



TOWN of NEWMARKET, NEW HAMPSHIRE
2023-2024
TOWN COUNCIL RULES FOR PROCEEDINGS

1. **Council Meetings**

All meetings of the Town Council shall be public as required by RSA 91-A.

Business meetings shall be held on the first and third Wednesday of each month at 7:00 p.m., unless otherwise provided by ordinance or resolution. When Wednesday is a holiday, the regular meeting shall be held on a Wednesday following at the same hour unless otherwise provided by motion. The public portions of Council meetings shall end by 9:00 p.m., unless a majority of the Council present determines that continuing the meeting shall allow the necessary business of the meeting to be completed. In order to proceed beyond 9:00 p.m., a motion to do so shall be made and a vote shall be taken. The motion shall pass to the extent two-thirds (2/3) of the votes cast. Notwithstanding the foregoing, non-public sessions of the Council may continue after 9:00 p.m.

Business Meetings are for the purpose of deliberating and voting upon Town business. Agendas will generally follow the order of business established in Section 5 below and shall include on the agenda an opportunity for citizen comment related to the matter(s) included on the agenda and/or pertaining to the business of the Town Council.

Special Meetings are for the purpose of deliberating and voting upon Town business at times other than during a regularly scheduled Business Meeting. Such meetings are "special" because the Chair, or upon request of the Town Manager, or five (5) Council Members by written request submitted to the Chair, can call them on a minimum of 24 hours' notice. Agendas will generally follow the order of business established in Section 5 limited to one or more items requiring Council action and shall include on the agenda an opportunity for citizen comment specifically related to the matter(s) included on the agenda.

Special Meetings may be scheduled for any day provided sufficient notice is afforded in accordance with provisions of State law.

Workshop Meetings are for the purpose of the Council receiving information about Town business in an informal setting during which no formal action can be taken. The workshop agenda format is intended to encourage in-depth presentations by Town Boards, Commissions,

Committees and/or staff (including consultants engaged for purposes of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the presiding officer. Although formal action may not be taken during Workshop Meetings, the presiding officer may poll Council Members during the meeting to determine the general consensus of the Council in order to bring matters back for consideration at future meetings. Non-Public Meetings are held to discuss only certain items specified in State law during which the public cannot attend. Non-Public Meetings shall be properly noticed and State law pertaining to the appropriateness and necessity of holding such meetings shall be strictly adhered to in all cases.

Non-Public meetings are typically scheduled as necessary, before or after other Council meetings.

Consultation with Legal Counsel/Collective Bargaining Strategy or Negotiation meetings are held solely for purposes of receiving legal counsel and/or for collective bargaining matters relating to strategy or negotiations during which the public cannot attend. These sessions are typically scheduled as necessary, before or after other Council meetings.

The place of the meetings shall be the Council Chambers at the Town Hall.

A quorum of the Council for the transaction of any business shall be four (4) of the members currently in office. A majority of those members present may adjourn the meeting to another time or date.

2. Presiding Officer

The Chairman shall be the presiding officer at all Council meetings. He/She shall take the chair precisely at the hour appointed for the meeting and call the members to order. In the absence or disability of the Chairman, the Vice-chairman shall preside and act as Chairman during such absence or disability.

3. Chairman Pro Tem

In case of the absence of both the Chairman and the Vice Chairman, the Recording Secretary shall call the Council to order and call the roll of the members. If a quorum is found to be present, the Council shall choose one of its members to act as Chairman *pro tem* by a plurality of votes until the Chairman or Vice-Chairman appears.

4. Recording Secretary

The Recording Secretary shall be ex-officio Recording Secretary of the Council and shall keep minutes of the meetings and perform such other and further duties, as may be ordered by the presiding officer or Council. The Recording Secretary shall record the names of the members present and coming in after the call to order. It shall be sufficient for the Recording

Secretary to record special and non-public meetings by written form. Not more than 5 business days, excluding weekends and national and state holidays, the Recording Secretary shall make available a copy of the minutes of the previous meetings to include regular, special and non-sealed non-public meetings. In the absence of the Recording Secretary, the presiding officer shall appoint an acting recording secretary during such absence that shall tape record the meeting and take minutes.

5. **Order of Business**

The business of all business meetings and workshops of the Council shall be transacted in the following order unless the Council, by a vote of at least two-thirds (2/3) of the votes cast, shall suspend the rules and change the order.

