

Warrant for the Organizational Meeting of the City Council

WARRANT FOR THE ORGANIZATIONAL MEETING OF THE CITY COUNCIL

Dear Councillor:

The Organizational Meeting of the 2020 City Council will be held on **Monday, January 6, 2020 at 10:00 a.m.** in the Fitchburg State University idea Lab, 717 Main St., second floor, Fitchburg MA.

The Meeting is called for the following purposes:

Administration of Oaths of Office to the newly elected officials: Mayor, City Council, School Committee;

Election of the Council President for the year 2020;

Election of the Council Vice President for the year 2020;

1 – 2020 **ORDER:** Adopting Rules of the City Council for the year 2020;

2 – 2020 **ORDER:** Setting dates of Regular Meetings of the City Council for the year 2020;

Per Order:
Anna M. Farrell
City Clerk

The Organizational Meeting of the City Council was held in the Fitchburg State University idea Lab, 717 Main St., second floor, Fitchburg MA and called to order by Assistant City Clerk Amanda Alford at 10:01 a.m. The Salute to the Flag was led by Councilor Kushmerek. The Assistant Clerk called the roll and eleven (11) members were present. Board consists of eleven (11) members. The Assistant Clerk read the warrant for the Organizational Meeting.

Roll Call

Oaths of Office were administered by the Assistant Clerk to Mayor Stephen DiNatale; City Councillors Paul Beauchemin, Andrew Couture, Marcus DiNatale, Marisa Fleming, Amy Green, Michael Kushmerek, Bernard Schultz, Samantha Squailia, Andrew Van Hazinga, Elizabeth Walsh, and Anthony Zarrella; and School Committee Members Sally Cragin, James Walsh, and Aidan Horgan.

Oaths of Office

Nominations for Council President were declared open by the Assistant Clerk. The name of Councilor Michael Kushmerek was placed in nomination and seconded. There were no further nominations. Nominations were declared closed following a unanimous roll call vote. A roll call vote of 11 in favor and 0 opposed resulted in the election of Councilor Michael Kushmerek as President of the City Council for the year 2020. President Kushmerek assumed the chair for the remainder of the meeting.

Nominations for Council President

Nominations for Council Vice President were declared open by President Kushmerek. The names of Councilor Amy Green and Councilor Elizabeth Walsh were placed in nomination and seconded. There were no further nominations. Nominations were declared closed following a unanimous roll call vote. A roll call of vote of 8 in favor of Councilor Walsh (Beauchemin, DiNatale, Fleming, Kushmerek, Squailia, Van Hazinga, Walsh, Zarrella) and 3 in favor of Councilor Green (Couture, Green, Schultz) resulted in the election of Councilor Elizabeth Walsh as Vice President of the City Council for the year 2020.

Nominations for Council Vice President

following Orders were received:

1 – 2020 **ORDER:** Adopting Rules of the City Council for the year 2020.

Proposed Amendments to the Rules:

The following proposals for amendments to the 2019 rules for the year 2020 were read and voted as indicated:

Amendments proposed by Councilor Walsh and Councilor Zarrella:

1. Amend the text of all Rules replacing gendered pronouns with noun referents and other substitute language in keeping with statewide best practices, with the express intent that this shall effect no substantive change of meaning. Additionally, request that the clerk review the amended Rules and bring to the attention of the Council any overlooked pronouns or gender references.

VOTE: Motion to adopt amendment approved by a unanimous vote. 11 members present. Board consists of 11 members.

2. Insert Rule 2.4.1 immediately following Rule 2.4, and indented to indicate subordination, as follows:

“At the sole discretion of the Chair, a question raised by any such person may be stated by the Chair at the appropriate time, and an answer requested from the appropriate individual appearing before the Council. If the Chair does so, the member of the public may be asked, at the sole discretion of the Chair, whether the answer given adequately addresses the question. If such query is put, the answer shall be limited solely to either a “Yes” or a brief clarification of the original question, but in no circumstances shall any follow-up questions, elaborations, or ongoing debate be permitted between members of the public and persons either seated on or presenting to the Council. It shall be out of order for any Councilor to criticize or remonstrate with the Chair regarding any decision made pursuant to this Rule during any meeting of a Committee or of the Council; provided however, that nothing in this Rule shall prevent a Councilor from mentioning a question asked or further discussing any topic raised.”

