



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
November 10, 2021
6:00 PM

A. AGENDA ITEMS

1. Mark Zuchowski - Pursuant to Section 5 of the Keene City Charter - Allegation of Fraud or Misconduct in Connection with the Municipal Election
2. Keene Downtown Group - Request to Use City Property - Ice and Snow Festival
3. Proposed Amendments to the Rules of Order - City Clerk and City Attorney

B. MORE TIME ITEMS

1. Relating to Amendments to the Business, Growth and Reuse District Ordinance O-2021-14

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.1.

Meeting Date: November 10, 2021

To: Planning, Licenses and Development Committee

From: Mark Zuchowski

Through: Patricia Little, City Clerk

Subject: **Mark Zuchowski - Pursuant to Section 5 of the Keene City Charter - Allegation of Fraud or Misconduct in Connection with the Municipal Election**

Recommendation:

Attachments:

None

Background:

Pursuant to Section 5 of the Keene City Charter, Mr. Mark Zuchowski alleges fraud or misconduct in connection with the Municipal General Election.



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.2.

Meeting Date: November 10, 2021

To: Mayor and Keene City Council

From: Mark Rebillard
Keene Downtown Group

Through: Patricia Little, City Clerk

Subject: **Keene Downtown Group - Request to Use City Property - Ice and Snow Festival**

Council Action:

In City Council November 4, 2021.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Rebillard Communication_Redacted

Background:

This is the annual request from the Keene Downtown Group for the 2022 Ice and Snow Festival scheduled for February 5, 2022.

November 1st, 2021

Mark Rebillard
64 Blackberry Lane
Keene, NH 03431
603-439-0321

Dear Esteemed Keene City Council Members,

Please accept my formal request for an event license and required PLD meeting for 19th Annual Keene Ice & Snow Festival is planned for Saturday, February 5th, 2022.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Rebillard', written in a cursive style.

Mark Rebillard



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.3.

Meeting Date: November 10, 2021

To: Mayor and Keene City Council

From: Patricia Little, City Clerk
Thomas Mullins, City Attorney

Through:

Subject: Proposed Amendments to the Rules of Order - City Clerk and City Attorney

Council Action:

In City Council October 21, 2021.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Refer the attached Rules of Order to the Planning, Licenses and Development Committee for their review and recommendation.

Attachments:

1. Rules of Order

Background:

These proposed amendments to the Rules of Order reflect a review that was initially started by former Mayor Kendall Lane as he was nearing the end of his term as Mayor. Over several meetings with the City Clerk, City Attorney and City Manager, every section of the Rules was reviewed with the idea that the amendments would be proposed to the City Council in the fall of 2019. That did not occur. In the spring of 2020, when Mayor Hansel took office, the Charter Officers reviewed the various amendments that had been previously identified. It was decided to only take the more significant amendments through the Council for their consideration and to hold off on those amendments that were more housekeeping in nature.

In June of 2020, the City Council adopted the 1st set of revisions with the understanding that a 2nd set of revisions would be forthcoming. This was about the same time that the City Council and its Standing Committees were holding remote meetings and it was decided to hold off on further revisions until the Standing Committees were meeting face-to-face.

The changes being submitted for the City Council's consideration reflect the initial effort of the 2019 review with former Mayor Lane and a more recent review with Mayor Hansel and the Charter Officers. Throughout the document there was a focus on the consistency of terms, and correcting any awkward or unclear phrasing.

In addition to these housekeeping changes, the following Sections contain the more significant

amendments:

Section 4. Quorum and Remote Participation.

Section 10. Decorum and Order

Section 21. Tie Vote

Section 23. Standing Committees

Section 25. Communications

Section 33. Resubmission of Items Once Considered

Section 37. Procedure to Fill Vacancy

APPENDIX A - RULES OF ORDER OF THE CITY COUNCIL⁽¹⁾

EFFECTIVE ~~JUNE 18, 2020~~ _____

COUNCIL MEETINGS

SECTION 1. REGULAR COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (holidays, and summer City Council vacation excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the Council. Except in the event of an emergency declared by appropriate authority, ~~the~~ City Council shall meet at least once per month.