Business Meetings:

1. Pledge of Allegiance
2. Public Forum
3. Public Hearing
4. Town Council to Consider Acceptance of Minutes
5. Report of the Town Manager
 - a. Monthly Department Heads Report
6. Committee Reports
7. Old Business
 - a. Ordinances and Resolutions in the 2nd Reading
 - b. Ordinances and Resolutions in the 3rd Reading
 - c. Items Laid on the Table
8. New Business/Correspondence
 - a. Town Council to Consider Nominations, Appointments and Elections
 - b. Ordinances and Resolutions in the 1st Reading
 - c. Correspondence to the Town Council
 - d. Closing Comments by Town Councilors
9. Adjournment

6. **Ordinances and Resolutions**

- a. Ordinances - Any Ordinance to be considered by the Council other than those to be enacted for purposes of addressing emergency circumstances as specified in the Town Charter shall be initiated and acted upon in accordance with the requirements established herein.
 - i. A proposed Ordinance shall appear on a meeting agenda for a first reading after which it may be referred to a Workshop Meeting, if deemed necessary, and/or a future Public Hearing date shall be set.
 - ii. After a Public Hearing relating to a proposed Ordinance has been held and testimony allowed in accordance with these rules, the proposed Ordinance shall be brought before the Council for a second reading

- during the same meeting, together with any and all recommendations for passage, rejection, referral to a workshop, or to a third reading.
- iii. Any proposed Ordinance submitted for consideration by the Council, may be amended and/or enacted by a majority roll call vote in conjunction with the second and/or subsequent readings.
 - iv. If a proposed Ordinance is extensively amended following the second reading and the Council wishes further review, or additional time is needed for the public to express its opinion on the issue, it may be held for a third reading, on a simple majority vote of Council Members present.
 - v. Unless otherwise provided, each Ordinance approved by the Council shall become effective upon its passage, after it has been duly advertised within 7 business days of the Council meeting at which time the ordinance was adopted.
 - vi. The Town Clerk shall certify that the amendments are incorporated into the original ordinance with the proper reference to the amended ordinance number and date.
- b. Resolutions - Any Resolution to be considered by the Council shall typically be initiated and acted upon in accordance with these rules above. Resolutions subject to public hearings will also be subject to the following:
- i. A proposed Resolution shall appear on a meeting agenda for a first reading after which it may be referred to a Workshop Meeting, if deemed necessary, and/or a future Public Hearing date shall be set, if necessary. If no workshop or Public Hearing is necessary, then the Resolution will be referred to the next regular business meeting.
 - ii. After the proposed Resolution has been presented at the required public hearing, if necessary, it shall then be brought before the Council for a second reading the same meeting, together with any and all recommendations, for passage, rejection, referral to a workshop or other meeting.
 - iii. If a proposed Resolution requiring a public hearing is extensively amended following the public hearing and the Council wishes further review, or additional time is needed for the public to express its opinion on the issue, it may be held and referred for action at a future meeting, on a simple majority vote of Council Members present.
- c. Ordinances and Resolutions may not be reconsidered by a motion. Ordinances or Resolutions may be rescinded by submitting a new Ordinance or Resolution.
- d. Any Councilor shall submit in writing a resolution, ordinance, or written concept of proposed legislation to the Town Manager's Office. The Town Manager or designated staff may review and upon concurrence of the Councilor, revise the legislation prior to the introduction to the Town Council.

7. **Meeting Protocol**

No person will be allowed to speak unless and until recognized by the Chair.

No Councilor will be allowed to address an agenda item twice before each Councilor wishing to be recognized has been recognized once.

No person will be allowed to respond out of order to any statement by any other person.

All comments will be addressed to the Chair.

The Chair reserves the right to rule persons, including Councilors, out of order for violating this Resolution, as well as any other applicable statute, ordinance, resolution, or Charter provision.

Any person ruled out of order three times at one meeting will be asked to leave the meeting.

Motions will be entertained at workshops only under extraordinary circumstances. Motions will only be entertained under new business only under extraordinary circumstances. Any matter discussed under new business that the Council wishes to consider further will be referred to the next available workshop.

8. **Filing with the Town Clerk**

Per Section 3.8.A of the Town Charter any ordinance or resolution may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Town Clerk shall distribute a copy to each Councilor and to the Town Administrator shall file a reasonable number of copies in the office of the Town Clerk, and post a copy in such other public places as the Council may designate.

In addition, copies of ordinances, resolutions and documents to come before the Council for consideration will be given to the Town Manager's office by noon three (3) working days preceding the day on which the Council meets. All Town Council packets shall be made available for pick up on the Friday before the scheduled business meeting and workshop at the Town Hall.

