committees shall be appointed by the President as soon as practicable following the establishment thereof.
- 11.3** The terms of membership on committees shall be the same as the terms of the City Council.
- 11.4** Following the President's appointment of all committee members, the Council shall determine whether matters referred to committee but not acted upon by the prior Council shall be referred to a committee of the current Council. No matters referred to committee by a prior Council which have not been acted upon shall be taken up by a committee of the current Council unless referred by vote of the current Council. Referrals for matters that have been acted upon by a Council committee shall be considered ongoing.
- 11.5** Every committee to which a matter has been referred shall meet within a reasonable time to consider such matter. If the chair of the committee fails to call a meeting within 30 days of a referral, a majority of the committee may call a meeting. The Council may at any time vote to revoke a referral and take up a matter previously referred to committee or refer the matter to a different committee.
- 11.6** Each committee shall cause records to be kept of its proceedings.
- 11.7** It is the goal of the City Council to actively involve citizens in the work of city government through Council committees. All committees are encouraged to work with community and neighborhood groups and committees on issues that relate to these groups' mandates and interests.
- 11.8** If appropriate, City Council members shall make referral(s) to standing Committee(s) after first having communicated the essence of said referral(s) to the appropriate Department Head(s) or equivalent and received a response from said Department Head(s) or equivalent, regarding said referral. Referrals customarily made to Committee on an annual or otherwise regular basis, for example as required by City Charter, or deemed an emergency or time sensitive by the Council President, are exempt from this provision.

Rule 12. COMMUNICATIONS TO THE COUNCIL

- 12.1** The Council Clerk shall provide each member with a copy of all communications addressed to the City Council as a body or to the President or Clerk on matters of interest to the entire City Council, which would not in the course of regular business of the City Council be referred thereto for appropriate action.

Rule 13. ADMISSION WITHIN THE RAIL

- 13.1** No person shall approach the Council table in the Richard E. Mastrangelo Chamber or enter the Council Office, except upon permission of the President or other presiding officer.
- 13.2** No member of the City Council shall take the podium without the permission of the Council President or other presiding officer.

Rule 14. RECORDING OF MEETINGS

- 14.1 Except as otherwise authorized by General Law, any member or member of the public shall be permitted to make an audio or video recording of any regular or special meeting of the City Council, provided however, that such member or member of the public, shall have given notice of ~~his/her~~ **their** intent to make such a recording to the presiding officer prior to the start of any such meeting to be so recorded and that the presiding officer shall announce at the start of each meeting that it is being recorded.

Rule 15. PUBLIC PARTICIPATION

- 15.1 All members of the public are invited to speak at the first Public Forum at the beginning of a City Council meeting. A member of the public wishing to speak at the first Public Forum must place ~~his or her~~ **their name** on a list that the Council Clerk will make available at the meeting location prior to the scheduled start of the meeting. The presiding officer shall recognize speakers at the first Public Forum in the order in which their names appear on the list. All members of the public are also invited to speak at the second Public Forum at the end of a City Council meeting.
- 15.2 At the first Public Forum, a member of the public shall state ~~his or her~~ **their** name and address before making any remarks or asking any questions, shall limit ~~his or her~~ **their** remarks or questions to matters of City business or to items that are on the posted agenda for the meeting but are not scheduled for a public hearing, and shall speak for no more than two minutes.
- 15.3 At the second Public Forum, a member of the public shall state ~~his or her~~ **their** name and address before making any remarks or asking any questions and shall speak for no more than two minutes.
- 15.4 During any public forum, there shall be no direct reply to the speaker or comment from Council members. Should the topic be a policy matter, the City Council President shall provide a response, which shall also be provided to the full City Council and posted on the Council web page. Should the topic be an administrative matter, the City Manager shall provide a response, which shall also be provided to the full City Council and posted on the City website.
- 15.5 All members of the public are also invited to speak at any Public Hearing ~~and,~~ at the presiding officer's recognition ~~discretion, during or following the Council's discussion of~~ on the topic of the Public Hearing. The presiding officer shall recognize those wishing to speak in the order they raise their hand.
- 15.6 All members of the public recognized by the presiding officer to speak during a Public Hearing ~~or during or following the Council's discussion of~~ on the topic of the Public Hearing shall state ~~his or her~~ **their** name and address before making any remarks or asking any questions, shall limit ~~his or her~~ **their** remarks or questions to matter of the Public Hearing, and shall speak for no more than two minutes. ~~He or she~~ **They** may be recognized by the presiding officer to speak a second time on the topic of the Public Hearing for no more than two minutes but only after all other members of the public wishing to speak have spoken once.
- 15.7 Copies of Rule 15 shall be made available to the public at all meetings of the Council.

