

**RULES AND PROCEDURES
OF
THE WINTHROP TOWN COUNCIL**

RULE 1 – OFFICERS

- a) The presiding officer of the Winthrop Town Council shall be the Council President.
- b) The Town Council shall, at its first meeting in January, after being duly sworn in, elect a vice president for a one year term, who shall have the duties and powers granted to him/her in Section 2,2 (c) of the Winthrop Town Council Charter.

RULE 2 - SCHEDULE OF MEETINGS AND AGENDA

- a) The Winthrop Town Council meetings shall be held on the first and third Tuesday of each month at 7:00 p.m. and at such other times when necessary as authorized by Section 2-6(c)(ii) of the Winthrop Town Charter.
- b) Matters to be placed on the Agenda for the Town Council, including but not limited to any ordinance, order, appointment, or other matters of business to be presented to the members for action at a regular meeting of the Town Council shall be submitted to both the Council Clerk and Council President, in paper or electronic format, by 1:00 pm on the Thursday preceding the regular meeting at which such matter is to be considered. All matters requiring a vote shall be submitted in full and in the form of a motion. 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. The Council President or the Council Clerk shall submit the Agenda, in paper or electronic format, complete with all motions and attachments to the Town Clerk no later than 4:00 pm on the Thursday preceding the regular meeting at which such matter is to be considered.
- c) Other than amendments, to existing motions, no business shall be considered by the Town Council unless: 1) There is a unanimous vote of the Council to waive this rule.

RULE 3 – QUORUM

- a) A majority of the members of the Winthrop Town Council, five members, shall constitute a quorum.

RULE 4 - ORDER OF BUSINESS

- a) At every regular meeting of the council, the Order of Business shall be as follows:
 - 1. Call to order
 - 2. Pledge of allegiance
 - 3. Roll call
 - 4. Act on minutes of previous meeting
 - 5. Public comments
 - 6. Correspondence
 - 7. Committee reports
 - 8. Town Managers Report
 - 9. School Committee Report
 - 10. Old business
 - 11. New business
 - 12. Public comment
 - 13. Adjournment

Amended 4-17-18- 4(a), 7(b), 8(g), 2(c), 12(d)
Last Amended 6-27-18 / 2(c), 6(d), Rule 7, 8, A (d), (f),(g),(h), 10 (c),11A(2) (3) C(1)(9),

- b) The above Order of Business may be departed from by vote of the majority of the members present; and all questions relating thereto shall be decided without debate.

RULE 5 - ROBERTS RULES

- a) Roberts Rules of Order revised shall be the authority on all questions of debate or parliamentary procedure, whenever the same do not conflict with the rules herewith set forth by the Winthrop Town Council and Winthrop Town Charter.

RULE 6 – VOTING

- a) All questions or motions shall be restated and put to the Council for a vote by the Council President.
- b) Votes will be taken by voice (yea or nay) except those requiring more than a simple majority.
- c) Votes requiring more than a simple majority as governed by State Law, the Winthrop Town Charter or these Council rules shall be taken by roll call vote.
- d) The Council President may call for a roll call vote, if he or she, is unable to determine the result of a voice vote.
- e) Any councilor may request a roll call vote on any question or motion.

RULE 7 - OPEN MEETING LAW - EXECUTIVE SESSION (MGLA Sec. 30 §18-25 M.G.L. C30A § 18-25

- a) Executive session may be entered only after the council has first convened in open session for which notice has been appropriately posted. The presiding officer cites the reason for going into executive session and calls for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate an executive session.

(b) A public body may meet in executive session only for the following purposes:

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

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

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

(2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

(4) To discuss the deployment of security personnel or devices, or strategies with respect thereto;

(5) To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

(6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

(7) To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

(8) To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

(9) To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- i. any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
 - ii. no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or
- (10) To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of

chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

- (1) the body has first convened in an open session pursuant to section 21;
- (2) a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
- (3) before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- (4) the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
- (5) accurate records of the executive session shall be maintained pursuant to section 23.

RULE 8 - COUNCIL COMMITTEES

After organization of the Town Council, the President may appoint members to standing and special committees. The first named member of each committee shall be the committee's Chair.