9. **Motion to be Stated by the Recording Secretary**

Any Council member may ask the Recording Secretary to state the motion before the vote. The mover without the consent of the member seconding it may not withdraw a motion.

10. **Voting**

Each member present when a question is put shall vote either aye or nay by voice vote. If a member abstains, he/she shall give the reason for abstaining. All voting shall be by roll call vote except votes on procedural matters.

11. **Conflict of Interest**

Any member who has a financial interest, direct or indirectly, in any planning or existing contract, job, work or service to be performed by the Town or voluntary sale to the Town of any land, materials, supplies, equipment or other property shall make full disclosure of such interest to the Council prior to deliberating any such matter or transaction.

The member, or if a member's family member, as defined by Section 7.3 (B) of the Town Charter is financially interested in such matters or transactions shall not vote nor advise on nor otherwise participate in the Council's consideration of such matter or transaction.

12. **Anonymous Communications**

Unsigned communications shall not be introduced in Council meetings nor shall the Council entertain any review, discussion or action upon unsigned communications.

13. **Permission to Address the Council**

To encourage and allow ongoing input and feedback from citizens, Regular, Special and Workshop meetings shall include on the agenda an opportunity for citizens to address the Council. In addition to public hearings that may be scheduled for public comment on specific matters, the Public Forum will ensure citizens have the opportunity to speak to all other items on a meeting agenda and/or matters pertaining to the business of the Council.

- i. Speakers shall be residents of the Town of Newmarket, property owners in the Town of Newmarket, and/or designated representatives of recognized civic organizations or businesses located in the Town of Newmarket. Any other individuals wishing to address the Council shall require suspension of the rules.
- ii. Speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member.
- iii. Speakers shall first recite their name and address for the record.
- iv. Each speaker shall be provided a single opportunity for comment, limited to three (3) minutes with the three (3) minutes beginning after the obligatory statement of name and address by the speaker.

- v. Citizen Forum shall not be a two-way dialogue between speaker(s), Council Member(s), and/or the Town Manager. Any deviation of this rule shall require a suspension of the rules.

The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.

14. **To Suspend the Rules**

These rules may be temporarily suspended by a vote of two-third (2/3) of the votes cast.

15. **To Amend Rules**

These rules may be amended, or new rules adopted, by a majority vote of all members of the Council present. Any proposed amendments to these rules shall be submitted in writing at a business meeting, and shall be placed on the agenda under the order of "New Business". This requirement shall be waived only by unanimous consent with a recorded vote of all members.

16. **Roberts Rules of Order**

Roberts Rules of Order shall be used to decide all parliamentary questions not specifically provided for in these rules.

17. **Committees**

Budget Committee: As provided for in RSA 32:15, I(b) *Budget Committee Membership*, "One member of the governing body of the municipality...shall be appointed by their respective board to serve for a term of one year and until their successor are qualified. Each such member may be represented by an alternate member designated by their respective board, who shall, when sitting, have the same authority as the regular member."

Planning Board: As provided for in RSA 637:2, I-b(a) *Planning Board*, The council shall appoint "A member of the town council...of the town selected by the town council."

The Council shall have the power to appoint such advisory committees, as he/she deems necessary to serve him/her in an advisory capacity. The first-named person on each advisory committee shall serve as its chairman.

17. **Councilor Development**

All newly elected Council members shall, within the first year of their election, attend at least one workshop or educational seminar for local officials offered by the New Hampshire Municipal Association, Local Government Center, or comparable local agency.

All other Councilors are also encouraged to attend at least one workshop/seminar during each remaining term year with particular emphasis upon the Right-To-Know Law, municipal budgeting, and/or other matters pertaining to local government.

18. **Annual Review and Adoption**

Consistent with Section 3.2 of the Town Charter, this Resolution shall be in effect until the next organizational meeting of the Council, at which time, the Council shall renew, amend, and re-adopt or otherwise act on this Resolution.

19. **Councilor Stipend**

Consistent with Resolution #2009/2010-08, Pertaining to the Disbursement of Town Council Member's Annual Stipend, Councilors stipend shall begin with the start of the Town's fiscal year with payment made in July, September, December and March.

Rules of Proceedings changes:

March 10, 2020 (Town Election) Replace Town Administrator with Town Manager

Section 13 iv. – change from 5 minutes to 3 minutes

April 7, 2021 Section 1.- changed the time to end the Council meetings from 10:00PM to 9:00PM

February 15, 2023 Resolution 2022/2023-32 Added Section 6.d.