Rule 16. PARLIAMENTARY AUTHORITY

- 16.1** In all matters of parliamentary procedure not provided for in General Law, the City Charter, City bylaws, or ordinances, or these rules, the City Council shall be governed by “Robert’s Rules of Order, Newly Revised”.

Rule 17. AMENDMENT OR SUSPENSION OF THE RULES

- 17.1** In so far as these rules are not statutory in source or origin, the same may be amended, suspended or repealed at any meeting by two-thirds vote of all the members. In the event that action taken by the City Council shall be inconsistent with these rules, such action shall be deemed to have been taken in suspension thereof, provided however, that the members concur in such action.

Rule 18. DISPUTE RESOLUTION PROCESS

- 18.1** This dispute resolution process is intended to provide a framework to resolve disputes pertaining to work-related matters and the professional manner in which Councilors and employees of the City Council interact. Disputes may arise from a variety of issues. This process may be used to resolve disputes arising between Council employees as well as between Council employees and Councilors. This process is not intended for use in resolving disputes between Councilors. This process does not replace any rights that City Councilors or Council employees have under any applicable Federal or State Laws.

It is hoped that most disputes will be resolved fairly and amicably among the parties without having to utilize this formal process. It is further hoped that matters not resolved informally between the parties can be resolved working with the Council President.

The process consists of three steps as follows:

Step 1: Council President

To initiate the Dispute Resolution Process the employee(s) or Councilor(s) shall file a written complaint with the Council President outlining the matter under dispute. After receiving a complaint, the Council President must meet with both parties to the dispute within fifteen days (or by the date of the next regularly scheduled full City Council meeting, whichever is later) to attempt to resolve the matter. After meeting with the parties, the Council President must make a decision on the matter within seven days. If either party disagrees with the Council President’s decision, they may appeal the decision in writing within seven days. If the decision is not appealed within seven days, the decision is considered final.

Appeals involving the City Council employees, except the City Manager, must be made in writing to the Chair of the Personnel and City Organization Committee for an appeal hearing at Step 2. Appeals involving the City Manager must be made in writing to the Council President for an appeal hearing at Step 3.

The Dispute Resolution Process begins at Step 1 except in the following instances:

- (a) In the event that the Council President is a part to the dispute, the City Council employee(s), except the City Manager, must file their written complaint with the Chair of Personnel and City Organization Committee and proceed directly to Step 2.
- (b) In the case of a dispute between the Council President and the City Manager, the written complaint must be filed with the Vice President of the City Council for a hearing before the full City Council at Step 3.

Step 2: Personnel and City Organization Committee

Upon receipt of a complaint or appeal, the Chair of Personnel and City Organization Committee must schedule a hearing on the dispute within fifteen days (or by the date of the next regularly scheduled full City Council meeting, whichever is later). The hearing will be held in Executive Session unless the employee requests an open session in writing. After hearing the dispute, the Committee will meet in Executive Session to make their decision on the matter by simple majority. The Chair of Personnel and City Organization Committee must then issue the Committee's decision within seven days. If either party disagrees with the Personnel and City Organization Committee's decision, they may appeal the ruling in writing within seven days. If the decision is not appealed within seven days, the decision is considered final. Appeals must be filed in writing with the Council President (or Vice President if the Council President is a party to the dispute).

