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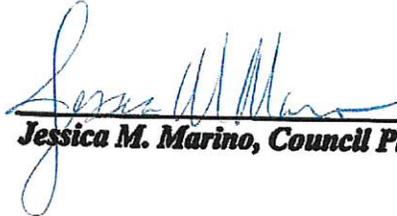
THE CITY OF CRANSTON

**RESOLUTION OF THE CITY COUNCIL**  
**ADOPTION OF CITY COUNCIL RULES FOR THE 2023-2024 TERM**

No. 2023-16

***Passed:***

\* As Amended April 24, 2023

  
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***Jessica M. Marino, Council President***

**WHEREAS, The City the of Cranston**

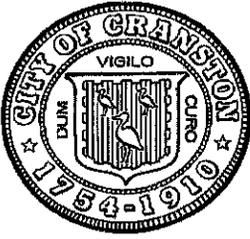
- **City Council Rules are essential to the orderly process of facilitating and conducting City Council business; and**
- **The attached City Council Rules for the 2023-2024 term have been considered by the City Council and are deemed to be acceptable to effectuating the orderly process of facilitating and conducting City Council business; and**

**NOW, THEREFORE, BE IT RESOLVED THAT, the Honorable Cranston City Council:**

1. **The City Council Rules for the 2023-2024 Term are hereby adopted in all respects as to the intended purposes stated there in and in all other respects as so stated therein.**

**Sponsored by Council President Marino**

**Referred to Rules Committee March 13, 2023**



# Cranston City Council Rules 2023-2024

## **Section 1: Term and Effect of the City Council Rules**

These Rules are effective during this 2023-2024 Term<sup>1</sup> of the Cranston City Council (hereinafter "Council") now serving and so constituted.

## **Section 2: Officers of the City Council; Presiding Officer - Duties/Authority**

*Officers of the Council.* The officers of the City Council shall be the City Council President (hereinafter "President") and City Council Vice-President.

*Presiding Officer.* The President is the presiding officer for all meetings of the Council. In this capacity, the President shall chair<sup>2</sup> all Council meetings and exercise all the authority granted to the President by these Rules, the Cranston City Charter, the Code of Ordinances for the City of Cranston and any applicable general law of the State of Rhode Island. In the absence of the President, the Vice-President shall preside over and be the chair of the Council meetings and exercise that authority granted to the President. In the event that the office of the President, from any cause arising, shall become vacant for the balance of the Term, the Vice-President shall become President. If at any Council meeting both the President and Vice-President are absent and a quorum<sup>3</sup> of the Council is present, the Council shall elect, by majority vote of the members present, a presiding officer for the purpose of conducting the docketed business of that meeting.

*Duties/Authority of the Presiding Officer.* The President shall:

- A. Preserve decorum and order.
- B. Speak on points of order in preference to other members as well as decide all points of order subject to an appeal to the Parliamentarian or to the Council by any member on a motion made and seconded. No other business shall be in order until the question on appeal is decided by a majority vote of the members present.

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<sup>1</sup> The Term of the Council is from January 2, 2023 until a new Council shall be legally constituted, sworn in and seated in accord with the Charter and following the general election scheduled to occur in November 2024.

<sup>2</sup> For purposes of meeting governance, the terms "President", "presiding officer" and "chair" shall be given the same meaning and effect.

<sup>3</sup> A "quorum" is any five (5) members of the Council. For standing committees and special committees of the Council a simple majority of committee members so assigned shall be a quorum.

- C. Distinctly put all questions to the Council membership then present and decide all votes. The “yeas” and “nays”<sup>4</sup> of the members of the Council shall be recorded by the City Clerk (hereinafter “Clerk”) and entered on the record using a roll call vote by Ward in ascending order followed by the Vice-President and the President.
- D. Decide the docketed items of business to be brought before the Council where such determination is not otherwise made by law, Charter or Ordinance. Notwithstanding, each Council member shall have the right the present information in the “council member communications” section of a docket.
- E. Call all special, emergency, and workshop meetings of the Council as well as all joint meetings with other public bodies of the City such as the School Committee.
- F. Set the time and place of Council meetings.
- G. Decide to adjust the order of any Docket or Agenda unless an objection is raised. If so raised, the order may only be adjusted by the assent of a majority of Council members present.
- H. Make appointments to boards, commissions, authorities, ad hoc committees or any other body, that do not otherwise require a vote of the Council, to which the Council may have a right of appointment. Not more than two (2) council members may be appointed per body.