Standing committees shall be:

- a) Finance - 3 members
- b) Rules and ordinance - 3 members
- c) Public Health and Safety - 3 members
- d) Public works - 3 members
- e) Economic Development - 3 members
- f) Capital assets - 3 members
- g) Appointments, committee on committees who shall review and evaluate all council employees annually, no later than March 15th. – 3 members

RULE 9 - SPECIAL COMMITTEES

The President of the Town Council, subject to approval of the Council, may designate such special committees comprised of Town Councilors, and or registered voters in the Town of Winthrop, as are deemed necessary.

A. Special Committees shall be:

- a) Citizens Advisory Finance Committee - 7 members
In accordance with Winthrop Town Charter, Section. 7-3

- b) Board of License Commissions - 5 members
In accordance with Winthrop Town Charter, Section 6-3
- c) Memorials Committee – 5 members (12/18/07) that the council president appoint a committee on Memorials consisting of five members, including the veteran’s agent or his/her designee, a member of the Winthrop Historical Commission and 3 citizens of the town, one who shall have public safety experience, serving staggered 3-year. Charged to bring forward, either on their own initiative or on suggestion, suitable names for memorializing Town property, other than property under the jurisdiction of the School Committee. A person whose name is brought forth by the Committee will be of exemplary character and will have made significant contributions to the community. Properties will, generally speaking, not be named for living persons. A primary responsibility of this Committee will be to determine, before bringing forth a name, whether or not a property should be named or renamed. Furthermore, that nomination will be forwarded by the Town Manager to the Council for ratification.
- d) Technology Committee composed of 5 members with educated training or experience in information technology for staggered 3-year terms and the Mis Director shall be an ex officio member of said committee.
- e) Fiscal Capital Policy Committee, 9 members. The Committee shall have four (4) non-voting members who shall be the Town Manager, Town Chief Financial Officer, Internal Auditor and Superintendent of Schools. (9-24-13)

The five (5) voting members shall be the Chairs of the Council Finance Committee, Capital Assets Committee, Rules and Ordinance Committee, Citizen’s Finance Advisory Committee, and the Chair of the School Committee or his/her designee.

This Committee shall develop a criteria and protocols for a Capital Building Maintenance Stabilization Fund and a Free Cash Funding Policy which they will be charged with maintaining and overseeing.

- f) Transportation Committee- consisting of 3 to 5 Winthrop Citizens with knowledge or expertise in the field of Transportation. The goal of Transportation Advisory Committee is to provide the necessary guidance and vision to make mobility within the Town and access to the Town’s various areas as safe, convenient and pleasant as possible. This may involve conducting various studies and analyzing the resulting information to make policy recommendations to the Town Council.

This Committee will serve in an Advisory Capacity to the Town Council. The scope of the Committee’s advisory role will include all aspects of transportation affecting the Town of Winthrop, including automobile traffic, water transportation, bus service, subway service, bicycle transportation, commercial transportation and shared resource travel.

- g) Economic Development Citizens Advisory Committee (EDCAC) consisting of 7 to 9 members to serve as a resource to the Winthrop Town Council in order to evaluate any and all economic development projects and proposal being brought forth by the Town of Winthrop. The EDCAC’s role would include review of any strategic redevelopment plans for the Center Business District and the former Middle School on Pauline Street which would involve the direct allocation of Town resources, including land, credit enhancement or issuance of bonds, major public improvements (e.g. parking garage, streetscape, etc.).

The EDCAC's focus should be as an independent assessor of the financial viability of any and all proposed public and private investment to be leveraged, including but not limited to appraisal of any Business Plan prepared in conjunction with the establishment of a Redevelopment Authority.

In order to provide an independent analysis, the EDCAC will be provided unrestricted access to all of the due diligence obtained by Town Hall, including Consultant presentations, discussions with developers, legal council, etc

The EDCAC should include individuals (the majority of appointments) who have experience in large scale mixed use developments. Any citizen who may have a direct or indirect business interest in a future Winthrop redevelopment should be excluded from appointment to the EDAC as there are other avenues (e.g. town council's economic subcommittee and the chamber of commerce meetings, etc) to advocate their interests.