Step 3: Full City Council

Upon receipt of a complaint or appeal, the Council President (or Vice President if the Council President is a party to the dispute) must schedule a hearing on the dispute before the full City Council within fifteen days (or at the next regularly scheduled full City Council meeting, whichever is later). The hearing will be held in Executive Session unless the employee requests an open session in writing. After hearing the dispute, the Council will meet in Executive Session to make a decision on the dispute by simple majority. The Council President (or Vice President if the Council President is a party to the dispute) must then issue the City Council's decision on the matter within seven days. The decision of the full City Council shall be final.

Rule 19. SANCTIONS FOR VIOLATION OF RULES

- 19.1** The Council may, by a majority vote, approve a motion to sanction any member who, after being given a warning by the presiding officer, again violates the Rules of the Council or the City Charter. Sanctions that the Council may impose include a reprimand, censure, and loss of committee chair or membership. All proceedings and actions related to this motion shall be conducted in executive session and shall comply with provisions of the Massachusetts Open Meeting Law, including but not limited to the provision that the subject member shall be given written notice at least forty-eight hours prior to consideration of any such action by the Council. If the Council chooses to consider such action in open session or the subject member exercises their right under the Open Meeting Law to require that the action be considered in open session, the subject member may speak on their own behalf and may have counsel or a representative present to advise them. However, the counsel or representative may not speak in the meeting.

Definitions

Amended April 2, 2024 at the Council Rules and Ordinances Committee Meeting

Order – an enactment that expresses the will of the City Council and is adopted by a vote. The enacting style of an Order shall be: “Be it Ordered by the Watertown City Council”.

Ordinance – any City Council enactment that regulates or governs people and provides a penalty for its violation and is adopted by a vote. Ordinances have the effect of law. The enacting style of an Ordinance shall be: “Be It Ordained by the Watertown City Council”.

Proclamation – an enactment of the City Council only for the purpose of congratulating or thanking individuals or organizations for their accomplishments or contributions to the community or marking important holidays, occasions, or events and is adopted by a vote. The enacting style shall be: “Be it Proclaimed by the Watertown City Council”.

Public Forum – an opportunity for a member of the public to address the City Council for no longer than two minutes and limit his or her remarks or questions to matters of City business or to items that are on the posted agenda for the meeting but are not scheduled for a public hearing. The member of the public must give their name and address before speaking. Public Forum will take place at the beginning and the end of the City Council meeting.

Public Hearing – a discussion that takes place before action is taken by the City Council on a particular matter before it and during which members of the public are invited to speak. The member of the public must give his or her name, address and limit their comments and questions to the matter of the public hearing and speak for only two minutes. Upon the presiding officer’s discretion, a member of the public may speak during or following the Council’s discussion of the topic. A member of the public can may be recognized by the presiding officer to speak for a second time after all other members of the public wishing to speak have spoken once.

Request for Information – a formal action by a member of the City Council to the City Manager or Council President for administrative, operational, or financial information related to the City of Watertown.

Resolution – an enactment of the City Council that formally expresses its opinions, principles, directives or principles and is adopted by a vote. The enacting style shall be: Be it Resolved by the Watertown City Council. A resolution differs from an ordinance in that a resolution provides direction, while an ordinance permanently amends the code of the city and enforcement of that code.

Referrals Chart for Rules, aligned to related boards/commissions/committees per April 2, 2024

