



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
February 9, 2022
6:00 PM

A. AGENDA ITEMS

1. Adam Toepfer/Keene Pride - Request to Use City Property - September 11-18, 2022
2. Proposed Amendments to the City Council Rules of Order - City Clerk

B. MORE TIME ITEMS

1. Zone Change - 19 Whitcomb's Mill Road - Rural to Low Density-1 Ordinance O-2022-02
2. Terry Clark - Relating to Small Wireless Facility Deployments in Public Rights-of-Way
3. Keene Young Professionals Network – Keene Food Festival - Request to Use City Property

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.1.

Meeting Date: February 9, 2022

To: Mayor and Keene City Council

From: Adam Toepfer

Through: Patricia Little, City Clerk

Subject: Adam Toepfer/Keene Pride - Request to Use City Property - September 11-18, 2022

Council Action:

In City Council February 3, 2022

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Toepfer_Keene Pride Event

Background:

Adam Toepfer, representing Keene Pride, is requesting permission to decorate Central Square, the trees lining Main Street and the exterior of City Hall as part of the 1st annual Keene Pride celebration, which is a week-long celebration running from September 11, 2022 through September 18, 2022. In addition, Mr. Toepfer is requesting to block off Central Square and Main Street to Eagle Court/Emerald Street to accommodate a block party on Sunday, September 18. Finally, Mr. Toepfer is requesting that the City absorb the cost of City services.

Keene Pride
411 Winchester St.
Suite 1
Keene, NH
keenepride@gmail.com



January 27, 2022

The Honorable Mayor and City Council
Keene City Hall
3 Washington St.
Keene, NH 03431

Re: 2022 Keene Pride

The LGBTQIA+ Community has long been an underserved and under-recognized part of the greater Keene community. We would like to establish the first annual Keene Pride celebration to support this community, creating a week-long celebration from September 11, 2022 through September 18, 2022.

Starting Sunday September 11, 2022, we are asking the City Council for permission to decorate the following City areas with Pride related decorations and lighting: City Square, the trees lining Main Street, and the exterior of City Hall. We will also be coordinating with local businesses along Main Street in providing options and support in decorating exteriors and providing Pride themed services or products, if they so choose.

The week-long pride event will culminate on Sunday September 18, 2022 with a "block party" from 10am – 8pm which will include entertainment, food, and local vendors. For this day, we request from the City:

- Close the streets surrounding Central Square from Main Street to Eagle Court/Emerald street.
- Close Railroad Street from Main street to parking garage
- Request proper barriers from Public Works Department to provide adequate safety
- Request use of City Power/Electricity
- Request the support of Police and Fire
- Request City water in the event that vendors require it

In a manner consistent with community event protocols, we ask that the City please give due consideration to absorbing any additional cost of Police Offices, Public Works, and Fire Department Personnel for the day. We are requesting that Police and Fire Department personnel be detailed to the event from the hours of 9am – 9pm.

We believe this will be a highly desirable attraction that will bring tourism to local businesses. We plan on marketing this event to the Monadnock Community and beyond. We also plan to leverage the beauty of the fall foliage season in conjunction with the event to draw more people.

As required, we will provide a \$1 Million certificate of insurance to the City, and work closely with City staff to ensure this event is safe and enjoyable for all.

We are proceeding with the understanding that should conditions in our overall community dictate a stricter than usual protocol, such as COVID-19 flare ups, we may need to cancel the event.

We would like to stress that this is intended to be a family friendly event. Our intention is to reach out to local schools to be involved with helping to decorate and plan. The primary purpose of Pride is to celebrate diversity, bring awareness, and support our LGBTQIA+ community; however, ALL are welcome and encouraged to attend.

Adam Toepfer
President
Keene Pride



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.2.

Meeting Date: February 9, 2022
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: **Proposed Amendments to the City Council Rules of Order - City Clerk**

Council Action:

In City Council January 20, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Refer the proposed amendments regarding the City Council's Rules of Order to the Planning, Licenses and Development Committee for their review and recommendation.

