

RULES AND ORDERS
MALDEN CITY COUNCIL

GENERAL

1.00 SCHEDULE OF COUNCIL/COMMITTEE MEETINGS

1.01 To the extent practicable, regular meetings of the City Council and City Council Committees shall be scheduled on alternate Tuesdays, provided that no regular City Council or City Council Committee meetings shall be scheduled on any Election Day, legal holiday, or during the months of July and August; and provided further that the first meeting in January and September of each year and the last meeting in June and December of each year shall be a regular meeting of the City Council.

1.02 Meetings of the City Council shall commence at 7 p.m. Meetings of City Council committees shall commence no earlier than 5:30 p.m. All City Council Committee meetings scheduled before a regular meeting of the City Council shall adjourn and/or recess prior to the 7 p.m. City Council Meeting, so that the City Council Meeting may begin promptly at 7 p.m.

1.03 A Committee of the Whole meeting may be scheduled for 7 p.m. on those Tuesdays designated for Committee meetings. Committee of the Whole may conduct Council business for the purposes of referring matters to committees, voting on resolutions related to inviting guests to future meetings or hearing guest presentations, for the purpose of entering into Executive Session, to hear Special Permit applications or public hearings requiring Council approval, to address emergency situations or as needed under the suspension of docket rules. During such Committee of the Whole meetings that have agenda items, local cable access will be requested for broadcast. If there are no such necessary agenda items, Committee of the Whole meetings need not be scheduled.

1.04 City Council Committee meetings scheduled before a Committee of the Whole shall adjourn or recess prior to the 7 p.m. Committee of the Whole meeting, in order for the meeting to begin promptly at 7 p.m. Committees in recess may reconvene immediately following adjournment of the Committee of the Whole meeting. Committee meetings may also be scheduled subsequent to adjournment of Committee of the Whole.

1.05 Subject to the call of the President, meetings of the City Council may be held during July or August if needed or to address emergency situations. Additional meetings of the City Council may be held at such times as the majority of the City Council are in agreement. The annual schedule of City Council meetings may be adjusted as needed to avoid conflicts with holidays or other events, and to maximize public participation.

1.06 Committee meetings, by the call of the Committee Chair, may be scheduled at such times and days as is deemed necessary, in accordance with Council Rule 1.02 and provided a majority of the Members may be present.

1.07 A roll call shall be taken at the beginning of all meetings of the City Council and any of its Committees.

1.08 Excepting emergency matters, which are not known in advance, any matters to be included on the dockets for City Council meetings and City Council Committee meetings shall be provided to the City Clerk and Clerk of Committees in advance, and no later than Thursday by 10 a.m., or no later than Wednesday by 10 a.m. preceding holidays.

1.09 Committee meetings shall be scheduled at the discretion of the Committee Chair, or, in their absence, the Committee Vice-Chair. In the absence of the Chair and Vice Chair, remaining Members, in the order they were named to the Committee, may schedule meetings and act as Chair. Scheduling of Committee meetings shall also be in accordance with Rule 52.01.

2.00 QUORUM AND VOTING

2.01 A simple majority of the Members of the full City Council shall constitute a quorum for the transaction of business.

2.02 A vote calling for a simple majority shall consist of a majority of the Members present.

2.03 A vote calling for a 2/3 majority of the Body shall consist of 8 votes. A vote calling for a 3/4 majority of the Body shall consist of 9 votes.

3.00 ORDER OF BUSINESS

3.01 At every regular meeting of the Council, the order of business shall be as follows:

1. Call to Order
2. Salute the Flag, Moment of Silence for Service Members, Memorials
3. Roll Call
4. Guests, Resident Achievement, and Announcements
5. Public Comment
6. Consent Agenda
7. Approval of Minutes
8. Appointments and Elections
9. Hearings and Petitions
10. Motions, Orders and Resolutions
11. Communications
12. Committee Reports
13. Executive Session
14. Tabled Papers

15. Personal Privilege
16. Adjournment

3.02 The Council may depart from the above sequence by order of the Council President, unless objected to by a majority of the Members present.

3.03 The City Council President may create a consent agenda to approve procedural, routine agenda items together as a group. Any Councillor may move to remove items from the consent agenda. If an objection is made to any item on the consent agenda, that item, without debate or vote, will be returned to the regular order of business for discussion and action. The consent agenda will be docketed after the roll call and prior to approval of the minutes. The Clerk shall read the title of each item on the consent agenda in lieu of the full text.

The consent agenda may include minutes, appointments not requiring confirmation, items being place on file, papers being referred to committee.

If a Councillor must recuse themselves from voting on a particular item on the consent agenda, they must make this explicit prior to the vote and the item need not be removed.

4.00 MEETING RECORDS

4.01 The City Clerk or the Assistant City Clerk shall attend and keep the records of all meetings of the Council, shall record the names of the Members present, and shall have care and custody of all documents, maps, plans, or other papers submitted to the Council during a Council meeting, whether by Councillors or presenters or the public.