**Section 3: Meetings; Docket; Public Participation; Open Meetings Act**

*Meetings.* It is preferable that the Council convene in Council Chambers for meetings; however, based on necessity, exigent circumstances, convenience or unforeseen circumstances the President shall determine the time and place of meetings. In general, and in accord with the Cranston City Charter, the Council shall meet on the fourth Monday of each month at 7:00 p.m. for its Regular Monthly Meeting, unless set forth differently in the approved Council meeting schedule or unless changed subsequently. Members of the public may consult the City’s website for current meeting information. No meeting of the Council shall recess later than 11:00 p.m., unless there is a majority vote to extend the meeting in half-hour increments.

*Docket<sup>5</sup> Generally.* The Council Docket shall set forth the items of business before the Council for its consideration at any Council meeting. The order of business for the Regular Monthly Meeting Agenda is set forth in the attached Exhibit A to these Rules. The order of business of any special, emergency or other meeting of the Council may be determined by the President, but in all material aspects follow the format of the Monthly Meeting Agenda. With the exception of ceremonial resolutions and those resolutions addressing an emergency, all resolutions shall be referred to committee for hearing.

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<sup>4</sup> The terms “yea” and “nay”, respectively, are given the plain meaning of “yes” and “no”, respectively. When voting, Council members are free to use the terms interchangeably as they so choose.

<sup>5</sup> The term Docket and Agenda have the same meaning and may be used interchangeably.

*Docket Preparation and Content.* For the benefit of all<sup>6</sup>, the Clerk, with the assistance and approval of the President, shall prepare, cause to be printed (or otherwise produced) and publish a Docket on which there shall be a definite, summary statement of all business items to be considered by the Council at all meetings including, but not limited to ordinances, resolutions, and orders. Any Council member may add an item to the Docket by providing timely notice to the Clerk in accord with these Rules. The Clerk shall maintain a record of all business acted upon by the Council and only business contained on the Docket shall appear. The Council Docket shall be prepared and be available by 4:30 p.m. on the 3<sup>rd</sup> full business day prior to a Council Meeting. For example, the Docket shall be published by 4:30 p.m. on Thursday before the next Monday meeting of the Council.

Prior to any Council meeting, all proposed ordinances must be reviewed by the City Solicitor (hereinafter "Solicitor") and Legal Counsel to the City Council (hereinafter "Legal Counsel") as to legal form and substance as well as legal compliance with the Charter, Code of Ordinances and state and federal law, if applicable. In addition, Legal Counsel shall review all resolutions and any other proposed legislative enactment as to legal form and substance as well as legal compliance with the Charter, Code of Ordinances and state and federal law, if applicable.

*Docket Item Submission Deadline.* Submission of new business and other business items by Council members must be done no later than 4:00 p.m. on the sixth (6<sup>th</sup>) business day prior to the filing deadline<sup>7</sup>.

*Obligation of Council Members for Docket Content.* Every member of the Council has an obligation to read and understand the contents of the Docket and its addenda prior to a Council meeting. Questions and concerns of a non-dispositive and/or non-substantive nature should be addressed to the President or his or her designee on a particular subject during normal business hours of the days leading up to a meeting date, but no later than 8:00 p.m. The President may rule Council members out of order during any meeting if they continually demonstrate evidence of failure to read or familiarize themselves with the information and contents of the Docket and addenda materials provided.

*Public Participation.* The Council recognizes the importance of public participation in business items on the Council Docket. For this reason, the Dockets for the Regular Monthly Meeting provides for participation. Such participation is not always permitted, however. For example, the public is not permitted to participate in Executive Session matters and may not be permitted to participate in a workshop meeting of the Council.

The public's participation is subject to the Council Rules section concerning meeting Order, Decorum, Debate and Voting. Members of the public must state their name and address for the record, be recognized by the President and comply with the Rules on Order and Decorum.

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<sup>6</sup> Members of the public, members of City departments and Council members.

<sup>7</sup> The "filing deadline" is that date required by the Open Meetings Act for the submission, posting and publication of a Docket or Agenda by the Clerk. The OMA requires a minimum of 48 hours before a Council meeting for the posting and publication of a Docket.