WATERTOWN COUNCIL COMMITTEE	BOARD/COMMITTEE/COMMISSION CONFIRMATIONS
<i>Budget & Fiscal Oversight:</i> City Budget and any other fiscal matters referred to it by City Council	
<i>Climate & Energy:</i> Monitor and consider policy guidance on the implementation of Watertown's Climate & Energy Plan (see "Resilient Watertown")	Environment & Energy Efficiency Committee
<i>Economic Development & Planning:</i> Planning, development, redevelopment, zoning, land use, transportation networks, marketing, and promotion of current and prospective businesses in Watertown	Planning Board; Zoning Board of Appeals; Historic District Commission; Community Preservation Committee; Public Arts & Culture Committee
<i>Education & School System Matters:</i> involving the School Department and education generally	Watertown Cable Access Corp. Board
<i>Human Services:</i> Senior Services, Council on Aging, Social Services, Veterans Services, Public Health, Affordable Housing	Board of Health; Watertown Housing Authority; Affordable Housing Trust; Human Rights Commission
<i>Parks & Recreation:</i> Recreation, Parks, and the John A. Ryan Skating Arena	Conservation Commission
<i>Personnel & City Organization:</i> involving City personnel, including Civil Service, and proposals for organization or reorganization of the city's departments and agencies	Board of Assessors
<i>Public Safety:</i> Police, Fire, Emergency Management	Traffic Commission
<i>Public Works:</i> Public Works	Solid Waste & Recycling Advisory Committee; Stormwater Advisory Committee
<i>Rules & Ordinances:</i> considers the advisability and merit of proposed new ordinances or amendments to current ordinances, including the form and legality thereof, and all related matters, together with the City Attorney	Licensing Board
<i>State, Federal, and Regional Government:</i> involving the Election Commission and City Clerk, and to serve as a liaison between the city and federal government and the Commonwealth of Massachusetts and its authorities, regional bodies, and political subdivisions	Election Commissioners

Minutes of Council Rules & Ordinances Committee Meeting
Tuesday, March 5, 2024 at 6:00 p.m. in Louis P. Andrews Conference Room, 3rd Floor

AGENDA: Continue Discussion of City Council Rules for the 2024-2025 Term.

Present: John Gannon, chair; Lisa Feltner, secretary; (John Airasian, vice chair was absent).

Also present: Municipal Policy Analyst Doug Newton; Councilors Palomba, Piccirilli, Bays, Gardner; Linda Scott, Clyde Younger; and via zoom: Councilor Izzo, Michael Albano, Rita Colafella, Joan Gumbleton, lucinda505's iPad, Carolyn Gritter, Josh Rosmarin.

Chair Gannon convened this second committee meeting on Council Rules at 6:03 p.m. and announced his intention adjourn about 7:30 due to the election. Councilor Feltner moved to accept the draft minutes of February 20th, approved 2-0. She then shared the City of Taunton website (with CivicPlus) as one example for requesting a proclamation or honorary citation <https://www.taunton-ma.gov/365/Request-a-Proclamation-Citation>. The committee agreed that the Council President and City Manager could work with staff to enhance our website to provide a public process and tool to request a Proclamation or honorary citation, rather than including a new rule for this.

At 6:14 Chair Gannon stated the committee had not finalized Council Rules yet, so he opened the floor to attendees to hear comments about Rule 15 Public Participation. Clyde Younger spoke to the recent Mass. SJC Barron v. Kolenda case involving Southborough; he feels a two-minute time limit for Public Forum conflicts with the constitutionally protected right to assemble and petition town leaders. The committee reflected that the SJC opinion addressed restricting the content of speech; we do have the ability to adopt time, place, and manner for public comment as “neutral” restrictions. It was also noted that it is commonplace for local government meetings to have only one public forum with a two-minute limit, although some may allow three minutes or offer none. Regular Watertown City Council agendas have two public forums and although the rules state a two-minute limit, the presiding chair (Council President) is empowered with flexibility. Also, Council Committee meetings are usually open to frequent public comment, at the discretion of the chair; other communities restrict or even prohibit public comments at their working committee meetings. Generally, the committee and most attendees felt the two-minute limit seems to work well as a standard, and the chair manages the clock and has discretion. Of course, public comment is also accepted during public hearing items. It was acknowledged that public forums can be affected by different things, such as the number of people who wish to speak, the ability of the speaker’s main points to be heard and understood due to language or disability, connection issues, etc. and the President offers people the opportunity to speak more than once. Emails and written comments are read aloud at meetings as requested (within a two-minute timeframe) and they are attached to subsequent Council Minutes. Linda Scott submitted a resident petition with over 125 signatures requesting three minutes at both public forums for City Council meetings, and she expressed that public speakers are frequently nervous, may feel intimidated and are worried about feeling more pressured by seeing a new “countdown clock” and are often left feeling more frustrated than heard. Clyde Younger has also collected some signatures on the same concerns. Councilor Palomba favors changing Council Rules to automatically allowing three-minute comments at Council public forums. The committee did not propose changes to Rule 15.

