

# **Rules of the Common Council 2018**

**The purposes, whatever they may be, for which a deliberate Council is constituted can only be affected by ascertaining the sense or will of the majority of said Council.**

**To do this, it shall be necessary that the Council should be promptly constituted and organized and that it should, in conducting its affairs and proceedings, follow a certain set of rules which experience has shown be best adapted for that purpose.**

**These rules should ensure orderly meetings, expedite City business and facilitate equal participation of all policy-making City officials in the work of the Council. In order that this may be done, the following rules shall govern the conduct of all meetings of the Common Council of the City of Gloversville.**

## **I. COUNCILMEMBERS IN GENERAL**

### **A. DUTIES OF COUNCILMEMBERS:**

**MEETINGS** - it shall be the duty of every Councilmember to attend regular and special meetings of the Common Council and act upon committees when thereto appointed. No member of the Common Council shall hold any other City office.

**CONFLICTS OF INTEREST** - each member of the Common Council shall be aware of the necessity of avoiding any conflict of interest. In furtherance thereof, no member of the Common Council shall conduct any business or have any interest in any matter involving the City that is prohibited by applicable Federal, State, or local law, rule, regulation, order or agreement or such policies regarding purchasing or appointments as the Council may from time-to-time adopt. All contracts in which any such officer may be or become interested shall thereby and thereupon be and become void.

### **B. QUALIFICATIONS OF CITY AND WARD OFFICERS:**

**AGE AND RESIDENCY** - no person shall be elected to a City office unless they are a minimum of 18 years of age and a resident of the City; to any Ward office unless they are over 18 years of age and a resident elector of the Ward for which they are elected; and when any elector of said City shall cease to be a resident of said City or of the Ward for which they were elected, that office thereby becomes vacant.

**RESPONSIBILITIES** - the Mayor shall be the head of all departments. As such, the Mayor shall supervise and be responsible for all administrative activities of the City. Councilmembers shall understand that the duties of their office are legislative, fiscal and representative in nature.

### **C. MISCELLANEOUS PROVISIONS:**

**STANDING AND DEPARTMENT** - the rights and duties of each Councilmember, in regard to one another, are founded on the principle of their absolute equality among themselves. Every member has the same right with every other to submit legislation to the Council, to recommend and explain them in discussion and to have them deliberated on and decided by the Council. It is the duty of every member to conduct themselves, both in debate and in general department, so as not to obstruct other members in the enjoyment of their equal rights.

**CODE OF THE CITY OF GLOVERSVILLE** - every Councilmember shall receive a copy of the official Code Book of the City of Gloversville. The City Clerk shall be responsible for maintaining the currency of the Code Book. Upon leaving office each Councilmember shall return their Code Book to the City Clerk. Failure to return the Code Book will result in withholding of the Councilmember's final paycheck by the Commissioner of Finance.

## **II. THE COMMON COUNCIL**

**A. COMPOSITION** - the Common Council shall be composed of seven Councilmembers. The Mayor shall preside over the Common Council meetings, may participate in such meetings and may vote only in cases of a tie.

**B. MAYORAL DUTIES** - the Mayor shall be the presiding officer. The duties shall be as follows:

1. To open the meeting by taking the chair and calling the members to order;
2. To announce the business before the Council in the order in which it is to be acted upon;
3. To receive and submit, in the proper manner, all motions and legislation presented by the members;
4. To put to a vote all questions which are regularly moved or necessarily arise in the course of the proceedings, and to announce the result;
5. To restrain the members when engaged in debate, within the rules of order;
6. To enforce on all occasions the observance of order and decorum among the members and the public;
7. To authenticate by signature, when necessary, all the acts, orders and proceedings of the Council;
8. To confine the Mayor and members to the question under discussion;
9. To decide all questions of order, which decisions shall be final, unless an appeal is taken to the Common Council and sustained.

**C. QUORUM** - a quorum of the Common Council shall consist of a majority of the authorized number of Councilmembers. No business may be transacted at any meeting at which less than the authorized number of Councilmembers are present.