VOTE: Motion to adopt amendment failed by a vote of 7 in favor and 4 opposed (Beauchemin, Couture, Green, Schultz).

3. Amend Rule 4.5, adding after the period the sentence,

“If such opportunity is provided, the provisions of Rules 2.4 and 2.4.1 shall apply.”

Councilor Zarrella motioned that the proposal be amended to strike “and 2.4.1” as follows:

“If such opportunity is provided, the provisions of Rules 2.4 and ~~2.4.1~~ shall apply.”

VOTE: Motion to amend approved by a unanimous vote. 11 members present. Board consists of 11 members.

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Rule 4.5 will now read as follows:

4.5 At the discretion of the Chair the public may be provided with the opportunity to speak at any gathering of the City Council or committee of the City Council. If such opportunity is provided, the provisions of Rule 2.4 shall apply.

VOTE: A motion to adopt the rule as amended approved by a unanimous vote. 11 members present. Board consists of 11 members.

4. Insert Rule 4.9 at the end of Section 4, reading as follows:

"Any Councilor seeking information from a petitioner, department head, or other person appearing before a Committee on which that Councilor does not sit may submit to the Chair of that Committee and to the Clerk one or more written questions, not less than forty-eight hours prior to the scheduled Committee meeting (excluding Saturdays and Sundays). The Clerk shall cause a printed copy of any such questions to be included within the folder/packet prepared for the Chair. At the meeting, the Chair shall read out the questions to the appropriate individual appearing before the Committee, and shall request that they be answered by said individual. Provided however, that the Chair may summarize, truncate, consolidate, paraphrase, or omit any question if in the Chair's sole judgment such action is necessary or advisable to promote the orderly and efficient operation of the meeting. Rule 2.4.1 shall apply to any such questions."

Councilor Zarrella motioned that the proposed Rule be amended to strike the portion "Rule 2.4.1 shall apply to any such questions." as follows:

"Any Councilor seeking information from a petitioner, department head, or other person appearing before a Committee on which that Councilor does not sit may submit to the Chair of that Committee and to the Clerk one or more written questions, not less than forty-eight hours prior to the scheduled Committee meeting (excluding Saturdays and Sundays). The Clerk shall cause a printed copy of any such questions to be included within the folder/packet prepared for the Chair. At the meeting, the Chair shall read out the questions to the appropriate individual appearing before the Committee, and shall request that they be answered by said individual. Provided however, that the Chair may summarize, truncate, consolidate, paraphrase, or omit any question if in the Chair's sole judgment such action is necessary or advisable to promote the orderly and efficient operation of the meeting. ~~Rule 2.4.1 shall apply to any such questions.~~"

VOTE: Motion to amend approved by a unanimous vote. 11 members present. Board consists of 11 members.

Councilor Zarrella motioned that the proposed Rule be further amended to add the following to the end of Rule 4.9:

"It shall be out of order for any Councilor to criticize or remonstrate with the Chair regarding any decision made pursuant to this Rule during any meeting of a Committee or of the Council; provided however, that nothing in this Rule shall prevent a Councilor from mentioning a question asked or further discussing any topic raised."

VOTE: Motion to amend approved by a vote of 7 in favor and 4 opposed. (Beauchemin, Couture, Green, Schultz).

Councilor Squailia motioned that the proposed Rule #4 be further amended to add the following:

"At the Chair's discretion, questions may be submitted to the Chair in writing before the forty-eight hour deadline."

VOTE: Motion to amend approved by a vote of 9 in favor and 2 opposed. (Beauchemin, Green).