4.02 Each Member shall be provided with a copy of the Council minutes 48 hours in advance of any vote regarding those minutes. Upon approval, Council minutes shall be posted on the city's website. Every effort shall be made to provide the Council with documents needed for discussion or participation in meetings no later than 24 hours prior to the scheduled meeting time.

5.00 NON-MEMBERS' RIGHT TO FLOOR

5.01 No person except the Mayor shall be given the floor on any matter except by majority consent.

5.02 At any time during a meeting, the Mayor may be recognized by the presiding officer and address the Council on the matter presently under debate.

5.03 Any City Councillor may request to invite a guest for Citizens Achievement or a presentation by a community group, or city official, by emailing the City Clerk within the time limits as outlined in Council Rule 1.08. No more than two presentations shall be docketed per meeting, and each shall be limited to 15 minutes in length, scheduled at the discretion of the City Clerk and Council President with timely or urgent matters taking precedence.

5.04 At each regular meeting of the City Council, the public shall have the ability to address the Council during Public Comment. Each speaker seeking to address the Council in person will be required to fill out the sign-in sheet prior to the meeting. The sign-in sheet shall stay posted on the podium in the Council Chamber until 5 minutes before the meeting begins. Members of the public who cannot attend the meeting in person but who wish to have comments read into the record may do so by emailing the City Clerk no later than 4 p.m. on the same day as the noticed meeting. Emails must include the person's name and address and such emails will become part of the public record.

5.05 Each speaker must state their name, address, and the topic on which they are intending to speak. Public Comment shall be limited to items that appear on the Council agenda for the noticed meeting. Comments shall be respectful and adhere to Council decorum.

5.06 Each speaker shall be allotted no more than two (2) minutes to speak, or 300 words for written comments, for a maximum time allotment of 30 minutes. The City Clerk shall keep track of this limit. The Clerk reserves the right to batch repetitive comments when reading aloud. In-person commenters shall take precedence over emailed comments in the order of business.

The President shall have the ability to regulate Public Comment as circumstances warrant, including modifying the allotted time to speak to afford each speaker the opportunity to be heard. Any Councillor may move for a vote to extend Public Comment to allow for a greater number of Members of the public to speak.

5.07 If the 30-minute time limit for Public Comment had not elapsed, a Councillor may recognize a Member of the public who has not signed the sheet. If time has elapsed, a motion to suspend Council Rules shall be entertained to allow for extended Public Comment.

6.00 NOTICES TO DEPARTMENT HEADS

6.01 No head of a Commission, Department or any other Agency of the City government shall be required to address, explain or defend any activity of the respective Commission, Department, or Agency that may be involved in any discussion before the City Council unless one-week written notice is given by the City Clerk on behalf of the City Council to such Commission, Department, or Agency executive. This rule shall not apply to the City Clerk, Assessor, Solicitor, Controller, or Treasurer.

6.02 If the head of a Commission, Department, or any other Agency of the City requests to appear before the City Council to address, explain, or defend any activity of the Board, Commission, Department or Agency that may be involved in any discussion before the City Council, such request must be made no later than Thursday by 10 a.m. or no later than Wednesday 10 a.m. preceding holidays.

6.03 Notice shall contain all matters in which the City Council may require information; but shall not prevent any Member from requesting information on any other department matter subject to the rule of the President. If request is made for information not contained in such notice, the department executive shall be given sufficient time, as defined by the Chair, to prepare a response.

7.00 EFFECT OF FAILURE TO ACT ON MATTERS BEFORE COUNCIL

7.01 Petitions for an initial license or permit, if not finally acted upon by the date on which the license or permit applied for would expire, shall be placed on file.

7.02 A petitioner seeking to renew an existing license may continue to operate, pending final determination of any renewal application by the City Council, but only on condition that application for renewal of said license has been made. Failure to timely apply for license or permit renewal shall terminate any rights granted under the license or permit.

7.03 All other papers not finally acted upon at the end of a biennial session shall be placed on file, unless the Council votes within 30 days of the beginning of the next biennial session to hold over said paper provided that no matter shall be carried over for more than one biennial session. Any dormant papers that have not been acted upon or carried over shall be placed on file, and a new paper on the same subject matter shall be required. In the absence of a vote within 30 days of the beginning of the next biennial session any papers shall be placed on file.

8.00 ROBERT'S RULES APPLY

8.01 Robert's Rules of Order shall be the authority on all questions of debate or parliamentary procedure, whenever the same do not conflict with the rules set forth by the City Council.

9.00 PUBLIC DECORUM DURING MEETINGS OF THE COUNCIL

9.01 Participants and spectators shall disable the audible signal on any electronic communication device and shall not use said device when any meeting of the Council is in progress. This section shall not apply to video or audio recordings made in compliance with the provisions of the Open Meeting Law, or to research matters under discussion.