At 6:52 Chair Gannon recognized Rita Colafella on zoom; she supports allowing two-minute comments during public forum as it is respectful of people’s time and seems fair. Councilor Feltner read aloud some recently received emails and acknowledged that others would be attached to committee minutes. Via zoom, Joan Gumbleton referenced her email in support of allowing three-minutes during public forum as some people need more time than others to express their concerns. Chair Gannon shared that proposed new Definitions by Councilor Palomba are under review by the city attorney, but he has not heard back from KP yet; definitions were not discussed by the committee.

At 7:06 the committee moved to discuss Rule 8.7, as it is somewhat related in process with the latest change to Charter section 3-2 concerning appointments and the task of determining desirable qualifications for positions. Feltner suggested borrowing language from the Charter (see section 3-2, 3A); these appointments don’t require Council confirmation. There was some concern about stipulating Council “take action” within 30 days, as this meeting calendar also needs to be coordinated with the manager concerning department heads or other employees under his supervision; time limits for action are not imposed by Charter for any confirmations. It was recognized that action as defined in Rule 8.7 reads “...action to schedule a meeting for interviews...” thus it doesn’t mean you have to meet within 30 days but to start the process of responding to a referral. Gannon suggested analyst Doug Newton could work on draft language with Councilor Piccirilli for addressing process on appointments; Feltner will include her sample in meeting notes.

After discussing Rule 8.8 and the various reasons why committee minutes and reports to Council may take longer than 30 days, it was decided to insert “ideally”; this recognizes the desired goal of reporting on meetings held within 30 days, while acknowledging this may not always be attainable.

Councilor Feltner introduced a chart and summarized some proposed changes, to align each council committee with Request for Confirmation to the various city appointed committees, commission, and boards. The committee will continue discussion on Rules 8.7 -on, at the next meeting, TBD.

At 7:33 PM Feltner made a Motion to Adjourn, seconded by Gannon, accepted 2-0.

Respectfully submitted, Lisa Feltner

Attached: updated Rules chart as of Mar 6; draft Rules text as of Mar 6; proposed referral for confirmation chart; emails received; resident signature sheets (12) requesting change to Rule 15.

Emails received by Rules and Ordinances Committee for the March 5, 2024 Meeting

Carolyn Gritter <cagri@me.com>

To: Feltner, Lisa

Tue 3/5/2024 4:13 PM

Rule 15

Councilor Feltner:

I respectfully request to be recorded in favor of amending Rule 15 to allow members of the public to speak for three minutes instead of two minutes in Public Forum at the beginning and at the conclusion of City Council meetings.

Respectfully submitted,

Carolyn A. Gritter

20 Watertown St.

Joan Gumbleton gumbletonj@aol.com

To: Gannon, John; John Airasian; Feltner, Lisa

Tue 3/5/2024 3:07 PM

Comment on Rules and Regulation of Two-Minute Rule

Dear Councilors,

I can't attend the Rules and Ordinances Meeting tonight, but I do want to express my thoughts on the two-minute rule that is in existence for commenting at city meetings. I would like to see the time extended to three minutes.

As I have spoken on a number of issues in the last few years, most times I can conclude my comments within the two-minute rule. However, we have had some issues that require investigation of details that take more time to explain. By going through the presentation in too fast a manner, the key points can be missed by many people, especially those who are not familiar with the topic. (I can remember a time when Councilor Piccirilli read my comments for me and it was a challenge for him to keep it under two minutes.)

In some cases, people are not comfortable with public speaking and may not be as organized with their thoughts and may need a little more time. In other cases people attending the meeting aren't planning to speak but find themselves wanting to comment without prepared notes.

To be sure all of our residents feel comfortable with presenting their thoughts, increasing the time from two to three minutes would be extremely helpful without adding that much time to the meetings. It may actually shorten them if people don't have to come back at the end of the meetings with additional comments on the same subject. Some residents take less time and it probably balances out in the end.

Your consideration of extending the rule to three minutes would be truly appreciated. Perhaps people could be encouraged to try to keep their comments around the two-minute mark, but that if they needed three minutes, it would be allowed. Thank you.