## **D. VOTING**

**1. RESPONSIBILITY** - each Councilmember present at any meeting of the Common Council, other than the presiding officer, shall vote on every question brought before the Common Council for its consideration except as otherwise provided in the City Charter.

No Councilmember shall be excused from voting on any question except by a concurring vote of two-thirds of all the Councilmembers present.

If any Councilmember remains silent when called upon to vote, such silence shall be deemed to be an affirmative vote.

**2. ROLL CALL VOTING** - Voting upon removals from office, local laws, ordinances, resolutions authorizing the borrowing or lending of funds of the City, granting of a franchise, and motions or resolutions imposing a tax or assessment shall be by roll call vote.

All other actions shall be decided by voice vote except when otherwise requested by one Councilmember present in which case it shall be by roll call vote.

#### **E. MEETINGS:**

**1. ORGANIZATIONAL MEETINGS** - the Organizational Meeting of the Common Council shall be held at 11:00 A.M. on the 1st day of January each year.

This day and time shall not be altered except as a result of any emergency. Any extension due to an emergency is considered to effectively extend the end date of all annual appointments to midnight the day of the rescheduled organizational meeting.

**2. REGULAR MEETINGS** - meetings of the Common Council shall be held at 6:00 P.M. the Second and Fourth Tuesday of each month.

**3. SPECIAL MEETINGS** - special Meetings may be held on the call of the Mayor or by any two or more Councilmember's by written notice thereof, duly signed by the Mayor or the Councilmember's calling the same and delivered personally to each Councilmember, not signing the same, or to a responsible person at his residence and, if not called by the Mayor, to the Mayor or responsible person at his residence at least twelve (12) hours before such meeting.

Such notice may be dispensed with by majority vote at a special meeting at which all Councilmember's and the Mayor are present.

No business whatsoever may be acted upon at a meeting unless such business is stated in the notice of meeting or agreed upon at a previous meeting by a majority vote of the Council, except where all Common Council members are present, and a majority of the Common Council votes in favor of adding to the agenda.

### **III. GENERAL PROCEDURES FOR COUNCIL MEETINGS**

#### **A. AGENDA:**

**1. TIMEFRAME** - the agenda shall be closed by the City Clerk at 12:00 noon the Friday prior to all regular Common Council meetings.

Copies of the agenda, resolutions and etc. shall be submitted to all members of the Common Council, the City Attorney, the Mayor and the news media no later than 4:00 P.M. on the Friday before the regular Common Council meeting.

All other resolutions requested after the agenda has been closed shall not be introduced for Common Council consideration unless they receive an affirmative vote of the majority of Councilmembers in attendance at the Common Council meeting.

**2. MATERIALS SUBMISSION** - any resolution, ordinance or local law shall be submitted to the City Attorney prior to 3:30 P.M. on the Wednesday preceding a regular Council meeting (if the City Attorney is to draft the material).

**3. ORDER** - the agenda for each meeting shall be prepared by the City Clerk, shall specify the nature of each entry, and follow in outline and detail the following order:

(1) Roll Call

(2) Pledge of Allegiance to the Flag

(3) Moment of Silence

(4) Guest Speakers

(5) Public Session (at Regular Meetings only)

(6) Audit (at Regular Meetings only)

(7) Departmental Reports (may be omitted if a written report has been distributed to all Council members in advance of the meeting)

(8) Committee Reports (may be omitted if a written report has been distributed to all Council members in advance of the meeting)

(9) Communications from the Mayor and other officers of the City

(10) Approval of the minutes of the previous meeting(s)

(11) Legislation

(12) Miscellaneous business

(13) Adjournment

## **B. MANNER OF PRESENTING PETITIONS**

Petitions presented to the Common council shall be in writing, clearly legible, with a street address for confirmation, and shall be announced by the Clerk.