An Advisory Committee member may not participate in any discussion or vote pertaining to:

1. A parcel of land in which he/she has a financial interest;
2. A parcel of land in which his/her immediate family member has a financial interest;
3. A parcel of land that abuts, or is located within 300 feet of, or is located across the street from, a parcel of land in which the Advisory Committee member or his/her immediate family member has a financial interest.

The Advisory Committee shall actively seek input from business owners and residents in the Town Center and shall encourage their participation at Advisory Committee meetings. The Advisory Committee shall also seek input from all interested stakeholders and residents of the Town.

- h) Any and all other committee deemed necessary or which are listed in the Winthrop Town Charter in Section 10-5(p).

RULE 10 - COMMITTEE RIGHTS AND OBLIGATIONS

- a) The Council President shall be an ex-officio, non-voting, member of all Committees, but may not serve as chairperson of any.
- b) All Committees are advisory to the Council and shall take no actions that binds the Council or the Town of Winthrop unless they are authorized by State Statute, local ordinance or the Winthrop Town Charter.
- c) Meetings of committees may be called by the chairperson or upon the written request of two members of the committee. All committees of the Town Council shall keep records of proceedings, and a copy of said records shall be filed with the Town Clerk and Council Clerk. Each committee shall submit its minutes and a report describing its activities to the Town Council at least once per month.

RULE 11 – DECORUM

A. General

1. Discourse at Council meetings shall be marked by courtesy and respect, even in the face of disagreement.
2. Discussion shall be centered on issues, at hand, and personal attacks shall not be tolerated on individuals

3. Cell phones and other such devices shall be silenced during Council meetings.

B. Decorum of Council Members

1. Members of the Town Council shall conduct themselves in orderly manner to assure that the business of the Town is attended to as expeditiously as the deliberative process allows.
2. Members will address the Council President as "Mr. or Ms. President" and other colleagues as "Councilor".
3. Councilors shall address requests to speak through the Council President and shall not speak until recognized.
4. Discussion shall be limited to the topic before the Council and extraneous issues shall have no place in the debate.
5. Council members shall not interrupt a colleague except to raise a point of order, to express a point of personal privilege, to question parliamentary procedure or to doubt the presence of a quorum.

C. Decorum of the Public

1. Citizens of the Town will be invited to speak to the Council during the two times within the meeting designated as "Public Comment" for a maximum time limit of 3 minutes for each public speaker. However, the President or any councilor may request additional time for any speaker to continue if they deem it necessary.
2. No person may address the Town Council before first having been recognized by the Council President.
3. All citizens addressing the Council will identify themselves by name and address or precinct.
4. By a majority vote of the Council a person not residing in Winthrop may address the Council during "Public Comment".
5. Comments from the public shall not involve personalities but shall be limited to the business of governmental issues dealing with the Town of Winthrop.
6. The Council President will determine the length of "Public Comment".
7. Generally, the public shall not be allowed to participate in the deliberations of the Council. Exceptions to this rule shall be at the discretion of the Council President.
8. People addressing the Council shall do so in an

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orderly manner, shall not make repetitious, slanderous or irrelevant comments, nor shall they engage in disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meetings.

9. Any person who disrupts, disturbs or impedes the orderly conduct of a Council meeting shall be subject to ejection from that meeting in accordance with MGLA Chapter 39, Sec. 23c

RULE 12 - MEASURES-ORDINANCES – APPROPRIATIONS

- a) A measure may be passed through all stages at any one meeting of the Town Council provided that no appropriation is needed for its implementation.
- b) Ordinances and measures which require an appropriation which is (\$25,000.00 twenty five thousand dollars or less shall be sent to the Finance Committee, and any other appropriate committees for review and action to report back to the Town Council with recommendations before debate and vote of the Council.
- c) All appropriation orders and loan authorizations over twenty five thousand dollars (\$25,000.00) must be introduced and sent to the Finance Committee for recommendation, after recommendation is made said order must be published in accordance with Section 2, 9c of the Winthrop Town Charter, before a vote may be taken by the Town Council. (3/7/06)
- d) Town Council requires all finance motions to be accompanied by supporting documentation, not limited to but including background information, cost benefit analysis, funding source, stakeholder concerns and appropriate attachments. (4/17/18)