Attachments:

1. RULES_OF_ORDER_red lined

Background:

The attached set of amendments to the Rules of Order, which is being re-introduced to the City Council, encompasses those changes that were originally brought forward by the City Attorney and the City Clerk and considered by the Planning, Licenses and Development Committee in November of 2021. The amendments were identified during discussions with former Mayor Lane and Mayor Hansel as helpful to the City Council operations. Although many of the amendments were housekeeping in nature, there were many important changes being recommended. Much of the focus of the PLD Committee's discussion related to remote access and conflicts of interest.

The PLD Committee forwarded their recommendation for the November 18th City Council meeting, but the issue was tabled until the December 2nd meeting. At the December 2nd meeting there was considerable discussion amongst the Councilors on both remote access and the conflict of interest. Ultimately, the required 2/3 vote on the slate of amendments failed to carry.

Any provision regarding quorum and remote access as well as conflicts of interest are central to a Councilor's effectiveness and should be the subject of further discussion. In the meantime, there are important changes to the Rules of Order that should not be delayed. Included among them are:

- Section 1. Regular Council Meeting - includes a provision for "emergency declarations"
- Section 2. Decorum and Order - includes a provision for "electronic communications"

- Section 21. Tie vote - clarifies that a "temporary chairman" cannot break a tie
- Section 22. Special Meetings - eliminates the provision for funds/staff time to be approved by Council
- Section 23. Standing Committees - includes a provision for legislation to be considered by the appropriate Standing Committee and provides for flexibility in the meeting cycles of Standing Committees
- Section 24. Order of Business - includes a provision for acceptance of donations
- Section 25. Communications - includes a provision for digital signatures
- Section 26. Review of Items of Business - includes a provision for the Mayor to refer an item to the appropriate Committee
- Section 33. Resubmission of Items Once Considered - removes a provision that an item of business could be taken up in the same calendar year if the circumstances changed substantially and a likelihood for a differing disposition would result
- Section 36. To Amend Rules - removes a provision that the amendment process could be waived only by unanimous vote of the City Council
- Section 37. Procedure to Fill Vacancy - includes a provision not to fill a vacancy if the vacancy occurs 120 days before an election

The City Attorney and the City Clerk stand ready to assist the Council with drafting language for the City Council's consideration regarding remote access and conflicts of interests, but there are clearly differing positions by the City Council on the remote access language, in particular.

Knowing this, we anticipate that a City Councilor will be requesting that the sections relating to remote access and conflicts of interest be placed on a future agenda and therefore, this set of amendments do not contain any proposed language changes for remote access or conflicts of interest. I respectfully request that these other amendments - important for the effective operation of the City Council - should be considered on their own merits.

PROPOSED AMENDMENTS

RULES OF ORDER OF THE CITY COUNCIL

CITY COUNCIL MEETINGS

SECTION 1. REGULAR CITY COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (holidays, and summer City Council vacation excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the **City Council**. **Except in the event of an emergency declared by appropriate authority,** ~~the~~ City Council shall meet at least once per month.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal, **incapacity** or absence from the City, by ~~five~~ **seven (5 7)** or more members of the **City Council**, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a notice of the special session stating **the** time, place, and ~~object~~ **subject matter**, and this notice shall either be mailed or ~~sent~~ **delivered** by cell phone text message at least forty-eight (48) hours before the time of the meeting **to the Mayor and to each member of the City Council, or in the event of an emergency as determined by the Mayor in accordance with applicable law,** the notice shall be served personally upon each member of the **City Council**, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the **City Council** by telephone or otherwise of such special session.

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the **City Council** to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present **and absent**. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the **City Council** to order and call the roll of the members. If a quorum is found to be present, the **City Council** shall proceed to elect a Councilor, by a majority vote of those present, as ~~e~~**Temporary** Chairman of the meeting to act until the Mayor appears. The ~~t~~**Temporary** ~~e~~**Chairman** shall have the obligation to vote in accordance with Section 15, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the **City Council** and shall perform such other duties as the Mayor and a majority of the **City Council** may prescribe.