## **C. PUBLIC PARTICIPATION**

**1. AT REGULAR MEETINGS** - within the agenda of all regular Council meetings, 30 minutes of the meeting shall be set aside for the convenience of the public, during the "Public Session" portion of the

meeting. Additional time may be set aside for public comment upon a majority vote of the Common Council. If no one appears to speak to the Council, the Council shall proceed with its regular meeting.

a) Any person wishing to address the Council regarding any agenda item or other city business will be permitted to speak, upon recognition of the presiding officer, for a maximum period of three (3) minutes.

b) No person shall direct any remark or question directly to any specific Council member, city official or the presiding officer, as Council members, city officials and the presiding officer do not engage in dialogue during this portion of the meeting.

c) No person shall engage in any personally offensive, abusive, slanderous, boisterous or impertinent remarks.

**2. AT SPECIAL MEETINGS** - at special meetings or at any other time during the conduct of regular meetings, no person other than members of the Council shall speak unless called upon by the Mayor or a majority of the Councilmember's present.

**3. RULES OF CONDUCT AND DECORUM** - Council meetings shall be conducted in a manner that will allow all participants to state their positions in an atmosphere free of slander, threats or outbursts of any kind. Expected rules of conduct and decorum shall be (but not limited to):

a) The presiding officer, Council members, city officials and every member of the public will be required to utilize a silent or vibrate mode on all electronic devices in their possession (including but not limited to cell phones, pagers, PDA's, handheld or laptop computers) and will be required to leave the Chambers to engage in use of these devices during meetings. \*Law enforcement and emergency services personnel acting in their official capacity shall be exempt from this provision\*.

b) Any person disturbing the peace of a meeting, making impertinent or slanderous remarks or conducting themselves in a boisterous manner, or failing to abide by the rules shall be warned by the presiding officer.

c) If behavior continues the presiding officer shall direct the offending person to remove themselves from the remainder of the meeting.

d) If offending person refuses to remove themselves from the remainder of the meeting the presiding officer, or upon a request of any other Council member made to the presiding officer, shall direct the Police Chief, or his representative from the Police Department to inform and request the offending person to leave the building or face charges.

#### **D. MINUTES AND JOURNAL**

1. The minutes of the proceedings of the Common Council shall be recorded by the city Clerk and entered in the journal and preserved as the minutes of each proceeding.

2. The minutes shall contain all: ordinances, rules, regulations, local laws, resolutions and motions introduced and the action taken thereon, a statement of all other matters appearing on the agenda and brought before the meeting and the action, if any, taken thereon.

3. The Clerk shall prepare copies of the minutes of each session and deliver a copy thereof to each member of the Council. The minutes may be corrected at the request of a member by majority vote of the Council

or the presiding officer on his own motion. Corrections shall form a part of the session at which same was ordered.

#### **E. APPEALS OF DECISION OF CHAIR:**

1. On every appeal, the Chair shall have the right in his place, to assign the reason for his decision. In case of such appeal, no member shall speak more than once, nor for more than 3 minutes.
2. The Chair shall put the question, "*Shall the ruling of the Chair be sustained?*" The Chair will be sustained unless the majority of the Council members present vote to overrule the Chair.

#### **F. MANNER OF SPEAKING**

1. Any Council member wishing to speak shall address the presiding officer and, when recognized, be entitled to the floor.
2. No Council member can be refused recognition by the chair, though the order in which that recognition is given is the right of the presiding officer.
3. No Council member shall:
  - a) Engage in private conversation while in the Council Chamber in such a manner as to interrupt the proceedings of the Council,
  - b) Leave their seat or make any noise or disturbance while a vote is being taken
  - c) Use offensive words of language against any other Council member or anyone else,
  - d) Speak on any subject other than the subject being debated at that moment,
  - e) Disobey the rules of the Council or a decision of the presiding officer.
4. A Council member who disrupts proceedings may be asked to remove themselves from the meeting by the presiding officer until such time as the Council member can refrain from any further disruptions.

#### **G. ORDER OF VOTING ON ROLL CALL VOTES:**

1. Voting on all questions requiring a roll call vote shall be done in the following manner. On January 1st of each year an alphabetical list of all Council member's in office shall be made by the City Clerk. Any Councilman and/or Councilwoman taking office after the first of the year shall assume the position on the list of his predecessor.
2. On the first roll call vote of the Common Council, the Councilmember listed first on the list shall vote first and the remaining Councilmember's shall vote in alphabetical order.
3. On each successive question requiring a roll call vote, the Council member on the list following the Council member who voted first on the last roll call vote shall vote first, the remaining Council member's

shall vote as their names appear on the list and the Council member who voted first on the last roll call vote shall vote last on the roll call vote.

