

SENATE . . . . No. 41.

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Commonwealth of Massachusetts.

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SENATE, Feb. 24, 1887.

The Committee on Cities, to whom was referred the Bill to establish parliamentary law for city councils, taken from the files of last year, report that the same ought not to pass.

For the Committee,

EDWARD P. WILBUR.

## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-seven.

### AN ACT

To establish Parliamentary Law for City Councils.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Except when otherwise provided,  
2 the city councils of all cities shall assemble annu-  
3 ally at ten o'clock on the day appointed for organ-  
4 ization, and no person shall take part therein  
5 excepting those who have received their notifica-  
6 tion of election to such council, as provided in  
7 chapter one hundred and fifty-nine of acts of  
8 eighteen hundred and eighty-five.

1 SECT. 2. The oldest senior member present of  
2 each branch of a city council shall call such body  
3 to order at such first meeting, and shall preside  
4 therein until a permanent president is chosen.  
5 He shall have all the powers given by law to  
6 moderators of town meetings.

1    SECT. 3.  Either branch of a city council may  
2 designate its presiding officer by any suitable  
3 name, any provision of its charter to the contrary  
4 notwithstanding.

1    SECT. 4.  The board of aldermen of any city  
2 may annually elect a clerk of such body to serve  
3 for one year, and until his successor is appointed,  
4 and may fill temporary vacancies in such office,  
5 and remove such clerk at any time.  In the case  
6 of such election of a clerk he shall discharge all  
7 clerical duties belonging to such position, in place  
8 of any other official now required by any law so  
9 to act.

1    SECT. 5.  The term "ordinance" shall be con-  
2 fined to such by-laws as have been or may be  
3 passed by city councils of cities in accordance  
4 with law.  Wherever boards of aldermen have  
5 been empowered to pass ordinances, these shall  
6 hereafter be termed "General" or "Standing  
7 Orders" of such boards respectively, as such  
8 orders may be general or special in their nature.  
9 All by-laws of towns, and ordinances of cities, on  
10 subjects whereon they may be lawfully passed,  
11 shall remain in force until repealed by the towns  
12 or cities enacting them, or disallowed by the au-  
13 thority prescribed by statute.

1    SECT. 6.  In cities the city government thereof  
2 may in any year provide for the appointment or  
3 election of officers in such manner as their char-

4 ter shall prescribe, to hold office for a period not  
5 exceeding one year from the date of such ap-  
6 pointment or election, and until their successors  
7 are appointed or elected, or until such office be  
8 abolished by vote of the existing city govern-  
9 ment.

1     SECT. 7. In cities the city government may in  
2 any year provide for the election or appointment  
3 of two or more persons to act as a board or com-  
4 mission to discharge any executive duties de-  
5 volved upon such city government, and may  
6 appoint or elect any member of such board for a  
7 term not exceeding three years, and until his suc-  
8 cessor be appointed or elected, or until such board  
9 be abolished by vote of the existing city govern-  
10 ment.

1     SECT. 8. The city council of any city may  
2 prescribe by ordinance the method in which ordi-  
3 nances shall be published, and the enacting style  
4 thereof. All fines and penalties arising from the  
5 breach of any ordinance, or of the general or  
6 standing orders of the board of aldermen of any  
7 city, shall be paid into the treasury thereof for its  
8 use, unless otherwise provided by statute or ordi-  
9 nance.

1     SECT. 9. Every ordinance of any city shall  
2 take effect upon its approval by the mayor  
3 thereof, if such be necessary, or on its passage by  
4 the city council, unless a different date is speci-  
5 fied therein.

1   SECT. 10. Either branch of a city council may  
2 expel a member of such branch by the vote of  
3 two-thirds of its members, taken by a yea and  
4 nay ballot, on definite charges made, after the  
5 accused has had a reasonable opportunity for  
6 defence. No member shall be allowed to resign  
7 pending proceedings for his expulsion.

8   The seat of any member may be declared vacant  
9 by the vote of a majority of the whole number of  
10 members, upon proof that he has been convicted  
11 of felony, or has been adjudged to be hopelessly  
12 insane, or that he has removed his legal residence  
13 from the city.

14 Any member of a city council convicted under  
15 the provision of section twelve of chapter two  
16 hundred and five of the Public Statutes shall  
17 thereupon cease to hold such office, and shall be  
18 ineligible to re-election for the space of ten years.

19 Either branch of a city council may provide  
20 reasonable rules for maintaining order at its  
21 meetings, and may prevent a member from speak-  
22 ing or voting if he refuses to conform to such  
23 rules.

1   SECT. 11. The resignation of a member of a  
2 city council, except as before provided, shall take  
3 effect whenever received by the presiding or  
4 recording officer of the branch to which he be-  
5 longs. Such notice shall be promptly communi-  
6 cated by the recipient to the body of which he is  
7 an officer. The resignation of any public officer  
8 who is elected or confirmed by a city council or

9 either branch, shall be effective when accepted by  
10 the electing or confirming body. The resignation  
11 of any salaried municipal officer, chosen by popu-  
12 lar vote, shall take effect when received by the  
13 city clerk of such city.

1     SECT. 12. Either branch of the city council of  
2 a city may at its organization adopt temporary  
3 rules, and, at any time after its second regular  
4 meeting, may adopt standing rules, one of which,  
5 if accepted by two-thirds of the whole number of  
6 members by a yea and nay vote, may prescribe  
7 that no standing rule shall thereafter be suspended  
8 without the consent of two-thirds of the members  
9 present and voting, nor amended nor annulled  
10 without the consent of two-thirds of the whole  
11 body.