(Amended 3-20-1986, 1-18-2018)

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal, incapacity or absence from the City, by ~~five~~ seven (57) or more members of the Council, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a ~~Notice~~ Notice of the special session stating the time, place, and ~~object~~ subject matter, and this ~~Notice~~ Notice shall either be mailed or ~~sent~~ delivered by cell phone text message at least forty-eight (48) hours before the time of the meeting to the Mayor and to each member of the Council, ~~or~~ In the event of an emergency as determined by the Mayor in accordance with applicable law, ~~the Notice~~ shall be served personally upon each member of the Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the Council by telephone or otherwise of such special session.

(Amended 2-7-1980, 8-2-1984, 1-18-2018)

SECTION 3. ADJOURNED SESSIONS. Any session of the Council may be continued or recessed from day to day, or for more than one (1) day, but no recess shall be for a longer period than until the next regular meeting thereafter.

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. In the event that a quorum is not achieved, case that a less number than a quorum shall convene at a regular or special meeting, the meeting shall be rescheduled by the Mayor or the ~~Temporary~~ Chairman. Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the

meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be "reasonably practical" in the event of serious health issues, disability, or out of town employment responsibilities. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.

(Amended 8-2-1984, 1-18-2018)

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the City Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present and absent. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the City Council to order and call the roll of the members. If a quorum is found to be present, the Council shall proceed to elect a Councilor, by a majority vote of those present, as eTemporary Chairman of the meeting to act until the Mayor appears. The ~~Temporary~~ eChairman shall have the obligation to vote in accordance with Section 145, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the City Council and shall perform such other duties as the Mayor and a majority of the Council may prescribe.

(Amended 2-7-1980)

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the City Council unless excused by the Council or Mayor. Any member of the Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the presiding officer, Mayor or Temporary Chairman, subject to the provisions of Section 123, "Right of Appeal," of these Rules of Order.

(Amended 4-20-1972)

SECTION 9. CITY MANAGER. The City Manager shall attend all meetings of the City Council unless excused by the City Council or Mayor. The City Manager shall have all of the rights and restrictions for participation in City Council meetings as defined by the City Charter, applicable state law, and the Rules of Order.

(Amended 1-18-2018)

SECTION 10. DECORUM AND ORDER. The ~~presiding officer~~ Mayor or Temporary Chairman shall preserve decorum and if a member transgresses the ~~Rules of the Council, the presiding officer~~ the Mayor or Temporary Chairman shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section 123, "Right of Appeal," of these Rules of Order. Appropriate dress during regular meetings of the City Council shall consist of professional business attire. Cell phones are to be silenced while the City Council is in session. The Mayor and Council members are expected to devote their attention to the business of the City Council, and to refrain from the use of electronic devices during City Council meetings not germane to the business before the Council. Any electronic communication by and among members of the City Council during any Council or Committee meeting which is not capable of being heard or observed by members of the public or other Councilors is prohibited.

(Amended 2-20-1975, 1-18-2018)

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 11. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the ~~presiding officer~~ Mayor or Temporary Chairman, shall confine himself or herself to the question under debate, avoid ~~personalities~~ personal attacks, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

(Amended 6-5-1975, 1-18-2018)

SECTION 12. EXCUSAL DURING MEETING. No member may leave the Council Chamber after the call for a vote without first obtaining permission from the ~~presiding officer~~ Mayor or Temporary Chairman. There shall be, at a convenient point to be selected by the Mayor or ~~presiding officer~~ Temporary Chairman ~~in the absence of the Mayor,~~ a recess of approximately (5) minutes, after the Council has been in session for two (2) hours, ~~including hearings.~~

(Amended 1-18-2018)

SECTION 13. RIGHT OF APPEAL. Any member may appeal to the Council a ruling of the ~~presiding officer~~ Mayor or Temporary Chairman. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the ~~presiding officer~~ Mayor or Temporary Chairman may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The ~~presiding officer~~ Mayor or Temporary Chairman shall then put the question to the Council: "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the ~~Mayor or Temporary Chairman~~ Chair is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The ~~Chair~~ Mayor or Temporary Chairman shall not have a vote.