4. For example, using numbers for the position each Council member will occupy on the alphabetical list, the vote on the first roll call voted will be 1-2-3-4-5-6-7.

5. The vote on the second roll call vote will be 2-3-4-5-6-7-1; the vote on the third roll call vote will be 3-4-5-6-7-1-2. The revolving vote list will continue from meeting-to-meeting during the year.

#### **IV. PROTOCOL**

**A. QUESTIONS OF ORDER** - All questions of order, arising in the meetings of the Common Council and not governed by these rules, shall be subject to and interpreted by *Robert's Rules of Order*, so far as applicable.

**B. WITHDRAWAL OF MOTIONS** - After a motion is stated by the presiding officer, it shall be disposed of by a vote of the Common Council unless withdrawn by the mover before an amendment or decision.

**C. DIVISION OF QUESTIONS** - If the question in debate contains several distinct propositions, and division of the propositions such that failure of any one or more propositions will not render the question pointless, each proposition may be divided by the presiding officer at the request of any member so that a vote may be taken on each proposition; however, a motion to strike out or insert words within the question shall not be divided to avoid changing the meaning of the entire question by changing the meaning of the individual propositions.

**D. PRECEDENCE OF MOTION** - When a question is under debate, no motion shall be entertained, unless: for an adjournment of the Council, for the previous question to postpone indefinitely, to postpone to a certain day, to lay on the table, to commit it, to amend it; these several motions all have precedence in the order in which they are here stated.

**E. MOTION TO LAY ON TABLE/MOTION TO POSTPONE** - A motion to lay a question on the table shall be decided without amendment or debate. A motion to postpone the question indefinitely or to adjourn to a certain day, until it is decided, shall preclude all amendments to the main question.

**F. MOTION TO RECONSIDER** - A motion to reconsider a vote shall only be in order at the same or the next meeting succeeding that at which the vote was passed. Once a motion for reconsideration is decided, that decision shall not be reconsidered. Any member, regardless of their previous vote on the matter, is eligible to issue a motion to reconsider.

**G. ADJOURNMENT** - A motion to adjourn shall always be in order and decided without debate. A motion to caucus shall always be in order and decided without debate. This caucus shall not exceed 15 minutes, must pertain strictly to issues on the agenda for that meeting.

#### **H. COMMITTEE OF THE WHOLE**

1. The Council Work Session of the Common Council of the City of Gloversville shall normally operate as a Committee of the Whole. The presiding officer shall be the Mayor, except during budget sessions of the Common Council when the presiding officer shall be the Councilman-at-Large.

2. The rules and orders of the Council shall be observed, so far as practicable, in the Committee of the Whole except that the ayes and nays shall not be taken and a motion to rise and report progress shall always be in order and shall be decided without debate.

## **I. REFERENCE OF MATTERS TO STANDING COMMITTEES**

1. There shall be Standing Committees.

2. Standing Committees shall include the following:

- a) **General Services Committee:** Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions): Department of Public Works, Transit Department, City Attorney Office, City Clerk Office, Transit Commission, Recreation Commission and all other related matters referred to this Committee by the Committee of the Whole.
- b) **Finance Committee:** Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions): Finance Department regarding all issues related to appropriation or expenditure of funds, Resolutions and Local Laws involving the appropriation or expenditure of funds, Budget reviews, Capital Projects, Real Property Tax Services, Assessor Department and all other related matters referred to this Committee by the Committee of the Whole.
- c) **Public Safety Committee:** Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions): Police Department and Fire Department and all other related matters referred to this Committee by the Committee of the Whole.
- d) **Personnel Committee:** Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions): Finance Department regarding all issues related to Employee Benefits, Civil Service, Employee Training, Employee Insurance, Personnel Department, Grievances, Collective Bargaining, as well as all other related matters referred to this Committee by the Committee of the Whole .
- e) **Economic Development and Planning Committee:** Within the jurisdiction of this Committee shall fall all issues arising out of the following departments (divisions): Planning Board, Zoning Board, Community Development Agency, as well as all other related matters referred to this Committee by the Committee of the Whole.