PRESIDING OFFICER

10.00 DESIGNATION OF PRESIDING OFFICER

10.01 Meetings of the City Council shall be presided over by the President, who shall be chosen annually by a majority vote of the Full City Council, made by roll call vote.

10.02 In the temporary absence of the President, the senior Member present shall preside. Senior Member shall mean the Member with the most years of continuous service as a Member of the Malden City Council. The Council President may also choose to appoint a President Pro Tempore to serve in this role.

10.03 In the event of a vacancy in the Office of President, the senior Member, as defined in 10.02, shall preside until a President is chosen by a properly docketed vote of the City Council, and by a majority vote of the full City Council, made by roll call vote.

10.04 Any Member called upon to preside over a City Council meeting under the provisions of these rules shall assume all the powers and duties of the President.

11.00 PRESIDENT TO CALL MEETING TO ORDER

11.01 The President shall take the chair at the hour fixed and, a quorum being present, shall proceed to business.

12.00 PRESIDENT TO ENFORCE RULES AND PRESERVE ORDER

12.01 The President or the presiding officer shall enforce the Rules and Orders of the City Council by any means necessary and proper; shall preserve order and decorum; may speak to points of order in preference to other Members, and shall decide all questions of order; shall determine which Member has the right to the floor when two or more Members request the floor at the same time; and shall declare all votes.

12.02 The City Clerk shall serve as designated Parliamentarian and the President shall consult the Clerk before deciding any questions of order prior to making a ruling. Any Member may appeal the determination by motion, which shall be in order only if seconded by another Member. While an appeal is pending, no other business shall be in order until the appeal is decided.

12.03 The President shall declare all votes of the City Council, provided that if a Member doubts the vote as declared by the President, they may request a roll call be taken.

13.00 (Reserved)

14.00 (Reserved)

15.00 PRESIDENT TO VACATE CHAIR TO ENGAGE IN DEBATE

15.01 The President may state facts and decide questions of order without leaving the Chair.

15.02 The President may engage in debate, but in such cases, shall call upon another Member to preside and shall leave the Chair.

15.03 The President shall not resume the chair while a question on which they have spoken is pending, provided that the question under debate is decided before adjournment.

16.00 (Reserved)

RIGHTS AND DUTIES OF MEMBERS

17.00 MEMBERS TO OBSERVE RULES OF DECORUM

17.01 When speaking, Members shall address the President or Chair and shall confine comments to the question under debate.

17.02 No Member shall mention another Member in debate except by title or surname.

17.03 No Member shall speak or vote out of place without the consent of the President or Chair.

17.04 No Member shall interrupt another, except by a call to order or for the correction of a mistake or clarification of facts. To do so, the interrupting Member shall state “point of order” or “point of information” as the case may be. The interrupting Member shall not proceed until and unless recognized by the President or Chair.

17.05 Members shall not converse among themselves while a question is being stated, while a Member is speaking or while a paper is being read.

17.06 When a Member is called to order, they shall immediately come to order, unless permitted to explain. If, on a call to order, the full Council is appealed to, the question shall be decided without debate, and if the decision is against one Member, they shall immediately yield the floor and shall not be permitted to speak.

17.07 When a Member wishes to bring forth an allegation of an Open Meeting Law violation, Pursuant to M.G.L. c. 30A s. 23(b) the Member shall first, file a written complaint with the Council setting forth the circumstances of the alleged violation, giving the Body an opportunity to remedy the alleged violation. Such complaint shall be filed within 30 days of the date of alleged violation. The Council then shall, within 14 business days of receiving the complaint, file with the Attorney General a copy of the complaint and any remedial action taken.

17.08 Robert's Rules of Order shall be the authority on all rules of decorum, whenever the same do not conflict with the rules set forth by the City Council.

17.09 Disciplinary Procedures shall be followed as set forth by Chapter 20 of Robert's Rules.

18.00 MEMBERS TO VOTE, UNLESS EXCUSED

18.01 Except when excluded by interest, every Member, including the President, shall vote on all questions. If any Member is absent of the Council Chamber when a vote becomes due, Council President will recess the meeting until said Member returns to attendance then will proceed with the vote accordingly.

18.02 No Member shall vote on any question or serve on any committee where their private right or interest is immediately concerned.

18.03 A request to be excused from voting must be made before the calling of the roll begins and shall be decided without debate.

19.00 MEMBERS TO REMAIN AT MEETINGS UNTIL ADJOURNMENT

19.01 No Member shall leave a meeting without permission of the President and their presence shall cause their name to be added to the roll for purposes of constituting a quorum.

20.00 MEMBERS MAY APPEAL PRESIDENT'S RULING

20.01 Any Member may appeal any ruling of the President to the full City Council, provided that a motion for appeal will be in order only if it is seconded by another Member.