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the **City** Council unless excused by the **City** Council or Mayor. Any member of the **City** Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the ~~presiding officer~~ **Mayor or Temporary Chairman**, subject to the provisions of Section 13, "Right of Appeal," of these Rules of Order.

SECTION 10. DECORUM AND ORDER. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall preserve decorum and if a member transgresses the ~~Rules of the City Council, the presiding officer~~ **the Mayor or Temporary Chairman** shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section ~~12-13~~, "Right of Appeal," of these Rules of Order. Appropriate dress during regular meetings of the City Council shall consist of professional business attire. Cell phones are to be silenced while the City Council is in session. The Mayor and **City** Council members are expected to devote their attention to the business of the City Council, and to refrain from the use of electronic devices during City Council meetings not germane to the business before the **City** Council. **Any electronic communication by and among members of the City Council during any City Council or Committee meeting which is not capable of being heard or observed by members of the public or other Councilors is prohibited.**

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 11. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the ~~presiding officer~~ **Mayor or Temporary Chairman**, shall confine himself or herself to the question under debate, avoid ~~personalities~~ **personal attacks**, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the **City** Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

SECTION 12. EXCUSAL DURING MEETING. No member may leave the Council Chamber after the call for a vote without **first obtaining** permission from the ~~presiding officer~~ **Mayor or Temporary Chairman**. There shall be, at a convenient point to be selected by the Mayor or ~~presiding officer~~ **Temporary Chairman** ~~in the absence of the Mayor~~, a recess of approximately (5) minutes, after the **City** Council has been in session for two (2) hours, ~~including hearings~~.

SECTION 13. RIGHT OF APPEAL. Any member may appeal to the **City** Council a ruling of the ~~presiding officer~~ **Mayor or Temporary Chairman**. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the ~~presiding officer~~ **Mayor or Temporary Chairman** may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The ~~presiding officer~~ **Mayor or Temporary Chairman** shall then put the question **to the City Council**: "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the **Mayor or Temporary Chairman** ~~Chair~~ is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The ~~Chair~~ **Mayor or Temporary Chairman** shall not have a vote.

SECTION 14. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any ~~one question~~ **item of business before the City Council** until every other member choosing to speak thereon shall have spoken, and no member shall speak more than three times on any ~~one question~~ **item of business**, nor for a longer time than ten (10) minutes in all, without leave of the ~~Council~~ **Mayor or Temporary Chairman**.

SECTION 17. MOTIONS. A long or complex motion shall be reduced to writing if the **Mayor or Temporary Chairman** ~~Chair~~ so directs; or if any member of the **City Council** requests it. When a main motion is under debate, the **Mayor or Temporary Chairman** may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the **Mayor or Temporary Chairman** may receive the following incidental ~~and restoratory~~ motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
Division of the question	2nd required	Simple majority	Not debatable	Amendable

Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

SECTION 18. PERMISSION REQUIRED TO ADDRESS CITY COUNCIL. Persons other than the Mayor, members of the **City Council**, or the City Manager, **City Clerk and City Attorney**, shall not be permitted to address the **City Council** except upon introduction by, and permission of the Mayor and only after the person's name and address has been clearly stated.

SECTION 19. ADJOURNMENT. Adjournment shall be in order at any time, except as follows:

1. ~~When repeated without intervening business or discussion~~
2. When made as an interruption of a member while speaking
3. When the previous question has been ~~ordered~~ **moved**
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

SECTION 20. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration ~~for~~ **of** that action at the next regular meeting of the **City Council**. For the purposes of this **Rule**, the next regular meeting of the **City Council** shall be the next regularly scheduled meeting of the City Council which is at least ten (10) days after the meeting of the **City Council** at which the decision to be reconsidered occurred. The Councilor shall submit a written notice **to the City Clerk** and the question shall be

placed on the agenda in accordance with these ~~Rules~~. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has ~~once been~~ acted on, no other motion for a reconsideration **of the question** shall be made. If the original vote is sustained ~~at the next regular meeting as defined herein~~, the **City** Council shall have no further right of reconsideration on the question.