(Amended 1-18-2018)

SECTION 14. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any ~~one question~~ item of business before the Council until every other member choosing to speak thereon shall have spoken, and no member shall speak more than three times on any ~~one question~~ item of business, nor for a longer time than ten (10) minutes in all, without leave of the ~~Council~~ Mayor or Temporary Chairman.

(Amended 2-7-1980, 1-18-2018)

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when ~~a question is put a vote is required~~ shall state their vote thereon, except when the Councilor has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene; provided, however, that ~~that~~ A conflict of interest shall also include a fiduciary duty. A fiduciary duty shall be defined as an obligation to act on behalf of a third party in a capacity of trust or confidence, any breach of which could subject the Fiduciary to potential liability. A conflict may exist when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family has a conflict. A conflict shall also exist when a business or individual has a matter before the Council and a Councilor is employed by the business, or is otherwise a party in interest. If the conflict becomes known prior to a Council meeting, the Councilor shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When such a conflict is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and voting on the matter. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on conflict of interest notwithstanding whether or not the Mayor is entitled to vote on a matter. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the Council as set forth above.

(Amended 6-5-1975, 4-15-1976, 4-20-1978, 4-17-1980, 6-18-1981, 8-2-1984, 4-18-1991, 2-17-2005, 6-5-2008, 1-18-2018, **6-18-2020**)

SECTION 16. DEMAND FOR ROLL CALL. Upon the demand of any member, made before the vote has been called for, the roll shall be called for yeas and nays upon any question before the Council. It shall not be in order for members to explain their vote during the roll call.

(Amended 1-18-2018)

SECTION 17. MOTIONS. A long or complex motion shall be reduced to writing if the [Mayor or Temporary Chairman](#) so directs; or if any member of the Council requests it. When a main motion is under debate, the Mayor or [Temporary Chairman](#) may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor or [Temporary Chairman](#) may receive the following incidental ~~and restoratory~~ motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
Division of the question	2nd required	Simple majority	Not debatable	Amendable

Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

(Amended 6-5-2008, 11-21-2013 , 11-19-2015 , 1-18-2018, 6-18-2020)

SECTION 18. PERMISSION REQUIRED TO ADDRESS COUNCIL. Persons other than the Mayor, members of the Council, ~~or~~ the City Manager, City Clerk and City Attorney, shall not be permitted to address the Council except upon introduction by, and permission of the Mayor and only after the person's name and address has been clearly stated.

(Amended 1-18-2018)

SECTION 19. ADJOURNMENT. Adjournment shall be in order at any time, except as follows:

1. ~~When repeated without intervening business or discussion~~
2. When made as an interruption of a member while speaking
3. When the previous question has been ~~ordered moved~~
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

(Amended 11-21-2013 , 1-18-2018)

SECTION 20. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration ~~thereof~~ that action at the next regular meeting of the Council. For the purposes of this Rule, the next regular meeting of the Council shall be the next regularly scheduled meeting of the City Council which is at least ten (10) days after the meeting of the Council at which the decision to be reconsidered occurred. The Councilor shall submit a written notice to the City Clerk and the question shall be placed on the agenda in accordance with these ~~R~~Rules. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has ~~once~~ been acted on, no other motion for a reconsideration ~~thereof of the question~~ shall be made. If the original vote is sustained ~~at the next regular meeting~~ as defined herein, the Council shall have no further right of reconsideration on the question.

(Amended 4-20-1972, 8-19-1993, 1-5-1995, 1-18-2018)

SECTION 21. TIE VOTE. In case of a tie vote on any proposal/question, the presiding officer Mayor shall cast his or her vote to dissolve the tie vote. In the absence of the Mayor, a tie vote on any question which includes the vote of a Temporary Chairman shall be deemed to be a nay vote of the question.

