

CITY OF NEWTON

IN BOARD OF ALDERMEN

RULES SUB-COMMITTEE AGENDA

WEDNESDAY, APRIL 22, 2009

**ROOM 222 – 6:00 PM**

**ITEMS SCHEDULED FOR DISCUSSION:**

- #50-09      CLERK OF THE BOARD requesting that Article IX, Section 2 of the Rules of the Board be updated to reflect the use of the most current version of Robert's Rules Newly Revised 10<sup>th</sup> Edition (Cambridge, Mass; Perseus Publishing, 2000) [02/05/09 @ 12:21 PM]
- #154-08      ALD. JOHNSON requesting to establish a definition and appropriate usage of the Committee of the Whole of the Board of Aldermen as are all committees of the Board. [4-10-08 @ 9:09 AM]
- #153-08      ALD. JOHNSON requesting to establish a definition and appropriate usage of the Long Range Planning Committee of the Board of Aldermen as are all committees of the Board. [4-10-08 @ 9:09AM]
- #130-08      ALD JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen requiring that referral of any and all new business, communications, petitions and orders docketed before the Board of Aldermen be restricted to one or more of the standing committees of the Board of Aldermen: Land Use, Programs and Services, Public Safety and Transportation, Zoning and Planning, Finance, Real Property Reuse, Post Audit and Oversight, Public Facilities and Committee on Community Preservation. [03-24-08 @ 9:11 AM]
- #129-08      ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board. [03-24-08 @ 9:11 AM]
- #33-09      ALD. LAPPIN requesting an amendment to the Rules of the Board of Aldermen so that appointments requiring confirmation to the Farm Commission be referred to the Committee on Community Preservation. [01/22/09 @ 9:03 AM]

**ITEMS NOT YETS SCHEDULED FOR DISCUSSION:**

**REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES**

#474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.

Respectfully Submitted

John Freedman, Chairman

CITY OF NEWTON  
LAW DEPARTMENT  
INTEROFFICE MEMORANDUM

09 MAR 18 PM 2:42  
CITY CLERK  
NEWTON, MA 02459

DATE: March 18, 2009  
TO: Rules Sub-committee  
FROM: Daniel M. Funk, City Solicitor  
*DMF*  
RE: **Draft Rules Amendments – four docket items**

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Attached are proposed amendments to the Board's Rules in conjunction with the discussion that occurred at the Rules Sub-committee meeting of 2/4/09.

The first proposed change is designed to clarify under what circumstances the President of the Board may refer items to either the Committee of the Whole (COW) or to Special Committees. Item 1A clarifies and strengthens the president's authority in that regard. To the contrary, Item 1B requires the President to take additional steps to send docket items to the COW or to Special Committees. Note that in both versions I have drawn a distinction between those items that are otherwise headed to one of the nine standing committees pursuant to Board Rules and those items that do not fall squarely within the jurisdiction of one of those nine committees.

The second proposed amendment simply defines what a COW is.

The third proposed amendment clarifies the procedure as to how docket items are accepted or rejected for Board consideration on the docket.

The fourth proposed amendment makes clear that an item cannot be discussed until it is actually docketed.

Finally, at the February meeting there was some discussion about the Long Range Planning Committee and how it deals with undocketed items on a fairly regular basis. Thoughts were expressed about making it an established permanent committee in the Rules and/or describing and defining what it does and what it is. I sensed that the Rules Sub-committee was uncertain how it wished to proceed with this issue. Thus, at this time, I have not drafted any proposed amendments to the Rules pertaining to this issue.

**Draft Rules Amendments – arising out of Rules Sub-Committee meeting of 2/4/09**

Alternative 1A– Clarify and strengthen Board president’s authority to send items to Committee of the Whole.

-Amend Art I Sec.3 C. to read as follows:

*Any other new business that does not fall within the jurisdiction of the nine established permanent committees as described above shall be referred by the president to such committees as he/she deems appropriate, including the Committee of the Whole. The President may also refer new business that is within the jurisdiction of one or more of the nine permanent committees to a special committee or to the Committee of the Whole, but such referral, upon objection by a member of the Board, shall be subject to appeal to the Board who can vote to reassign such new business to alternate committee(s).*

Alternative 1B– Add requirement of 2<sup>nd</sup> call vote for certain new business to be referred directly to Committee of the Whole.

-Amend Art I Sec. 3 C to read as follows:

*Any other new business that does not fall within the jurisdiction of the nine established permanent committees as described above shall be referred by the President to such committees as he/she deems appropriate, including the Committee of the Whole; however, upon objection by a member of the Board, such referral shall be subject to appeal to the Board who can vote to reassign such new business to an alternate committee or committees. In the event that the President wishes to refer new business that is within the jurisdiction of the nine permanent committees to a special committee or to the Committee of the Whole, the item shall be placed on 2<sup>nd</sup> call by the Clerk of the Board and the decision on the referral shall be subject to a majority vote of the Board.*

2 – Define Committee of the Whole

-Amend Art II Sec. 11 by adding subsection D:

*The Committee of the Whole consists of the entire body of members of the Board in attendance, meeting as if it were in a committee setting and subject to the rules of committee procedure. The results of votes taken in Committee of the Whole are not final decisions of the Board but have the status of recommendations which the Board is given the opportunity to consider further and which it votes on finally under its regular rules.*

3 – New Docket Items – Acceptance/Rejection

- Amend Art. II by adding Sec 2B(3)

*Upon approval of the first call vote, all new docket items appearing on the docket bearing the date of the Board's first call vote shall be considered accepted for Board consideration with corresponding committee assignments as noted on the docket. However, the acceptance of any new docket item is subject to being placed on 2<sup>nd</sup> call for Board discussion at the same meeting at which the item first appears on the docket. At 2<sup>nd</sup> call, the Board may accept or reject the item for docketing, or postpone to a date certain the decision on whether to accept or reject it as a docket item.*

4 – Late File Docket Items

- Amend Art. V. Sec. 2B by adding after the fourth sentence therein:

*If the item is not admitted to the docket under suspension of the rules, it may not be discussed by any committee of the Board until after it has been admitted to a subsequent docket in accordance with these rules.*