*Open Meetings.* All aspects of any Council meeting is governed exclusively by R.I. Gen. Laws § 42-46-1 et seq., the so-called “Open Meetings Act” (herein referred to as the “OMA”). In an instance where there may be a conflict between the OMA and any Charter or Code provision, the OMA is controlling.

#### **Section 4: Committees of the Council; Committee Assignments**

*Standing Committees of the Council.* The following are the standing committees of the Council: Finance; Public Works; Safety Services/Licenses; Ordinance; Claims. These committees shall meet at least once monthly as City or Council business may so require.

##### *Standing Committees – Generally.*

The President shall appoint all committee members from the City Council membership and designate the chair and vice-chair of each committee. Notwithstanding, the Council Minority Leader shall appoint all minority party representatives to committees. The presiding officer at committee meetings is the chair, unless absent, at which time the vice-chair shall preside. If the vice-chair is absent, then the majority of those member present shall select a presiding officer for that meeting only, subject to the presence of a quorum.

Each committee shall seat five (5) or seven (7) members of the Council with two (2) members of the minority party seated on each committee. The President shall be a member ex-officio of all committees and shall be entitled to vote on all matters before the committee. The schedule of meetings shall be established by the chair of each committee with the approval of the President.

Special meetings of a committee may be called by the chair or three members of that committee upon notice given in accord with the Charter and the OMA. The docket with hyperlinks to committee business shall be emailed to all members at the time of meeting publication.

The presiding officer has discretion to limit the remarks of a member of the public to four (4) minutes per docketed item. The presiding officer is authorized to preserve order and decorum (see Section 5 infra) among committee members and anyone else present in Council Chambers.

In addition to the general scope of matters assigned to standing committees, such committees, on the initiative of the chair or at the request of a majority of the Council as a whole, and with the approval of the President may make special and specific inquiry into matters before it or into matters generally within the scope of that committee’s responsibility.

Special committees may be established by a majority vote of the Council at any time from time-to-time.

*Finance Committee.* Any matter related to the finances of the City introduced as new business and docketed on a City Council Docket, including but not limited to financial reports

presented to the Council, any and all matter of indebtedness, revenue and expenditures of the City - shall be referred to the Finance Committee.

*Public Works Committee.* Any matter related to public works in the City introduced as new business and docketed on a City Council Docket, including but not limited to: the setting and maintenance of poles on highways and bridges; the sewer system; public conveyances or to the setting, location and maintenance of street lights; all contracts for lighting the public streets, parks and any other public area of the City; construction, maintenance and repair of City property; parks, recreation and civic affairs; the erection and location of buildings designated by ordinance - shall be referred to the Public Works Committee.

*Safety Services and Licenses.* Any matter related to public safety and licenses introduced as new business and docketed on a City Council Docket, including but not limited to: the management, control, care, maintenance and direction of the fire department and fire department equipment; the location of street hydrants and fire alarm signals; the storage and transportation of petroleum products, hydrocarbons, and other explosives; the management, control care and maintenance of the police department; all licensing matters related to the Council sitting as a board of license commissioners over which they have control and/or jurisdiction – shall be referred to the Safety Services and Licenses Committee.

*Ordinance Committee.* Any matter related to a legislative enactment of the Council introduced as new business and docketed on a City Council Docket, including but not limited to: any new or amended ordinance; resolutions; traffic signals and street signage; any new matter of Council business not otherwise assigned to a standing or special committee - shall be referred to the Ordinance Committee.

*Claims Committee.* Any matter related to a legal claim introduced as new business and docketed on a City Council Docket, including but not limited to: any legal claim for any cause of action made against the City - shall be referred to the Committee on Claims.

*Committee Dockets.*

All provisions of Section 3 herein shall apply to Dockets; however, the order of committee business for each standing committee Docket is set forth in the attached Exhibit B to these Rules.

*Miscellaneous.* Council members may be assigned to standing committees, special committees or to outside or joint committees by the President (i.e., the School Building Committee). Council members assigned or appointed to committees shall maintain an active interest the subject matter of the assignment or appointment and shall be ready to advise the Council at any time on matters relating to that committee. The President may remove and replace any committee member who fails to be present at committee meetings and/or who fails to attend to or actively participate in committee business, but only with approval of 2/3 of those Council members voting at a regular meeting of the Council. The President may appoint a special committee of the Council, subject to these Rules, for limited purpose and for a limited duration.