20.02 When an appeal is pending, no other business shall be in order until the appeal is decided.

21.00 MEMBERS MAY REQUEST PERSONAL PRIVILEGE

21.01 At the conclusion of regular business, the President shall afford any Member the floor on any matter of personal privilege.

**INTRODUCTION OF ARTICLES TO THE CITY COUNCIL, MAKING OF MOTIONS,
DEBATE, DECIDING QUESTIONS**

FORM AND MANNER FOR INTRODUCTION OF ARTICLES TO COUNCIL

22.00 FORM OF ORDINANCES

22.01 The enacting style of all ordinances shall be as follows: "Be it ordained by the City Council of the City of Malden as follows...".

23.00 FORM OF ORDERS AND RESOLVES

23.01 Any action which the Council may command shall be termed an order and shall be expressed in the following form: "Order: That...".

23.02 Any matter in which the Council wishes to express an opinion or principal or to state a fact shall be termed a resolve and shall be expressed in the following for: "Resolved: That it is the sense of the City Council that...".

24.00 FORM OF PETITIONS

24.01 Any request to the City Council for a license or permit shall be termed a petition and shall be submitted on a form provided by the City Clerk.

24.02 Petitions shall be submitted to the City Clerk with a fee as determined by the City Council. Said fee shall be deemed an application fee and shall be non-refundable in the event that the license or permit is denied.

25.00 ARTICLES TO BE AUTHORIZED AND IN WRITING.

25.01 All matters, except petitions for licenses or permits, coming before the Council must be in writing and authorized by the Member presenting them.

25.02 All petitions for licenses or permits coming before the Council must be in writing and signed by the petitioner.

26.00 OBJECTIONS TO THE INTRODUCTION OF ARTICLES

26.01 All docketed items introduced to the Council shall be read into the record by the title by the City Clerk.

26.02 When a Member objects to the reading of a paper, the majority of the Members present and voting shall decide whether or not the paper will be read.

27.00 MANNER IN WHICH ARTICLES ARE PLACED ON COUNCIL DOCKET

27.01 In accordance with Council Rule 1.08, all articles to be introduced at a City Council meeting shall be submitted to the City Clerk at or before 10 a.m. on the second City business day preceding the meeting.

27.02 On the second City business day preceding each Council meeting, the City Clerk shall prepare and distribute a docket containing a listing of all articles of new business to be brought before the Council, appointments, enrolled ordinances, committee reports, all matters laid on the table, and any matters to be reconsidered.

Dockets for regular and committee meetings shall be posted on the City's website by the close of business on the second City business day preceding the meeting.

28.00 LIMITATIONS ON PLACING ARTICLES ON COUNCIL DOCKET

28.01 When a measure has been rejected by the Council, no item containing substantially the same subject matter shall be introduced within the next six months except as otherwise provided by law.

DEBATE

29.00 LIMITATIONS ON A MEMBER'S RIGHT TO SPEAK

29.01 No Member shall speak more than once on the same question until all Members choosing to speak have spoken.

29.02 No Member shall speak more than three times to the same question on the same day except by majority consent.

30.00 LIMITATIONS ON DEBATE

30.01 The following motions shall be decided without debate: to adjourn; to table, to take from the table.

30.02 Debate on the following motions shall be limited as hereinafter proscribed:

- A. on a motion to adjourn to a date certain, debate shall be allowed only on the date to which adjournment shall be made;
- B. on a motion for the previous question, debate shall be limited to five minutes, with no Member permitted to speak for more than two minutes. Members shall confine their comments to reasons why the main question should not be put.

30.03 In all other instances, debate may be limited only by adoption of a motion for the previous question.

The President shall put a motion for the previous question in the following form: "Shall the main question now be put?" and all debate on the main question and pending amendments shall be suspended until that question is decided.

Motions for the previous question shall be limited as proscribed in Rule 33.02. All incidental questions of order arising after a motion is made for the previous question shall be decided without debate, except an appeal. After the adoption of the previous question, votes shall be taken, without debate, upon pending amendments in their regular order, and then upon the main question.

MOTIONS

31.00 MOTIONS MAY BE REQUESTED IN WRITING

31.01 At the request of the President, any motion shall be reduced to writing by the Member making said motion.

32.00 DISPOSAL OF MOTIONS

32.01 A motion containing two or more propositions capable of division shall be divided whenever a Member requests.

32.02 After a motion is stated, read, or divided as provided in Rule 32.01, it shall be disposed of by vote.

32.03 The sponsor of any motion may withdraw it, by simple majority consent, at any time before a decision or amendment.

33.00 ORDER IN WHICH MOTIONS ARE CONSIDERED

33.01 Except as set forth below, the President shall propound all questions in the order in which they are made.

33.02 When a question is under debate, only the following motions shall be in order:

- to adjourn;
- to table;
- to recess;
- to order the previous question;
- to refer to committee; or
- to amend

These motions shall have precedence on the order in which they are arranged.