3. Council members whose schedules do not allow normal working hour meetings cannot be excluded from consideration on Standing Committees.

## **V. STANDING COMMITTEES**

### **GENERAL RULES OF PROCEDURE**

#### **A. ASSIGNMENTS**

1. Standing Committees shall consist of three voting members of the Common Council. Committees and the chairmen thereof shall be appointed by the Councilmember-at-Large at the Common Council Organizational Meeting each year.



2. Advisory Ad Hoc Subcommittees may be formed by Standing Committees as needed to complete specific tasks within the jurisdiction of that Standing Committee. Each Advisory Ad Hoc subcommittee will end when the assigned task of the subcommittee is completed

3. Advisory Ad Hoc Subcommittees shall consist of at least 2 Councilmembers from the Standing Committee, and may also include any non-Council officials, with pertinent knowledge of the subject to be studied, that the Standing Committee considers necessary to appoint to complete the task of the subcommittee.

4. The chair of an Advisory Ad Hoc subcommittee shall be a sitting Councilmember. The Advisory Ad Hoc subcommittee may add or subtract non-Council members as necessary to complete the task of the committee and shall make a verbal status report to the Standing Committee at each meeting of the Standing Committee.

### **B. MEETING FREQUENCY**

Each Standing Committee shall meet at least quarterly or as often as their respective duties require.

### **C. REPORTING**

Standing Committees shall provide a verbal report to the Common Council at each monthly Council Work session on the Second Tuesday of the month.

### **D. LEGISLATION**

1. Individual Council Members, the Mayor, or Standing Committees shall propose legislation as needed.

2. The Mayor (presiding officer) shall deliver to the Law Department, within one business day after the date of approval, all legislation approved by the Common Council, in order for it to be drafted.

3. The presiding officer shall read the title of the legislation at the regular meeting of the Common Council and the Mayor, Council member or Committee Chairperson shall be prepared to answer questions after the legislation has received a first and a second for consideration.

### **E. COUNCILMEMBER-AT-LARGE DUTIES AND COMPENSATION**

1. The Councilman-at-Large may be a voting member of all Standing Committees, unless he waives that right.

2. In recognition of the additional duties and responsibilities required of the Councilman-at-Large, effective January 1, 1990, and thereafter, they shall receive additional compensation equal to 25 percent of the compensation otherwise received as a member of the Council.

### **F. CALLING A MEETING**

The chair of the Standing Committee or any two Council members of the committee shall have the authority to call a special meeting of the committee.

### **G. MEETING NOTICE**

1. Notice of Standing Committee meetings shall be provided to the Mayor, Councilman-at-Large and all committee members at least 24 hours before the meeting. The notice of special meeting called shall state the purpose or purposes of the meeting therein.

2. Advisory Ad Hoc Subcommittees which include non-elected members in their membership are not subject to Open Meetings Law requirements. An Advisory Ad Hoc Subcommittee containing non-elected members may still elect to allow outside participation and publish their meetings, provided a majority of the entire membership of the committee agrees.

## **H. CHAIR**

The chair of the Standing Committee shall be its presiding officer and have the same duties as specified in section II B of these rules as they shall pertain to Standing Committee business.

## **I. NON-MEMBER RIGHTS**

Any Councilmember may attend a Standing Committee meeting regardless of membership; and, with the consent of the chair or a majority of the committee members, may address the committee. The time may be limited to five (5) minutes.

## **J. ACTION**

All votes by members of the Standing Committee will amount to a consensus of the members present, and shall be used in the creation of a report for action by the Common Council.

## **VI. AMENDMENTS AND SUSPENSION OF THE RULES**

### **A. MAJORITY DECISION**

Any or all of these rules may be suspended or amended in any respect or manner at any time by the majority of the authorized number of Councilmember's.