(Amended 1-18-2018)

SECTION 22. SPECIAL COMMITTEES. All Special Committees of the Council such as the Council may establish, other than Standing Committees under section 23, shall be appointed and announced by the Mayor. The vote on each member appointed by the Mayor to such Committees shall be by roll call. The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council. Special Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

(Amended 4-20-1972, 7-17-1974, 12-16-1976, 2-7-1980, 3-26-1980, 2-15-1990, 4-18-1991, 11-20-1997, 6-5-2008, 11-19-2015 , 1-18-2018)

SECTION 23. STANDING COMMITTEES. On or about January 1st. At the commencement of each municipal year, the following Standing Committees of the Council shall be appointed by the Mayor. All Standing Committees of the Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items of business referred to Committee ~~shall may~~ be in accordance with the ~~the~~ areas of concern as set forth below, including any proposed legislation appropriate to the business of the Committee; provided, however, that any item of business

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coming before the Council may be referred to other committees as may be necessary for efficiency or to accommodate time constraints:

Finance, Organization, and Personnel Committee

Assessment, budget, cable franchise, claims, purchase and sale of real property and its disposition, elections, finances, information technology, insurance, leases and lease management, organization, personnel, purchasing, and taxes, Rules of Order.

Municipal Services, Facilities and Infrastructure Committee

Cemeteries, intermodal transportation facilities, infrastructure management and planning, fire, public health, human services, library, parks, police, recreation, public safety, trail system, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, broadband, college/city relations, enforcement of codes, easements, economic development, floodplain, development, housing, intergovernmental relations, land use, permits, legislative review, licensing, management of open space, conservation, planning, Rules of Order, wetlands, and zoning.

A Councilor who is not a member of the Committee may ask questions and participate in the public discussion, but may not participate in the Committee deliberations after a motion and 2nd has been made concerning an item on a Committee agenda. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled Committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, or if an adjournment permitted by law is necessary, only the members of the Committee, and required City Staff, shall attend the session. Non-public sessions and adjournments by a Committee are discouraged, and shall only occur in extraordinary circumstances.

Except for a special meeting of the Committee called by the Mayor or by the Committee Chair, All Standing Committees, except Finance, Organization and Personnel, shall normally meet on the an alternating Wednesday following a regularly scheduled Council meetings. The Finance, Organization and Personnel Committee shall normally meet on the first Thursday following the regularly scheduled Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 PM on the Tuesday before the Committees hold their regular meetings. A majority of each Committee shall constitute a quorum. The City Manager and those department heads requested by the City Manager shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will make arrangements confer as necessary to avoid conflicting demands on the City Manager's time.

(Amended 8-3-1972, 2-1-1979, 3-15-1979, 10-1-1981, 5-17-1990, 6-7-1990, 11-20-1997, 11-18-1999, 6-5-2008; 11-1-2012, 2-18-2016, 1-18-2018)

SECTION 24. ORDER OF BUSINESS. The business of all regular meetings of the Council shall be transacted in the following order, unless directed by the Mayor or presiding officer.

1. Call to order
2. Roll call of attendance
3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting
5. Public Hearings, proclamations and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff
9. City Manager Comments
10. [Acceptance of Donations](#)
11. Legislation (Ordinances/Resolutions)
12. Non-Public Session
13. Adjournment

(Amended 8-2-1984, 6-5-2008, 11-19-2015 , 1-18-2018)

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council must be [addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person\(s\) introducing the same- submitting the communication, and must give his or her and contain a residential address or , mailing address, if different, and email address, at which he or she can be reached to be notified of committee meetings, etc.](#) Communications containing a scanned image of the person's actual signature, [or a digital signature created in accordance with applicable law or City Ordinance,](#) may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk, ~~and will not be placed on the agenda of the City Council.~~ Communications ~~addressed to a Councilor of a personal, defamatory, or argumentative nature,~~ shall not be ~~introduced in Council~~ [accepted by the City Clerk.](#)

(Amended 10-2-1980, 9-7-1981, 8-2-1984, 4-18-1991, 11-19-2015)

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the [City Council](#) for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the Council holds its regular meeting.