33.03 When setting amounts, the smallest figure shall be put first.

33.04 When fixing times, the latest date shall be put first.

33.05 When referring to committee, a motion to refer to a standing committee shall be considered before a motion to refer to a special committee.

34.00 (Reserved)

35.00 (Reserved)

36.00 MOTIONS FOR RECONSIDERATION

36.01 After a vote has been taken, any Member of the majority may move reconsideration, provided that no motion to reconsider shall be made until after adjournment of the meeting in which the vote to be reconsidered was taken.

36.02 A Member who wishes to move reconsideration, and was on the prevailing side of the vote, shall within 24 hours of adjournment of the meeting, notify the City Clerk in writing of their intention to move for reconsideration at the next full Council meeting. Upon receipt of such notice, the City Clerk shall retain possession of the papers until such meeting.

36.03 Motions for Reconsideration shall not be available for Council Committee votes.

36.04 Reconsideration requires a simple majority to pass.

37.00 LIMITATIONS ON MOTIONS FOR RECONSIDERATION

37.01 No motion shall be reconsidered twice.

37.02 No vote on the following motions shall be reconsidered:

- to adjourn;
- to lay on the table;
- to take from the table;
- the previous question,
- to refer any matter to a committee;
- any vote in committee, other than a Committee of the Whole.

37.03 No vote for reconsideration may take place following the final regular meeting before the Council recesses for summer.

All motions to reconsider must be taken up within the same fiscal year as the original vote, and all reconsideration votes must take place within 14 calendar days of the original meeting.

DECIDING QUESTIONS

38.00 ARTICLES PRESENTED TO PRESIDENT FOR SIGNATURE

38.01 Every article voted in the affirmative by the City Council shall be signed by the President.

39.00 APPOINTMENTS SUBJECT TO CONFIRMATION AND ELECTIONS BY THE CITY COUNCIL

39.01 APPOINTMENTS AND ELECTIONS GENERALLY

Except as provided in Rule 39.02, the Personnel and Appointments Committee shall interview and make recommendation to the City Council on appointments or re-appointments to a city office, board or commission.

Any committee recommendation relative to appointment shall not be binding upon the Council.

39.02 ELECTION BY THE CITY COUNCIL

No less than 30 days prior to the expiration of the term of an appointment by the City Council, the Clerk of Committees shall notify the appointee and ascertain whether or not they will seek reappointment. The Clerk of Committees shall submit letter of appointment to the City Clerk for inclusion on the docket for the re-appointment or vacancy.

Upon notification that an incumbent officer is seeking reappointment, the Personnel and Appointments Committee shall meet with the officer for purposes of discussing departmental operations, accomplishments and goals and shall make a recommendation to the full City Council. This rule may be waived with respect to reappointment of full-time city officers by majority vote of the City Council under suspension of Council Rules.

Upon notification that a vacancy does or will exist in any office appointed by the City Council, the Council shall solicit applicants in such manner as it deems appropriate. The Council may, by two thirds vote of the full Body, appoint a Special Committee to fill a specific vacancy. The Council shall prepare a description of the duties of the vacant office, the necessary qualifications, and the application process and shall establish a deadline for applications; provided that these duties may be referred to the Personnel and Appointments Committee or Special Committee, where applicable, by vote of a majority of the Members present and voting.

At the expiration of the application period, applications shall be referred to the Personnel and Appointments Committee or Special Committee, where applicable, for review, and a copy of each application shall be provided to each Councillor. The Committee charged with filling a vacancy may establish a period during which Councillors may make recommendations for interview of applicants. Upon expiration of any time established recommendation, the Committee, where applicable shall interview those applicants who were most frequently recommended by Council Members or, in the absence of recommendations, those applicants who Committee Members deem best qualified. The Committee shall make a recommendation for appointment to the City Council.

Upon receipt of the Personnel and Appointments Committee or Special Committee recommendation, the Council shall open nominations for the position, and Members may nominate any applicant to fulfill the duties of the office.

39.03 APPOINTMENTS REQUIRING CONFIRMATION

Initial appointments and reappointments by the Mayor which are subject to confirmation shall be referred to the Personnel and Appointments Committee for review and recommendation to the full Council. The Personnel and Appointments Committee may, as part of its review, request that the Mayor provide background information on any initial appointment and may meet with all new nominees for appointment prior to recommendation.

In the case of reappointments, the Personnel and Appointments Committee may, prior to recommendation, meet with the officer for purposes of discussing departmental/commission operations, accomplishments, and goals.

39.04 CONFIRMATION NOT REQUIRED

In the case of appointments and reappointments by the Mayor not requiring Council confirmation, the process of referral to Personnel and Appointments Committee for review and recommendation to the full Council shall not apply.