1     SECT. 13. Whenever it shall appear by the  
2 record, at any meeting of either branch of a city  
3 council, that less than a quorum of such body has  
4 voted, it shall be the duty of the presiding officer  
5 to put the question a second time, if requested to  
6 do so during the same session, and such request  
7 shall be a privileged motion. If no quorum then  
8 votes the question shall stand referred to the next  
9 meeting of such body.

10     The question of ascertaining the presence of a  
11 quorum shall be decided by the presiding officer  
12 in either branch of a city council, and he shall  
13 not count any one as present who is not actually  
14 within the room in which the session of such body  
15 is in progress.

1    SECT. 14. The mayor of any city may be joined  
2 as member of any committee of the city council of  
3 such city, or of either branch thereof, by vote of  
4 the body which establishes such committee.

1    SECT. 15. Whenever a ballot is taken in either  
2 branch of a city council on the election of any  
3 officer, or on the confirmation of a nomination  
4 made by the mayor, the election or confirmation  
5 shall be final, after the result of such balloting has  
6 been ascertained, if the requisite plurality or  
7 majority has been obtained: *provided, however,*  
8 that no balloting shall be considered as of any  
9 effect wherein the number of votes cast and ascer-  
10 tained exceeds the number of persons present,  
11 legally entitled to vote at such balloting, and tak-  
12 ing part therein. If the members vote in response  
13 to a roll-call, such list shall be conclusive evidence  
14 of the number entitled to vote. Blanks, and bal-  
15 lots irregularly in substance or not germane to  
16 the subject of the balloting, shall be announced,  
17 but shall not be considered in computing the total  
18 number for the purpose of ascertaining the re-  
19 quired plurality or majority. No reconsideration  
20 of such balloting shall be legal or allowable by  
21 any ordinance, rule or custom.

1    SECT. 16. No member of a city council shall  
2 hold any other office the salary of which is paya-  
3 ble directly or indirectly from the treasury of such  
4 city, and the acceptance of membership in such  
5 city council shall terminate his occupancy of such  
6 salaried office.

7 No member of a city council shall, after resign-  
8 ing his membership, be eligible during the re-  
9 mainder of the current year for appointment to  
10 any salaried office, which has been created or its  
11 salary or emoluments increased, during his term  
12 of service in such year.

13 No member of a city council shall hold at the  
14 same time any salaried office under the Common-  
15 wealth of Massachusetts or the government of  
16 the United States. Upon proof of his tenure of  
17 such salaried office the branch of which he is a  
18 member shall declare his seat vacant.

1 SECT. 17. At all elections in cities, the war-  
2 rants shall run in the name of the mayor, and rea-  
3 sonable notice shall be given by the city clerk in  
4 such manner as the mayor may direct. When-  
5 ever a vacancy shall exist in either branch of a  
6 city council or in the board of school committee  
7 of any city, such body shall send notice thereof to  
8 the city clerk. An election to fill such vacancy  
9 shall be ordered by the mayor: *provided*, that  
10 more than two months of the term will remain  
11 after the date when the new member could be  
12 sworn into office. Such special election shall  
13 take place on the Monday next following the  
14 fourteenth day after the date of the above-named  
15 notice of the vacancy. The hours and places of  
16 voting at such special election shall be appointed  
17 in accordance with the requirements for general  
18 elections. The voting-lists to be used shall be  
19 those used at the last previous election, state or

20 municipal as it shall happen, except that the same  
21 shall be open to revision by the officers in charge  
22 of preparing them, for at least one week during  
23 the time between the said notice of a vacancy and  
24 election day.

25 The mayor shall also order an election to fill a  
26 vacancy when the unexpired term would be less  
27 than above provided, if he deem the public inter-  
28 ests so demands; but the date and other condi-  
29 tions of such special election shall be as herein  
30 stated.

1. SECT. 18. Whenever a vacancy exists in the  
2 number of members of either branch of a city  
3 council or of the board of school committee of a  
4 city, the number requisite for a quorum or for  
5 estimating the proportionate vote in such body,  
6 shall be calculated on the number of actual mem-  
7 bers remaining. In such computations fractions  
8 less than one-half shall be disregarded, and frac-  
9 tions of one-half or in excess thereof shall be  
10 counted as a whole number.

1 SECT. 19. No city council, or branch thereof,  
2 and no committee or member of a city council or  
3 branch thereof, shall be authorized or ordered to  
4 discharge any duty in virtue of such membership,  
5 whereby any expense shall be incurred for which  
6 such city shall be liable, unless provision for the  
7 payment thereof shall first have been made by  
8 such city council, and such duty shall have been  
9 set forth in the votes or rules of such city coun-

10 cil or branch thereof. Neither branch of a city  
11 council shall appropriate any money for the ex-  
12 penditures of a member thereof or of a com-  
13 mittee of one branch only, for any services to be  
14 performed outside of the limits of such city.

1     SECT. 20. The quorum of any executive board  
2 or department of any city, whether created by  
3 ordinance or statute, shall in no case consist of  
4 less than a majority of the actual numbers as de-  
5 fined by the preceding section.

1     SECT. 21. The mayor of any city shall call a  
2 special meeting of either branch, on reasonable  
3 notice, whenever requested in writing, by one-  
4 third of the members of such body, so to do.

1     SECT. 22. Chapter two hundred and twenty-  
2 nine of the acts of eighteen hundred and eighty-  
3 one and chapter one hundred and fifteen of the  
4 acts of eighteen hundred and eighty-four are  
5 hereby repealed.

SENATE

No. 17

Commonwealth of Massachusetts

January 1, 1880

Resolved, That the sum of \$100,000 be and the same is hereby appropriated for the purchase of land for the use of the State, to be known as the State Park, and to be situated in the town of Westchester, in the county of Essex.

Approved by the Senate,

J. C. COVIL