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined

by the Mayor ~~or~~ and City Manager to be routine City business, or ~~easily resolved within the purview of the~~ by the City ~~staff~~Manager, or of a nature that investigation by the City would be ~~desirable appropriate in order to better determine how to proceed with that item of business,~~ or of a nature that the matter ~~should~~ be dealt with confidentially ~~under applicable law,~~ shall be referred, as appropriate, to the City ~~officer, department~~ Manager, the City Council, ~~Council~~ Committee, or other ~~appropriate governmental~~ agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor ~~or~~and City Manager shall determine to be appropriate. The Council shall be provided with a summary of these items of business ~~not placed on the Council agenda~~ and their disposition ~~of the items~~. The City Manager shall take reasonable measures to insure that these referrals are ~~followed up~~ dealt with appropriately. ~~Except as otherwise provided by these Rules,~~ items of business not resolved to the satisfaction of their sponsor, ~~shall~~may be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items ~~appearing to be placed~~ on the Council agenda for the first time shall be referred by the Mayor ~~as appropriate~~ to a Committee or Committees, ~~in accordance with its or their areas of concern as set forth in Section 22, "Standing Committees", hereof for its or their consideration and report~~ by the Committee ~~forat~~ the next meeting of the Council, unless more time is granted by the ~~Council~~ Committee. Any item appearing on the Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. Once more time has been granted on a matter, it shall remain on more time until placed on the ~~e~~Committee agenda for action or a motion to call it out of ~~e~~Committee passes. Notwithstanding any other provisions of these ~~R~~Rules, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a ~~e~~Committee under this Section and then reported out may be debated and acted upon when they first appear on the Council agenda without suspension of the rules.

(Amended 6-5-2008, 11-1-2012, 11-21-2013, 2-18-2016, 1-18-2018)

SECTION 27. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds, and all Ordinances, shall be read twice. The first and second readings to be by title only. ~~On the announcement of a second reading, the question shall be voted on by a roll call vote.~~ Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in Council. No item which has been the subject of a public hearing may be considered by Council on the same day as the hearing.

(Amended 6-21-1973, 2-7-1980, 1-18-2018)

SECTION 28. AMENDED ORDINANCES. If an Ordinance is amended in Committee, it shall be reported as an amended Ordinance. The Committee report shall explain the recommended amendments.

(Amended 2-15-1990, 1-18-2018)

SECTION 29. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for ~~the~~any appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call, majority vote, and entered in full upon the record. A Resolution calling for the appropriation of funds through the issuance of a Bond, or a Resolution calling for the repurposing of an issued Bond, shall require a 2/3 roll call vote of all elected members. Every member shall be required to vote unless excused for conflict of interest by vote of the Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

(Amended 2-20-1975, 1-18-2018, 6-18-2020)

SECTION 30. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed capital improvement budget or the annual operating budget during the respective budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the Council agenda no later than 4:00 p.m. on the Tuesday prior to the Council meeting scheduled for the adoption of the capital improvement budget or the annual budget. After the annual appropriation has been passed/adopted, subsequent unbudgeted expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. ~~In such case said if subsequent~~ the unbudgeted expenditure creates a City debt the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

(Amended 6-5-2008, 11-19-2015 , 1-18-2018, 6-18-2020)

SECTION 31. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the annual budget, Resolutions calling for the appropriation of unbudgeted funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the fund(s) to which it is to be charged. ~~A Resolution calling for the repurposing of previously appropriated Bond funds shall require a 2/3 roll call vote of all members.~~

(Amended 4-20-1972, 3-15-1979, 2-7-1980, 1-18-2018, 6-18-2020)

SECTION 32. REPORT BY COMMITTEE. All matters referred to a eCommittee must be reported out of that eCommittee at the next regular meeting of the City Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony ~~with regard to~~ submitted after a public hearing held before the City Council shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the eCommittee meeting. Written testimony with regard to any other business before the eCommittee shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the eCommittee meeting ~~in order~~ to be included in the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a eCommittee at the next regular meeting after the hearing unless otherwise ordered retained by a majority of the Council Committee members present. If not reported out

as [provided](#) above, or if immediate action is required, a motion by the City Council to call the matter out of [eCommittee](#) will then be in order. Passage of that motion will place the matter before the Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the [eCommittee's](#) recommendation shall be ~~verbally shared with the Council~~ [stated](#). Moving to carry out the intent of the [eCommittee](#) report does not restrict the [maker proponent](#) of the motion from speaking against the recommendation of the Committee.