All debate, motions and voting is governed by Section 6 herein. Notwithstanding, and assuming a quorum of a committee is present and voting on a matter, and the vote on the matter has the majority of members voting in the affirmative, then the matter will be reported out by the chair to the full Council for its consideration with a recommendation of “passage”. Matters recommended for passage, including the budget, shall be considered by the full Council as amended and passed by the committee. In addition, assuming a quorum of a committee is present and voting on a matter, and the vote on the matter has the majority of members voting in the negative, or results in a tie vote, then the matter will be reported out in the minutes of the committee that the matter has been voted in the negative or tie vote, and the matter will be placed on the Council Docket for informational purposes only and no vote will be taken by the full Council. Any matter that fails passage in committee, is ineligible for re-introduction as new business, unless there is substantial change and for a period of one (1) year.

### **Section 5: Order and Decorum of Meetings**

*Order and Decorum.* Unless invited by the presiding officer, no person shall be allowed inside the rail of the Council Chamber, at the tables adjacent to the rail or on the rostrum during a Council or committee meeting with the exception of Council members, members of the administration, department heads, the Clerk, the contractor engaged to provide media services to the Council, Council Budget Analyst, and Legal Counsel. Public media may be assigned designated space by the presiding officer. The President shall determine seat assignments for Council members and all others inside the rail of Chambers.

Disruptive behavior in Council Chambers during a meeting is prohibited. The use of cell phones or other electronic devices in a manner that is audible and disturbing to others is also prohibited. Any conversations in chambers during a meeting should be kept to a respectful tone so as to not disturb or disrupt the proceedings. The presiding officer shall warn those who are disruptive or otherwise disturbing the proceedings to be respectful and considerate of those attending to the business of the meeting. If such behavior continues and is unyielding to the presiding officer’s admonishment, then the presiding officer may order those engaged in the unacceptable behavior to be removed.

The President is empowered to enforce order and decorum during Council meetings so as to ensure the efficient and orderly flow of business and to ensure civility in the proceedings.

### **Section 6: Debate; Motions; Voting**

*Debate.*

The presiding officer shall have the right to call for a motion before debate begins on a docketed items or to simply close public comment on the item and commence discussion among the Council members. Once public comment is closed and the Council has commenced debate or discussion on a docketed item, the right to speak is reserved for Council members only.

Any Council member desiring to speak shall address the presiding officer, and after being recognized shall speak uninterrupted unless there is a call to order. The member's remarks shall be confined to the motion or business items under consideration and the member shall avoid personalities. In committee, committee members shall speak on a docketed item before non-committee members and members of the public, who shall have the right to speak after all Council members.

No Council member shall speak more than once on the same motion or item until all other members have had the opportunity to do so. There shall be no conversation among the members while another Council member is speaking, while a roll call is being taken, while any paper is being read, or while a question is being stated by the Chair.

For any item that is scheduled for a final vote, the Council may accept "new" or "revised" documentation for consideration at any Council meeting only by approval of a majority of the Council members present and only if there is no material change to the question or item before the Council so as to trigger additional legal requirements being met such as re-advertising.

*Motions.*

It is intended that Robert's Rules of Order be authoritative and serve as a guide to motions. However, it is also important that Robert's Rules be liberally construed to effectuate the business before the Council without losing their effect. For this reason, the Council recognizes the following as to motions:

1. The *order of precedence of motions* shall be as follows:
  - a. Take a recess
  - b. Raise a question of privilege
  - c. Lay on table
  - d. Suspend the rules
  - e. Previous question
  - f. Limit or extend limits of debate
  - g. Postpone to a certain time
  - h. Commit or refer
  - i. Amend
  - j. Postpone indefinitely
  - k. Main motion

The highest in rank being at the head of the list and lowest in rank at the end of the list. When any of them is immediately pending, the motion before it on said list is in order and shall be acted upon first, and those below are out of order.

2. The following motions shall be *undebatable*:

- a. To adjourn
- b. Take a recess (when privileged)
- c. Raise a question of privilege
- d. Lay on the table
- e. Suspend the rules
- f. Previous questions
- g. Limit or extend limits of debate
- h. Motion to move the question (call for a vote)

3. The following motions only can be *amended*:

- a. Take a recess
- b. Postpone to a certain time
- c. Commit or refer
- d. Amend
- e. Main motion

Subject to the procedural motion as to debate on a main motion and any amendment thereto, the President may call for a vote at any time after all Council members have been heard on a main motion.

