



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

Chairperson Peg Crowe
Vice Chair Amanda Linehan
Councillor at Large Carey McDonald
Councillor Chris Simonelli
Councillor Jadeane Sica

Tuesday, October 18, 2022

5:30 PM

215 Pleasant Street
Room 108
Malden, MA 02148

Roll Call

Also in attendance were Councillors Spadafora, O'Malley, Colon-Hayes, and Assistant City Solicitor Zaheer Samee.

Present: 4 - Peg Crowe, Amanda Linehan, Carey McDonald and Jadeane Sica

Absent: 1 - Chris Simonelli

Business

Chair Crowe called the meeting to order at 5:43 PM. She opened with a statement on the importance of completing the work on Paper 254-20 Rules on the Council Rule Book so there would be time to develop Paper 238-22 Food Policy Council before Thanksgiving.

Tabled Papers

[254-20](#)

Order: That the City Council adopt the Rules of the Council Rule Book 2021.

Sponsors: Jadeane Sica

Attachments: [DRAFT Rule Book Changes](#)

Councillor Linehan made a motion to take paper 254-20 from the table, seconded by Councillor McDonald, it was so voted 4-0.

The discussion opened with Councillor McDonald giving a recap of suggestions developed during last week's meeting, as compiled by Councillor Linehan.

1. Consent Agendas (CA) are something many non-profits as well as the City of Boston utilizes as a tool for efficiency during meetings. CA change the layout of the Council meeting as they are taken up at the beginning, right after approval of meeting minutes and in fact minute approvals may even be added to CA. CA consist of a bunch of papers that are able to be taken up and voted on all at the same time, such as when a number of petitions are being referred to License Committee. CA do not require a reading of the entirety of each individual paper and excludes discussion/debate. If there is an item that a Councillor feels requires discussion, a vote may be taken to remove that paper from the CA and then address it individually. Any Councillor may request a paper be placed on CA and the City Clerk will have latitude to construct the CA but the Council President will have final authority on what the CA consists of. Papers requiring roll call votes may be

taken together in the CA.

Councillor O'Malley asked how reconsideration of a vote would be handled if it were part of the CA and asked if the committee would clarify the process in the Rule Book.

Councillor Sica commented that historically, papers being referred weren't and shouldn't be discussed on the floor, as that is what the sub-committee process is for and that there is no need for discussion at the time of referral, in committee, and then again with the full Council vote. Councillor McDonald pointed out the benefit of putting papers to be referred into the CA will eliminate this concern.

2. President pro tempore to serve as a second in command, not only to sit in during the absence of the Council President but also to help share the work load. This person could be the next senior member of the Council but does not have to be. This person could be voted on by the full Council or simply appointed by the Council President.

3. Allow for written public comment to be read into the record but limit such comments to the equivalent of two spoken minutes of time, approximately 300 words. Multiple emails or letters all speaking to the same point may be read as one bunch instead of individually. Cap public comment at 15 ppl X 2 min for a total of 30 minutes in time.

4. When inviting guest speakers on the agenda, presentations should require a 10 minute time cap with an additional 5 minutes for Q&A. Invited guests are allowed on the agenda on a first come, first served basis with a limit of two per meeting and a 30 minute total time frame.

To further preserve Council meeting agenda time, Council President Spadafora asked if we could schedule public hearings during sub-committees? Councillor McDonald asked if COTW nights could be used for public hearings. Councillor O'Malley asked if COTW could be skipped all together when there is nothing on the agenda. Councillor McDonald agreed to this and inquired why we even have COTW with empty agendas because calling an emergency meeting, if it is ever needed, is an option. Councillor Spadafora stated that committee nights will be used for sub-committees only, no COTW except as stated in the reasons above. Additionally adding that no new business items are to be taken up after 10:30 PM. Councillor McDonald pointed out that with these new changes to the meeting layouts, the hope is the meeting length will be shortened so all new business gets handled in a timely manner.

5. Reconsideration must be taken up within 7 or 14 days instead of waiting until the next regularly scheduled full Council meeting. A vote for reconsideration should also never overlap the end of the calendar or fiscal year that could lead to holding up papers from being processed in a timely manner, especially if there are financial, grant, or other such legal deadlines. Councillor O'Malley expressed that a motion to reconsider is not valid until it gets a second so it should never be allowed to freeze the process of the paper and that a meeting should be scheduled ASAP when this happens. Councillor McDonald stated that he doesn't see the need for reconsideration to be in the Council Rule Book at all since it is already mandated by Robert's Rules of Order. Councillor Sica stated the simplest way to clarify the reconsideration process is to strike the words "regular meeting" from Rule 36.02 and replace them with "seven days". Councillor Spadafora said fourteen days is a fair compromise to making reconsiderations wait until the next regularly scheduled full Council meeting.

6. On the topic of decorum, several items were discussed. Rule 17.07 states that a Councillor who has been called to order three or more times in a calendar year may be

subject to censure, Councillor McDonald considers this a punitive measure.

Councillor Linehan requested the removal of Rule 9.01 prohibiting hats and head coverings. Councillor Spadafora said that excepting in cases of religious reasons, he likes the old school rules of taking one's hat off when entering a building and the rule preserves the Council ability to prohibit offensive head coverings. Councillor McDonald countered that if anyone was wearing something offensive such as a swastika, decorum rules would allow for enforcement. Councillor Sica thinks it's cleaner to just leave the rule intact in the event they ever do need to enforce it.

Councillor McDonald requested the removal of Rule 9.02 prohibiting use of electronic communication devices while any meeting is in progress. Councillor Spadafora agreed that all cell phones should be silenced but not necessarily turned off while in Chambers.

Councillor McDonald stated the Rules should identify the City Clerk as Parliamentarian. Councillor O'Malley noted City Parliamentarian may be something that is mandated by Charter or Ordinance but it does not appear in the Clerk's job description.

Councillor McDonald asked why issues of conflict of interest require a vote allowing a councillor to recuse themselves when that is mandated already by state law. Councillor Spadafora explained it was required to keep councillors from abusing rule, Councillor Sica agreed there should still be a vote of the full Council before councillors are allowed to recuse themselves. Councillor McDonald suggested the rule could be reworded to state, "No councillor will be made to vote in a manner that causes a conflict of interest."

Councillor O'Malley expressed his desire to have Council Rules published for public review, Councillor Spadafora agreed.

Councillor Crowe stated she would forward the committee's working document on decorum to the Clerk for distribution to other councillors.

Councillor Linehan stated she would type up all the changes discussed in this meeting, combine them with the suggestions from previous meetings, and submit them to Legal Department for review.

A motion was made by Councillor at Large McDonald, seconded by Councillor Sica, that the Order be recommended favorably as amended to the City Council, pending Legal review and approval by City Solicitor. The motion carried by a unanimous vote.

283-21

Order: That the City of Malden submit to the Massachusetts Legislature for passage in substantially the following form: (See Attached).

Sponsors: Stephen Winslow

Attachments: [Traffic Comm. - Charter Update 2021.Paper.283.21 Attachment](#)

313-21

Order: Be it hereby ordained that the City of Malden Ordinances section 2.16 "Board, Commissions, and Committees" be amended to require remote participation by members of the public for all public meetings by inserting a new section 2.16.001 "Remote participation required."

Sponsors: Ryan O'Malley, Deborah DeMaria and Amanda Linehan

Adjournment

A motion was made by Councillor Sica, seconded by Councillor at Large McDonald, that the meeting be adjourned. The motion carried by a unanimous vote.

The meeting adjourned at 6:57 P.M.