(Amended 12-16-1976, 11-15-2012; 11-21-2013 , 2-18-2016 , 1-18-2018)

SECTION 33. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the [City](#) Council regarding the disposition of an item of business submitted to it, [or on any question properly before it](#), except for a reconsideration vote under these ~~Rules~~ or the City Charter, the identical subject matter to that ~~in the~~ item of business [or question so decided](#) shall not be taken up again by the Council ~~as an item of business~~ during that calendar year, ~~unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result. During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.~~

(Amended 2-20-1975, 1-18-2018)

SECTION 34. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the majority of members present. All persons present, except the Mayor, City Council, the City Manager, City Attorney and City Clerk, ~~unless any are excused~~, shall leave the meeting, unless specifically requested to remain. A motion to seal the minutes of a non-public session shall be by roll call vote and shall require a two-thirds majority vote in favor.

(Amended 6-5-2008, 1-18-2018)

SECTION 35. SUSPENSION OF THE RULES. Any provision of these ~~Rules~~ not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the [City](#) Council, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

(Amended 6-5-2008, 1-18-2018)

SECTION 36. TO AMEND RULES. These ~~R~~ules of Order may be amended or new ~~R~~ules adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting of the City Council and shall be referred to the ~~Planning Licenses and Development Committee~~ Finance, Organization and Personnel Committee. ~~This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected.~~ Changes to the Rules shall become effective upon passage adoption.

(Amended 11-20-1997, 1-18-2018)

SECTION 37. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or ~~T~~emporary ~~C~~hairman (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy. The following procedure will be followed to fill the declared vacancy; provided, however, that if the vacancy is declared to exist within One Hundred and Twenty (120) days of the next regularly scheduled City election for the City Council, the vacancy will be filled through that election process, and in accordance with the requirements of Section 8 of the City Charter.
- B. When a vacancy is declared to exist, the Mayor or ~~T~~emporary ~~C~~hairman (in the case of a vacancy in the office of the Mayor) shall set a filing period no earlier than eight (8) days after the declaration. The Mayor shall cause publication notice of the vacancy in a newspaper of general circulation in the City and establish a fourteen (14) day period exclusive of the date of publication within which time candidates may file notice of their intent to seek election to the vacant office. The filing period shall end at the close of business of the City Clerk's office on the fourteenth day.
- C. The City Council shall choose a qualified person at the next regular meeting of the City Council after the close of the filing period, at which time an election shall be held.

The following procedure shall be followed on the date of the election:

1. The Mayor, or ~~T~~emporary ~~C~~hairman in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.
2. Each candidate will be given five (5) minutes to address the City Council relative to his or her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.

3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
4. The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council, will be declared the winner.
5. Voting shall be by roll call vote, each City Councilor stating the name of his or her choice. In the event that a City Councilor does not wish to vote for any candidate, he or she shall vote "No". In the event that no candidate for the vacancy receives a majority vote of the elected City Council then the Mayor or ~~Temporary Chairman~~ may call for a second round of voting. In the event that no candidate receives a majority vote after the second round of voting, the Mayor or Temporary Chairman shall establish an additional fourteen (14) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above, including publication notice.
6. Following the successful result of an election, the prevailing candidate shall take the oath of office and be immediately seated.

{Amended 4-17-1997, 11-1-2012, 1-18-2018 }

SECTION 38. RULES OF ORDER. "Robert's Rules of Order," as amended, shall govern points of order not covered herein.

{Amended 2-20-1975, 1-18-2018 }

SECTION 39. COUNCIL POLICIES. Policies to be introduced to the City Council governing the operations of the City Council shall be in the form of a Resolution and, upon its adoption, ~~they~~ shall be indexed and appended to the Rules of Order for ease of reference. A Council policy shall remain effective until ~~superseded~~ superseded by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. The City Council may, from time to time on its own initiative, or when so requested by City Staff, review adopted policies and determine whether to keep the policy, to revise the policy, or to rescind the policy.

{Amend. of 2-2-2006, 1-18-2018 }

Footnotes:

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Editor's note— Printed herein are the rules of order as adopted by the City Council as amended. The amendments are indicated in the history note following the section.