40.00 STAGES FOR PASSING ORDINANCES

40.01 All ordinances under consideration shall be transmitted to the City Solicitor for review prior to enrolling. The City Solicitor shall provide an opinion as to form and legality, prior to an ordinance being passed to be enrolled.

40.02 All ordinances shall pass through the following stages: first reading; passed to be enrolled; passed to be ordained.

40.03 The City Clerk shall engross all ordinances before they are passed to be ordained. No engrossed ordinances shall be amended.

40.04 An ordinance shall not be passed in all its stages in one day except under suspension of Council Rules and then upon motion passed by a three-fourths vote of the full Members of the City Council.

41.00 LIMITATION ON AUTHORIZATION OF EXPENDITURES

41.01 Except as provided by statute, after the annual budget has been adopted, no additional expenditures shall be authorized, unless provisions for the same shall be made in one of the following manners:

1. by specific transfer of an appropriation contained in the budget,
2. by supplemental appropriation,
3. from any funds in the City Treasury not otherwise appropriated, or
4. by expressly creating debt.

41.02 In the last two cases, the Order shall not be passed unless two-thirds of the full City Council shall vote in the affirmative by roll call vote.

42.00 FINANCIAL ORDERS TO BE REVIEWED BY FINANCE COMMITTEE

42.01 All orders for appropriation to be made by transfer or loan shall not be acted upon until the matter has been referred to and reported upon by the Finance Committee.

42.02 No less than 14 days prior to adoption of the annual budget, Members of the full City Council shall hold a public hearing, led by the Council President, on proposed

expenditures to provide residents with an opportunity to express objections to or support for specific expenditures or programs, or to propose new initiatives. The time and place of the hearing shall be determined by the Finance Committee Chairman. Notice of said hearing shall be publicized as determined by the Finance Committee Chairman and shall include information relative to the availability of the budget proposal for public inspection.

43.00 (Reserved)

COMMITTEES

44.00 APPOINTMENT OF COMMITTEES

44.01 The President shall annually, as soon after the organization of the Council as may be convenient, appoint Members to the Standing Committees of the City Council, as listed below in Rule 46.01.

44.02 The President shall be an ex-officio Member of all committees. When present, their name may be added to the committee roll for the purpose of constituting a quorum. If the President is added to the committee roll, they may vote upon matters before the committee. In any other case, the President shall vote only on committees to which they are regularly appointed.

45.00 APPOINTMENT OF CHAIR

The first named Member of each committee shall be the Committee's Chair, and the second named Member shall be its Vice-Chair.

46.00 STANDING COMMITTEES

46.01 Standing Committees shall be constituted as follows:

CEMETERY COMMITTEE: THREE MEMBERS The Cemetery Committee shall have jurisdiction over all matters related to city owned cemeteries which require action by the city and shall consult with the Cemetery Trustees relative to care and maintenance of all property owned and managed by the Cemetery Trustees.

FINANCE COMMITTEE: SIX MEMBERS The Finance Committee shall have jurisdiction over all matters pertaining to municipal finance, including accounts, bonds, claims, and salaries. The Finance Committee shall also make recommendations relative to allocation of Community Development Block Grant Funds.

LICENSE COMMITTEE: FIVE MEMBERS The License Committee shall have jurisdiction over all petitions for licenses granted by the City Council.

PERSONNEL AND APPOINTMENTS COMMITTEE: FIVE MEMBERS The Personnel and Appointments Committee shall review candidates to fill vacancies to all city offices, including Mayoral appointments to be confirmed by the City Council, and positions over which the City Council has appointing authority, except where a Special Committee has been appointed to fill a specific vacancy, and shall have jurisdiction over all matters related to salary classification, and employee evaluation.

PUBLIC PROPERTY COMMITTEE: THREE MEMBERS The Public Property Committee shall have jurisdiction over the care, use, and maintenance of all municipal buildings and all property obtained through foreclosure of tax titles.

PUBLIC SAFETY COMMITTEE: THREE MEMBERS The Public Safety Committee shall have jurisdiction over all matters relating to the Police Department, Fire Department and Emergency Management.

PUBLIC WORKS COMMITTEE: THREE MEMBERS The Public Works Committee shall have jurisdiction over all matters related to streets, sidewalks, water, sewer, parks, and playgrounds.

RULES AND ORDINANCE COMMITTEE: FIVE MEMBERS The Rules and Ordinance Committee shall have jurisdiction on all proposed changes to the Council rules, City ordinances and petitions to the State for home rule legislation; provided that, in accordance with state law, the Rules and Ordinance Committee shall not make a recommendation on a proposed amendment to the Zoning Ordinance before having received a written recommendation from the Planning Board, or until 21 days have expired from the close of the required public hearing and no recommendation has been received.