*Voting.*

As a demonstration of a Council member's fiduciary duties, actions must be always performed in good faith and in good care as an ordinary, prudent person would exercise. After a roll call vote is ordered, the roll call vote shall not be interrupted, delayed, or stopped by the presiding officer or any member of the Council for any reason whatsoever. In case of a tie vote, the motion fails. No main motion shall be debated or called for vote until it is seconded. In committee, only committee members may vote.

Council members may vote "yea/yes", "nay/no", abstain<sup>8</sup> or recuse. An abstention is a refusal to vote and the vote shall not constitute "yea" or "nay". Recusals are addressed later in these Rules.

Any motion may be withdrawn by the maker at any time before taking of a vote thereon, or before an amendment is made to said motion. The effect of the withdrawal removes the motion from consideration, the second to the motion is moot and the second does not require withdrawal.

*Reconsideration of a Vote.* When a vote has passed, it shall be in order for any member voting with the majority to move a reconsideration thereof at the same meeting, or to give notice in writing of his or her intention to move a reconsideration at the next regular meeting, provided, however, that the presiding officer shall not entertain any motion until the motion to reconsider has been acted upon. When such notice of an intention to reconsider has been given, the Clerk

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<sup>8</sup> To abstain means to refrain from voting, and, as a consequence, there can be no such thing as an "abstention vote".

shall retain possession of the papers until the next meeting, and no subsequent motion to reconsider the vote passed shall be in order at the same meeting, unless upon a withdrawal of the notice, and when a motion to reconsider has been decided, that vote shall not be reconsidered. Any resolution or ordinance may come only once before the Council for reconsideration.

*Recusal.* It shall be the individual Council member's obligation to recognize when he or she has a conflict of interest or any other reason why he or she should or may vote to Recuse. Any recusal from a vote on any motion or business item before the Council requires the recusing Council member(s) to fill out a recusal form and to provide it to the Clerk for filing with a copy to the Ethics Commission.

Members may also have additional responsibilities under state law in regard to recusals and conflicts of interest. Members are encouraged to fully inform themselves by consulting R.I. Gen. Laws § 36-14-1 et seq. for state law regarding the Code of Ethics and the Rhode Island Code Regulations for the regulations of the Rhode Island Ethics Commission.

### **Section 6: Miscellaneous**

*Executive Sessions and Privileged Communications, Generally.* Whether in Executive Session or in a direct communication to Council members, no Council member shall disseminate any communication, oral or written, designated in any fashion as "privileged", except to Legal Counsel or a Solicitor, or an outside attorney hired by the City. Privity may exist between the Counsel and non-members of the legal community in certain circumstances. All such information is privileged. Additional protections from disclosure apply as in the case of attorney-client privileged communication or attorney work product. Any of the foregoing privileges, may only be waived by consent of all Council members at a meeting of the Council, or if the Council has been ordered by a court of competent jurisdiction to reveal such privileged information. Any violation of this paragraph shall be referred to the full Council for action in accord with the Charter, Code or state law.

*Rules Amendments.* These Rules may be amended or suspended by a majority vote of the Council.

*Robert's Rules of Order.* Robert's Rules of Order shall be authoritative and serve as a guide for the Parliamentarian and the Council on all matters in connection with the Council Rules, including conflicts, and, where appropriate, to effectuate the intent of the Council Rules, may be liberally construed to effectuate the business before the Council without losing their effect.

*Parliamentarian.* The Legal Counsel sitting with the Council at a Council meeting shall also serve as parliamentarian.

*Council Member Absence.* Any Council member who expects to be absent from any Council meeting (committee or regular) shall notify the President, committee chair and Clerk as soon as possible upon knowledge that they will be unable to attend.

*Sponsors of Legislation.* Any Council member may request of the President that their name be removed or added as a sponsor of any ordinance or resolution at any time before its final passage. An ordinance must have at least one sponsor in order for the ordinance to be considered for passage, subject to the provisions of the Charter. Notwithstanding, a member of the public owning property in the City shall have an absolute right to petition the Council for a zone change with or without sponsorship by a member of the Council or the Mayor.