Rule 4.9 will now read as follows:

"Any Councilor seeking information from a petitioner, department head, or other person appearing before a Committee on which that Councilor does not sit may submit to the Chair of that Committee and to the Clerk one or more written questions, not less than forty-eight hours prior to the scheduled Committee meeting (excluding Saturdays and Sundays). The Clerk shall cause a printed copy of any such questions to be included within the folder/packet prepared for the Chair. At the Chair's discretion, questions may be submitted to the Chair in writing before the forty-eight hour deadline. At the meeting, the Chair shall read out the questions to the appropriate individual appearing before the Committee, and shall request that they be answered by said individual. Provided however, that the Chair may summarize, truncate, consolidate, paraphrase, or omit any question if in the Chair's sole judgment such action is necessary or advisable to promote the orderly and efficient operation of the meeting. It shall be out of order for any Councilor to criticize or remonstrate with the Chair regarding any decision made pursuant to this Rule during any meeting of a Committee or of the Council; provided however, that nothing in this Rule shall prevent a Councilor from mentioning a question asked or further discussing any topic raised.

VOTE: A motion to adopt the rule as amended approved by a vote of 9 in favor and 2 opposed. (Beauchemin, Green).

5. Amend Rule 4.7 by striking the last two sentences and replacing with the following:

"Any matter referred to any such Committee which has not received a recommendation from that Committee by the second regular meeting of the Council following its referral shall, at that second regular meeting, come before the Council after other business and may be acted upon by the Council as though it had been discharged from the Committee without recommendation. This rule shall not be construed so as to prevent the Council, at that time, from renewing the referral to the Committee in question."

Furthermore, amend Rule 4.4 by striking all text following the words, "report thereon" and inserting a period.

Rule 4.7 will now read as follows:

4.7 The standing committees of the Council shall cause records to be kept of their proceedings, in books provided by the City for that purpose. No committee shall act by separate consultation, and no report of a committee as a body shall be received, unless agreed to in committee assembled for that purpose and signed by a majority of the quorum. Any matter referred to any such Committee which has not received a recommendation from that Committee by the second regular meeting of the Council following its referral shall, at that second regular meeting, come before the Council after other business and may be acted upon by the Council as though it had been discharged from the Committee without recommendation. This rule

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shall not be construed so as to prevent the Council, at that time, from renewing the referral to the Committee in question.

Rule 4.4 will now read as follows:

4.4 Whenever any matter is presented to the Council relating to any subject which may be properly examined and reported upon by an existing committee, it shall stand referred to such committee. Every order or resolution appropriating money or authorizing the expenditure shall be referred to the Committee on Finance, which committee shall consider the same not later than the second regular meeting of the Council after such referral, or ask for further time in accordance with Rule 4.7.

VOTE: Amendments approved by a unanimous vote. 11 members present. Board consists of 11 members.

Petitions of Councilor Zarrella, alone:

1. Amend Rule 1.1, adding after the words "any gender" a semicolon and the words, "the singular shall include the plural and vice versa."

Rule 1.1 will now read as follows:

1.1 Unless clearly excluded by context, all references of whatever gender shall refer and apply indifferently to persons of any gender; the singular shall include the plural and vice versa.

VOTE: Amendment approved by a unanimous vote. 11 members present. Board consists of 11 members.

2. Amend Rule 1.12, striking the word "or" in the phrase "in writing or printed" and replacing with a comma, adding after the word "printed," the words, "or by email from a Council account;"; adding a comma after the word "resolve", deleting the comma following the word "report", and adding after the word "thereto" a semicolon and the phrase, "provided however, that a submission via email need not be signed."

Rule 1.12 will now read as follows:

"All reports and other papers submitted to the City Council shall be in writing, printed, or by email from a Council account; and every member presenting an ordinance, order, resolve, or report shall endorse his name thereto; provided however, that a submission via email need not be signed."

VOTE: Amendment approved by a unanimous vote. 11 members present. Board consists of 11 members.