47.00 SPECIAL COMMITTEES

47.01 Unless otherwise provided by law or Council Order, all special committees shall be appointed by the President and the sponsor of an order or resolve creating a special committee shall be the first named to that Committee; provided that the Councillor so named may refuse appointment to the Committee and the President may name another Member in their place.

Any order or resolve creating a special committee shall specify its mission.

47.02 Unless otherwise provided by ordinance or charter, no Member shall serve on a committee established by any city official, department, board, or commission except in their capacity as a Member of the Council. On any such committee where Council representation is requested, the Council President shall designate the Member or Members who will serve.

48.00 RECORDS OF COMMITTEE MEETINGS

48.01 The Clerk of Committees shall attend all Committee meetings, call the roll, keep minutes and prepare committee reports.

48.02 If more than one Committee meeting is scheduled for the same hour, the City Clerk shall act as Clerk to one of the Committees.

48.03 If the Clerk of Committees or the City Clerk cannot attend a Committee meeting, the Chair shall appoint a Member of the respective Committee to keep minutes and prepare committee reports. The recording Member shall transmit minutes and committee reports to the Clerk of Committees or the City Clerk within 24 hours of the Committee meeting.

48.04 As best as practicable, Committee meetings with the same Members shall not be scheduled concurrently.

49.00 CLERK OF COMMITTEES TO KEEP LIST OF ITEMS IN COMMITTEE

49.01 The Clerk of Committees shall keep a list of Committees, of papers referred to each committee containing the paper number, title and date referred. The said list shall be periodically updated to reflect current pending papers.

50.00 COMMITTEE REPORTS TO REPRESENT VIEWS OF THE MAJORITY

50.01 Any committee report forwarded to the full Council shall have been agreed to in committee by a majority of the Members present and voting.

51.00 MEMBERS MAY SUBMIT MINORITY REPORTS

51.01 The names of Members dissenting from a Committee vote shall be printed on the docket followed by the word "dissenting".

51.02 Any Member of the minority may submit a minority report to the Council President during the same meeting in which the majority report is received.

51.03 The President shall, upon receipt of a minority report, have the same read into the record immediately following the reading of the majority report.

52.00 SCHEDULING OF COMMITTEE MEETINGS

52.01 Committee meetings shall be scheduled on Tuesdays no earlier than 5:30 p.m. and no later than 9:00 p.m. on designated Committee nights and no later than 6:45 p.m. on a Council meeting night. The Committee Chair may call a meeting on any night other than Tuesday, subject to approval of a majority of Committee Members during a meeting of the Committee, and provided proper notice is given.

52.02 In the absence of the Chair and Vice Chair, the Senior Member as defined in Rule 10.02 may call meetings and will act as Chairperson.

SUSPENSION OR AMENDMENT OF RULES

53.00 FORCE AND EFFECT OF RULES; AMENDMENT, SUSPENSION

53.01 These rules shall remain in force and effect until amended or repealed by vote approved by two-thirds of the full Members of the City Council; provided that a motion to amend or repeal shall not be made and finally acted upon at the same meeting.

53.02 Council Rules may be suspended by motion under suspension of Council Rules whenever two-thirds of those present and voting shall so vote.

REMOTE PARTICIPATION

54.00 TECHNOLOGY POLICY ON REMOTE PARTICIPATION

54.01 It is the position of the Council President that every Member of the City Council shall physically attend all Council and Committee meetings and that the use of this technology policy shall not be abused in a manner that discredits open meeting law nor the expectations of Malden's constituents who entrusts this Body to uphold their sworn oath of office to the best of each Member's ability. The following policy is granted under the authority of M.G.L. c. 30A s. 18 – 25, 940 CMR 29.10, and Section 20 of Chapter 20 of the Acts of 2021 (in effect through March 31, 2025).

54.02 Notwithstanding the temporary requirements outlined in the Acts of 2021, Chapter 20, Section 20, Subsection (c), which are in effect through March 31, 2025, Members of the Council and its related Committees may request to attend meetings via remote participation provided a quorum of the Body and the Council President or Committee Chair are physically in attendance, and provided that no Councillor shall attend meetings remotely more than three Tuesday evenings within a calendar year.

Councillors may participate remotely only if physical attendance would be unreasonably difficult. Any Councillor wishing to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the Council President or Committee Chair of their desire to do so and state reason for this request.

54.03 If the Body holds meetings virtually or in a hybrid fashion, the Council President or Committee Chair will remind all participants to maintain decorum by only speaking one and at a time and to only speak through the Chair in accordance with Council Rule 17.01. Maintaining this decorum facilitates accurate remote transmission as well as the accurate recording of the meeting, both digitally and for the manual recording by the Clerk for the Body.

54.04 When a meeting convenes, Council President or Committee Chair shall announce if the public is able to access the meeting remotely and through which means. Links or phone numbers to such meetings shall be posted as part of the meeting notice and in accordance with Council Rule 27.02.