SECTION 21. TIE VOTE. In case of a tie vote on any ~~proposal~~ **question**, the ~~presiding officer~~ **Mayor** shall cast his or her vote to dissolve the tie vote. **In the absence of the Mayor, a tie vote on any question, which includes the vote of a Temporary Chairman shall be deemed to be a nay vote of the question.**

SECTION 22. SPECIAL COMMITTEES. All Special Committees of the **City** Council such as the **City** Council may establish, **other than Standing Committees under section 23**, shall be appointed and announced by the Mayor. **The vote on each member appointed by the Mayor to such Committees shall be by roll call.** ~~The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council.~~ Special Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

SECTION 23. STANDING COMMITTEES. ~~On or about January 1st, At the commencement of each municipal year,~~ the following Standing Committees of the **City** Council shall be appointed by the Mayor. All Standing Committees of the **City** Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the **City** Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items **of business** referred to Committee ~~shall may~~ be in accordance with ~~the their~~ areas of concern as set forth below, **including any proposed legislation appropriate to the business of the Committee; provided, however, that any item of business coming before the City Council may be referred to other committees as may be necessary for efficiency or to accommodate time constraints:**

Finance, Organization, and Personnel Committee

Assessment, budget, cable franchise, claims, purchase and sale of real property and its disposition, elections, finances, information technology, insurance, leases and lease management, organization, personnel, purchasing, and taxes.

Municipal Services, Facilities and Infrastructure Committee

Cemeteries, intermodal transportation facilities, infrastructure management and planning, fire, public health, human services, library, parks, police, recreation, public safety, trail system, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, broadband, college/city relations, enforcement of codes, easements, economic development, floodplain, development, housing, intergovernmental relations, land use, permits, ~~legislative review~~, licensing, management of open space, conservation, planning, Rules of Order, wetlands, and zoning.

A Councilor who is not a member of the Committee may ask questions and participate in the **public** discussion, but may not participate in the **Committee** deliberations after a motion and 2nd has been made concerning an item on a Committee agenda, unless the Councilor is the petitioner on the item before the Committee. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled Committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, **or if an adjournment permitted by law is necessary**, only the members of the Committee, and required City Staff, shall attend the session. Non-public sessions **and adjournments** by a Committee are discouraged, and shall only occur in extraordinary circumstances.

Except for a special meeting of the Committee called by the Mayor or by the Committee Chair, All Standing Committees, except Finance, Organization and Personnel, shall normally meet on ~~the~~ **an alternating** Wednesday following a regularly scheduled **City** Council meetings. The Finance, Organization and Personnel Committee shall normally meet on the first and third Thursday following the regularly scheduled **City** Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 PM on the Tuesday before the Committees hold their regular meetings. A majority of each Committee shall constitute a quorum. The City Manager and those department heads requested by the City Manager shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will ~~make arrangements~~ **confer as necessary** to avoid conflicting demands on the City Manager's time.

SECTION 24. ORDER OF BUSINESS. The business of all regular meetings of the **City** Council shall be transacted in the following order, unless directed by the Mayor or presiding officer.

1. Call to order
2. Roll call of attendance
3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting
5. Public Hearings, proclamations and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff

9. City Manager Comments

10. Acceptance of Donations

110. Legislation (Ordinances/Resolutions)

121. Non-Public Session

132. Adjournment

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council must be **addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person(s) introducing the same submitting the communication, and must give his or her and contain a residential address or mailing address, if different, and an email address.** at which he or she can be reached to be notified of committee meetings, etc. Communications containing a scanned image of the person's actual signature, **or a digital signature created in accordance with applicable law or City Ordinance,** may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk. ~~and will not be placed on the agenda of the City Council.~~ Communications addressed to a Councilor of a personal, **defamatory,** or argumentative nature, shall not be introduced in Council **accepted by the City Clerk.**

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the **City** Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the **City** Council holds its regular meeting.