3. Amend Rule 2.5, striking the words, "until the next meeting"

Rule 2.5 will now read as follows:

2.5 All nominations for appointment or reappointment by the Mayor shall be read and shall be referred to the Committee on Appointments. This rule shall not apply to promotions within the Police and Fire Departments.

A resume outlining the nominee's qualifications for the recommended appointment shall be submitted to the City Clerk by the Mayor at the time the name is submitted to the Council for confirmation. This rule shall not be suspended, unless with respect to promotions within the ranks of Police and Fire personnel.

VOTE: Amendment approved by a unanimous vote. 11 members present. Board consists of 11 members.

- 4. Amend Rule 2.8, deleting the words, "and legal holidays".

VOTE: A motion by Councilor Kushmerek to grant the proposed amendment leave to withdraw was granted by a unanimous vote. 11 members present. Board consists of 11 members.

- 5. Amend Rule 4.4, inserting after the word "expenditure" the words, "of any funds."

Rule 4.4 will now read as follows:

4.4 Whenever any matter is presented to the Council relating to any subject which may be properly examined and reported upon by an existing committee, it shall stand referred to such committee. Every order or resolution appropriating money or authorizing the expenditure of any funds shall be referred to the Committee on Finance, which committee shall consider the same and report thereon, not later than the second regular meeting of the Council after such referral, or ask for further time in accordance with Rule 4.7.

VOTE: Amendment approved by a unanimous vote. 11 members present. Board consists of 11 members.

- 6. Insert Rule 2.11 at the end of Section 2, reading as follows:

"No member shall, during the course of any meeting, criticize or debate any ruling of the Chair once rendered, the merits of any Rule under the Parliamentary Authority, or the merits of any Rule of this Council the amendment of which is not a matter on the agenda. Nor shall the conduct of any Councilor during a meeting be a subject of personal criticism or remonstrance by any other Councilor, other than by formal motion or point of order, whether or not the Councilor being criticized is expressly named; provided, however, that this shall in no way restrict any Councilor from correcting or otherwise disagreeing with statements or opinions of other Councilors insofar as such disagreement is limited to the substance of the remark and not its propriety, verbiage, tone, or other mode of expression."

VOTE: Amendment approved by a unanimous vote. 11 members present. Board consists of 11 members.

2 - 2020 **ORDER:** Setting dates of Regular Meetings of the City Council for the year 2020.

The dates of the regular meetings of the City Council for the year 2020 are as follows:

JANUARY	Thursday 9 th	and	Tuesday 21 st
FEBRUARY	Tuesday 4 th	and	Tuesday 18 th
MARCH	Thursday 5 th	and	Tuesday 17 th
APRIL	Tuesday 7 th	and	Tuesday 21 st
MAY	Tuesday 5 th	and	Tuesday 19 th
JUNE	Tuesday 2 nd	and	Tuesday 16 th
JULY	Tuesday 7 th	and	Tuesday 21 st
AUGUST	NO MEETINGS		
SEPTEMBER	Thursday 3 rd	and	Tuesday 15 th
OCTOBER	Tuesday 6 th	and	Tuesday 20 th
NOVEMBER	Thursday 5 th	and	Tuesday 17 th
DECEMBER	Tuesday 1 st	and	Tuesday 15 th

Meetings are scheduled to begin at 7:00 PM
 Memorial Middle School Library
 615 Rollstone Street, Fitchburg MA 01420

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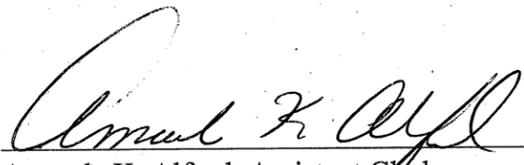
Order was adopted by unanimous vote. 11 members present. Board consists of 11 members.

Parliamentarian

In accordance with Section 1.3 of the Council Rules, President Kushmerek appointed Councilor Anthony Zarrella as Parliamentarian for the year 2020.

Adjournment

The Meeting adjourned at 11:39 a.m.


Amanda K. Alford, Assistant Clerk

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