Members of the public may be asked to register or submit a passcode to obtain access to remote meetings but may not be required to register in advance of a meeting in order to attend the meeting remotely.

54.05 The full City Council and Member participating remotely must be clearly audible and visual to each other throughout the meeting.

If technical difficulty arises that causes such interference that the Council and the Member are not audibly and visually able to hear and be heard and see or be seen, the Council President or Committee Chair shall decide how to address such difficulty.

Council President or Committee Chair reserves the right to pause discussion or recess meeting until problem is corrected. If remote participant gets disconnected from meeting, the fact this happened must be reflected in meeting minutes with reference to the time of such occurrence.

54.06 If any Council Member is participating remotely, the Council President or Committee Chair shall announce the name of said Member. The Member will be reflected as present in the attendance and allowed to vote. Clerk will record this Member's remote participation in the meeting minutes. Whenever at least one Member of the Body is in attendance via remote participation all votes shall be done in Roll Call fashion.

54.07 If the Body has decided to make a recording of its meeting, as determined by the Council President or Committee Chair, the Council President or Committee Chair must announce the audio and /or visual recording is taking place and through which means. This announcement shall be reflected in the meeting minutes and the recording shall be posted publicly through Agenda Center on the city website.

Clerk of each committee will be responsible to post recording of Committee meeting by the close of business of the final day of the same week the meeting has taken place, or by the following Monday at 5 p.m. for any meeting that takes place on a Thursday.

54.08 Pursuant to 940 CMR 29.10(d) Councillors may participate remotely in Executive Session but in doing so, must state at the beginning of the meeting that no other person is present and/or able to hear discussion taking place at the remote location.

RULES OF THE MALDEN CITY COUNCIL FOR THE ISSUANCE OF SPECIAL PERMITS AS REQUIRED BY M.G.L. CHAPTER 40A, SECTION 9

55.00 RULES FOR SPECIAL PERMITS

55.01 The Malden City Council acts as Special Permit Granting Authority (SPGA) in accordance with the powers invested in them by the Malden Zoning Ordinance and Massachusetts General Laws Chapter 40A.

55.02 All Special Permit applications requiring Council approval may be heard by the Committee of the Whole on a date set by the Council President.

55.03 Forms for petitioning for a hearing are available at Malden City Hall on the City website on the Inspectional Services Department page. The forms are self-explanatory and must be filled out completely.

56.00 PETITION SUBMITTED

The petition shall be submitted to the City Clerk, along with a list certified by the Assessors of all names and addresses of the parties in interest, and proof that payment has been named to the City Treasurer as per fee schedule stated in Rule 54.05. The City Clerk shall forthwith post said petition and transmit all materials required by these rules to the staff of the Malden Planning Board.

57.00 FEES

The following fee will apply to Special Permits issued by City Council:

Structures 7-8 stories	\$7,000
9-10 stories	\$8,000
11-12 stories	\$10,000

58.00 PUBLICATION OF NOTICE OF HEARING

The petitioner will publish, at their own expense, a notice of hearing in a newspaper of general circulation in Malden as prepared by the Planning Staff. Notice to be published once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing (the day of the hearing should not be counted in the fourteen days). The Planning Staff shall post and send notices as required in Section 11 of Chapter 40A of the General Laws, as amended.

59.00 COPIES

Each application shall be accompanied by fifteen (15) copies of all plans, documents and associated materials.

60.00 PLANS

Plans shall be drawn at a scale not to exceed forty feet (40') to the inch, and shall include the plot of the building, parking, and open space on the lot; the topography of the land to at least two (2) foot contour intervals; and architectural details of the building including front, side, and rear elevations.

61.00 DECISIONS OF THE CITY COUNCIL

All decisions of the City Council and actions required to be taken by it shall be by two-thirds vote of the full Council, in accordance with and within the time limitations set forth in Title 12 of the Code of the City of Malden.

The Council shall cause to be made an accurate record of its proceedings, showing the vote of each Member upon each question, or if absent or failing to vote indicating such fact and setting forth clearly the reasons for its decision and of its other official actions.

Copies of such decisions and/or actions shall, within fourteen (14) days of the decision or action thereon, be filed with the City Clerk and shall be a public record. Notice of decisions shall be mailed forthwith to all parties as defined and required under Section 11, Chapter 40A of the General Laws as amended and to every person present at the hearing who requests that notice be sent to them and states the address to which such notice is to be sent.

62.00 SPECIAL PERMIT TAKES EFFECT

No Special Permit, or an extension, notification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, it has been dismissed or denied, is recorded in the Middlesex South Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering the said permit shall be paid by the owner or applicant.

63.00 RULES INCORPORATED BY REFERENCE

Incorporated within these rules are the Rules and Orders of the Malden City Council, as amended, the Malden Zoning Ordinance, as amended, and Chapter 40A of the Massachusetts General Laws, as amended, insofar as they may be applicable.