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined by the Mayor ~~or~~ **and City Manager** to be routine City business, or easily resolved **within the purview of** ~~by the City staff Manager,~~ or of a nature that investigation by the City would be **appropriate** ~~desirable in order to better determine how to proceed with that item of business,~~ or of a nature that the matter **should** be dealt with confidentially ~~under applicable law~~ shall be referred, as appropriate, to the City ~~officer, department~~ **Manager, the City Council, Council Committee, or other appropriate governmental** agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor ~~or~~ **and City Manager** shall determine to be appropriate. The **City** Council shall be provided with a summary of these items of business **not placed on the Council agenda** and their disposition **of the items.** The City Manager shall take reasonable measures to insure that these referrals are ~~followed up~~ **dealt with appropriately.** **Except as otherwise provided by these Rules,** items of business not resolved to the satisfaction of their sponsor, ~~shall~~ **may** be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items ~~appearing to be placed~~ on the **City** Council agenda for the first time shall be referred by the Mayor **as appropriate** to a Committee or Committees ~~in accordance with its or their~~

areas of concern as set forth in Section 22, "Standing Committees", hereof for its or their consideration and report **by the Committee** for ~~at~~ the next meeting of the **City Council**, unless more time is requested by the ~~Council~~ **Committee**. Any item appearing on the **City Council** agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. Once more time has been granted on a matter, it shall remain on more time until placed on the ~~e~~Committee agenda for action or a motion to call it out of ~~e~~Committee passes. Notwithstanding any other provisions of these ~~r~~Rules, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a ~~e~~Committee under this Section and then reported out may be debated and acted upon when they first appear on the **City Council** agenda without suspension of the rules.

SECTION 27. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds, and all Ordinances, shall be read twice. The first and second readings to be by title only. ~~On the announcement of a second reading, the question shall be voted on by a roll call vote.~~ Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in **City Council**. No item which has been the subject of a public hearing may be considered by **City Council** on the same day as the hearing.

SECTION 29. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for ~~the any~~ appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call, majority vote, and entered in full upon the record. A Resolution calling for the appropriation of funds through the issuance of a Bond, **or a Resolution calling for the repurposing of an issued Bond**, shall require a 2/3 roll call vote of all **elected** members. Every member shall be required to vote unless excused for conflict of interest by vote of the **City Council**. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

SECTION 30. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed capital improvement budget or the annual operating budget during the **respective** budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the **City Council** agenda no later than 4:00 p.m. on the Tuesday prior to the **City Council** meeting scheduled for the adoption of the capital improvement budget or the annual budget. After the annual appropriation has been ~~passed~~ **adopted**, subsequent **unbudgeted** expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. ~~In such case said~~ **If subsequent the unbudgeted expenditure** creates a City debt, the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

SECTION 31. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the **annual** budget, Resolutions calling for the appropriation of **unbudgeted** funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the fund(s) to which it is to be charged. ~~A Resolution calling for the repurposing of previously appropriated Bond funds shall require a 2/3 roll call of all members.~~

SECTION 32. REPORT BY COMMITTEE. All matters referred to a **eCommittee** must be reported out of that **eCommittee** at the next regular meeting of the **City** Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony ~~with regard to~~ **submitted after** a public hearing **held before the City Council** shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the **eCommittee** meeting. Written testimony with regard to any other business before the **eCommittee** shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the **eCommittee** meeting ~~in order to be included in~~ **on** the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a **eCommittee** at the next regular meeting after the hearing unless otherwise ordered **retained** by a majority of the Council Committee members present. If not reported **out** as **provided** above, or if immediate action is required, a motion by the City Council to call the matter out of **eCommittee** will then be in order. Passage of that motion will place the matter before the **City** Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the **eCommittee's** recommendation shall be ~~verbally shared with the Council~~ **stated**. Moving to carry out the intent of the **eCommittee** report does not restrict the ~~maker~~ **proponent** of the motion from speaking against the recommendation of the Committee.