Sincerely,

Joan Gumbleton

32 Falmouth Rd.

McCarthy, Brendan

To: **City Councilors**

Tue 3/5/2024 2:24 PM

Comments Submitted for Tonight's Rules and Ordinance Meeting

Clyde Younger 2 Minute Comments.pdf **408 KB**

FYI

Attached is a document prepared by Clyde Younger in anticipation for tonight's meeting regarding Council Rules - specifically the two minutes rule.

Thanks,

Brendan

March 4, 2024

Barron v. Kolenda

Justia Opinion Summary

The Supreme Judicial Court reversed the judgment of the superior court against Plaintiffs and directed the court to enter a judgment declaring the "public comment policy" of the town of Southborough unconstitutional, holding that the town's public comment policy violated rights protected by articles nineteen and sixteen of the Massachusetts Declaration of Rights.

At issue was the policy of the board of selectmen of Southborough that outlines the public comment portion of its meetings where town residents may address the board ("public comment policy"). Plaintiffs argued, among other claims, that the policy violated their constitutionally-protected right under article nineteen "to assemble, speak in a peaceable manner, and petition ... town leaders for redress." The Supreme Judicial Court reversed the superior court's decision rejecting the argument that the town's public comment policy was unconstitutional, in violation of articles nineteen and sixteen, holding that the town's civil restraints on the content of speech at a public comment session in a public meeting were forbidden under both articles nineteen and sixteen.

Ms Colafella made reference to this case cited above in her February 18, 2024 email. The email was read aloud by Councilor Feltner. Ms Colafella's argument in support of the continuance of the two-minute rule rested on Barron v. Kolenda. I quote a certain portion of her email that reads as follows: "Additionally, I strongly recommend this because of the Barron v. Kolenda case from Southborough in which the state Supreme Court decided that government officials can no longer request civil commentary from the public.

The Court did not say government officials can no longer request civil commentary from the public. The decision stated it cannot "RESTRICT" and apparently agreed with the plaintiffs that article nineteen constitutionally-protected the right to assemble, speak in a peaceable manner, and petition town leaders for redress.

At issue, as you address updating your policies, is whether all issues can be expressed in a cogent manner in two minutes. Cutting one's comments midstream is not in keeping or in conformance with conducting city business. Likewise, a twenty-five minute dissertation is not warranted. Even if you were to speak for twenty-five minutes, people would stop listening.

Karin Rosenthal <krosenthal45@gmail.com>

To: **City Councilors**

Mon 3/4/2024 11:48 PM

Please extend 2 minutes to 3!

Clyde Younger had it right:

"The old two minute rule was for simpler times. As we embark upon the bustle of a metropolis it is logical issues are more complex. Thus operating under old rules is nonsensical."

I support extending the old two minute rule to 3 minutes.

Thank you,
Karin Rosenthal
150 Irving Street

Joseph Levendusky <jlevendusky@earthlink.net>

To: **City Councilors**

Mon 3/4/2024 9:33 AM

Revise Two Minute Rule

Councillors—

I am writing in favor of raising the two minute limit to three minutes.

Doing so would be an important gesture toward proving the Council's respect for citizen's thoughts. It would be an affirmation of the values of democratic participation.

I believe that the impact in terms of lengthening meetings would be minor, as more folks would finish their comments in the first round.

Thank you for your consideration.

Joe

Joseph Levendusky

13 Templeton Parkway

Watertown, MA 02472

617.515.8597

jlevendusky@earthlink.net

Kathi Breen <kathi1229@hotmail.com>

To: **City Councilors**

Thu 2/29/2024 5:28 AM

I Support the 2-Minute Limit for Public Comments

Just want to let you know that.

Kathi Breen

186 Boylston St.

Watertown, MA

Christopher Tatttrie <ctatttrie@locusrobotics.com>

To: **City Councilors**

Mon 2/26/2024 11:49 AM

I support 2 minutes

The City Council has a lot of work to do and many issues to cover.

Victory Field Phase II, ADU's, Noise Ordinances, etc, etc..

Thanks,

Chris Tatttrie

21 Theurer Park