### **B. CONFLICTS**

When and if any of these rules herein set forth conflict in any way with the power given to the Mayor or the Councilmember's by the City Charter or any other statute or law, said City Charter, statute or law shall prevail.

## **VII. ADOPTION OF COUNCIL RULES**

A. The rules as herein stated shall be adopted or other rules shall be promulgated to take their place at the Organizational Meeting of the Common Council on the first day of January of each year.

- These rules were passed at the regular meeting of March 28, 1989.
- These rules were amended at a regular meeting of May 22, 1990. Passed as Local Law 5 of 1990 to add and/or Councilwoman.

- Article II, Section E, Sub-Section (2) amended at the regular meeting of June 27, 1995. Passed as a motion from the floor, regular meetings of the Common Council shall commence at 6:00 P.M. the fourth Tuesday each month.
- Liaisons, other than Joint Sewer Board, deleted by motion January 27, 1998 (see Charter Section C-59).
- Articles II and III were amended by CR 22-98 on March 24, 1998
- Article II, Section D, and Paragraph 2, amended by CR 34-98 on April 28, 1998
- Article II, Section E, Paragraph 2, *Regular Meetings*, amended to change the starting time for said meetings to 6:30 PM by motion on July 27, 1998 (see minutes pg. 26).
- Article V, Section E, *Liaisons*, amended in conjunction with reduction to seven (7) Councilmember's. Amendment never formalized.
- Article V, amended in accordance with CR 58-2005, adopted August 23, 2005 (see minutes pgs. 5-14).
- Article II, Section E, Paragraph 2, *Regular Meetings*, amended to change the starting time for said meetings to 7:00 PM by CR 57-2006, adopted September 12, 2006.

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### **Common Council Overview**

In general: There are seven (7) Council Members in total; one (1) Councilman representing each of the six (6) City wards plus one (1) Councilman at Large. Councilmen are elected at a general election in odd-numbered years for a term of four (4) years.

Council Meetings are held on the fourth Tuesday of each month starting at 6:00 p.m. unless otherwise notified. Please check the City's Online Calendar of Events for exact dates and times along with an agenda.

Current Councilmembers are as follows:

*Ward 1:* Marcia Weiss *Ward 2:* Arthur Simonds *Ward 3:* Elizabeth Batchelor *Ward 4:* Steven Smith *Ward 5:* Jay Zarrelli *Ward 6:* Wrandy Siarkowski *At-Large:* Vincent DeSantis

All legislative powers of the City shall be vested in the Common Council, except as otherwise provided by the City Charter or by law.

### **§ 23. Judge of Qualifications**

The Common Council shall be the judge of the qualifications of its members and of any facts constituting grounds for forfeiture of their office and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence.

## **§ 24. Investigations**

The Common Council may make investigations into the affairs of the City and the conduct of any City department, agency, or office and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

## **§ 25. Independent Audit**

The Common Council shall provide for one exclusive independent annual audit of all City accounts, including the Water Department, and may provide for more frequent audits as it deems necessary. Such audits shall be by a certified public accountant or firm of such accountants. No department of the City shall separately engage auditors for any separate audit of its accounts.

## **§ 26. Procedure of Common Council**

A. The Common Council shall meet regularly at least once every month at such time and place within the City as the Common Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of two (2) or more members, and upon such notice as the Common Council may prescribe by rule, unless all members consent in writing and waive notice of a meeting. Any official action of the Common Council shall be taken only at an open meeting. B. The Common Council shall determine its own rules and order of business, and the minutes of its proceedings shall be a public record. C. Voting shall be by voice vote except that any member may request a vote by roll call and the ayes and nays shall then be recorded in the minutes. A majority of the authorized number of Councilmen and of the Common Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Common Council. No action of the Common Council, except as otherwise provided in the preceding sentence and in § 16, shall be valid or binding unless adopted by the affirmative vote of a majority of the authorized number of Councilmen of the Common Council. No Councilman shall be excused from voting on any matter except by a concurring vote of two-thirds (2/3) of all the Councilmen present.