SECTION 33. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the **City** Council regarding the disposition of an item of business submitted to it, **or on any question properly before it**, except for a reconsideration vote under these ~~Rules~~ or the City Charter, the identical subject matter to that ~~in the item of business~~ **or question so decided** shall not be taken up again by the **City** Council ~~as an item of business~~ during that calendar year, ~~unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result.~~ During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. ~~Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.~~

SECTION 34. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the majority of members present. All persons present, except the Mayor, City Council, the City Manager, City Attorney and City Clerk, ~~unless any are excused~~, shall leave the meeting, unless specifically requested to remain. A motion to seal the minutes of a non-public session shall be by roll call vote and shall require a two-thirds majority vote in favor.

SECTION 35. SUSPENSION OF THE RULES. Any provision of these ~~Rules~~ not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the **City Council**, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

SECTION 36. TO AMEND RULES. These ~~Rules~~ **of Order** may be amended or new ~~Rules~~ adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting **of the City Council** and shall be referred to the ~~Planning Licenses and Development Committee~~ **Finance, Organization and Personnel Committee**. ~~This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected.~~ Changes **to the Rules** shall become effective upon passage **adoption**.

SECTION 37. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or ~~Temporary~~ **Chairman** (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy. **The following procedure will be followed to fill the declared vacancy; provided, however, that if the vacancy is declared to exist within One Hundred and Twenty (120) days of the next regularly scheduled City election for the City Council, the vacancy will be filled through that election process, and in accordance with the requirements of Section 8 of the City Charter.**
- B. When a vacancy is declared to exist, the Mayor or ~~Temporary~~ **Chairman** (in the case of a vacancy in the office of the Mayor) shall set a filing period no earlier than eight (8) days after the declaration. The Mayor shall cause publication notice of the vacancy in a newspaper of general circulation in the City and establish a fourteen (14) day period exclusive of the date of publication within which time candidates may file notice of their intent to seek election to the vacant office. The filing period shall end at the close of business of the City Clerk's office on the fourteenth day.
- C. The City Council shall choose a qualified person at the next regular meeting of the City Council after the close of the filing period, at which time an election shall be held.

The following procedure shall be followed on the date of the election:

- 1. The Mayor, or ~~Temporary~~ **Chairman** in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.
- 2. Each candidate will be given five (5) minutes to address the City Council relative to his or her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.

3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
4. The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council, will be declared the winner.
5. Voting shall be by roll call vote, each City Councilor stating the name of his or her choice. In the event that a City Councilor does not wish to vote for any candidate, he or she shall vote "No". In the event that no candidate for the vacancy receives a majority vote of the elected City Council then the Mayor or ~~Temporary~~ **Chairman may call for a second round of voting. In the event that no candidate receives a majority vote after the second round of voting, the Mayor or Temporary Chairman** shall establish an additional fourteen (14) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above, including publication notice.
6. Following the successful result of an election, the prevailing candidate shall take the oath of office **and be immediately seated.**

SECTION 38. RULES OF ORDER. "Robert's Rules of Order," as amended, shall govern points of order not covered herein.

SECTION 39. COUNCIL POLICIES. Policies to be introduced to the City Council governing the operations of the City Council shall be in the form of a Resolution and, upon its adoption, ~~they~~ shall be indexed and appended to the Rules of Order for ease of reference. A **City** Council policy shall remain effective until ~~superceded~~ **superseded** by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. The City Council may, from time to time on its own initiative, or when so requested by City Staff, review adopted policies and determine whether to keep the policy, to revise the policy, or to rescind the policy.