

THE CITY OF NEWPORT

RESOLUTION  
OF THE  
COUNCIL  
No.

WHEREAS, the Rules of Council have not undergone a substantial update to its content in at least 10 years; AND

WHEREAS, issues have arisen that have raised the question of the need for an update to the Rules of Council to ensure that Council has the necessary guidance and tools to conduct business in a proficient manner that enables them to operate to their full potential in meeting the needs of the city and its people; AND

WHEREAS an updated Rules of Council will enable Council to conduct themselves not only with decorum, civility, and professionalism, but also to a higher level of excellence; NOW THEREFORE BE IT

RESOLVED, that the Council of the City of Newport hereby adopts the following revised Rules of Council:

**CITY OF NEWPORT, RHODE ISLAND**  
**RULES OF THE COUNCIL**

**A. Governing Procedures of Council** - The Council shall adhere to conducting business pursuant to, but not limited to, the Rhode Island General Laws, City of Newport's Charter, and Robert's Rules of Order as they apply.

**1. City of Newport's Charter** - the procedures of the Council are governed by the City of Newport's Charter. Council will pay special attention to the following provisions of the City of Newport's Charter related to the organization, and meetings of the Council:

**SECTION 2-5. - MAYOR; PRESIDING OFFICER.**

The Council shall choose one of its members who were elected at large as Chair and another of its members as Vice-Chair. The Chair shall have the Title of Mayor and shall preside at all meetings of the Council and shall be recognized as the official head of the City for all ceremonial purposes. He or she shall sign and execute all contracts or other evidences of indebtedness on behalf of the City, make all proclamations in the name of the City and shall be the executive head of the City to the extent required by this Charter. In the absence of the Mayor, or in case

of a disability, the Vice-Chair of the Council shall perform all duties of the Mayor.

(As amended by Sec. 2, Chapter 242, P.L. 1970.)

**SECTION 2-17. - ORGANIZATION OF COUNCIL.**

The Council shall meet on the first day of December following each regular election under this Charter and regularly thereafter at such times as the Council may determine, but not less frequently than once each month. Until the election of a Chair, the Presiding Officer shall be the City Clerk. Special meetings of the Council shall be held upon the written request to the Mayor by three members of the Council. All meetings of the Council shall be open to the public (as required by law) and the record of the proceedings shall be kept by the City Clerk and shall be open to public inspection. All votes for the approval and election of officers shall be by written ballot and all votes for the passage of resolutions and ordinances shall be by roll call vote upon the request of any member.

(As amended by Sec. 1, Chapter 522, P.L. 1985; Amd. of 11-4-2014.)

**SECTION 2-18. - QUORUM; PROCEDURE.**

A simple majority of all the members of the Council shall constitute a quorum. All members of the Council present must vote on any question unless they recuse themselves on the question before the Council on ethical or other legal grounds.

The Council shall from time to time establish rules for its proceedings.

(As amended by Sec. 1, Chapter 523, P.L. 1985; Res. No. 2022-64, 7-27-2022.)

**SECTION 2-19. - ADJOURNMENT BY LESS THAN QUORUM; COMPELLING ATTENDANCE.**

If there is no quorum a majority of the members of the Council present may adjourn from time to time and be authorized to compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules of the Council.

(As amended by Sec. 1, Chapter 519, P.L. 1985.)

**SECTION 2-20. - INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS.**

Every ordinance and resolution shall be introduced only in written or printed form. No ordinance or resolution shall be so amended in its passage as to change its original purpose. Any ordinance adopting a budget or making appropriations shall be confined to the subject of the budget or the appropriations. No ordinance shall be acted upon until it has been read on two separate days, nor until at least forty-eight hours shall have elapsed between such two readings, except in the case of an emergency ordinance as hereinafter provided. The second reading of such ordinance shall be in full unless a copy thereof shall have been furnished to each member of the Council prior to such reading. The enacting clause of all ordinances shall be "Be it Ordained by the City of Newport."

**SECTION 2-21. - EMERGENCY MEASURES.**

An emergency ordinance to provide for the immediate preservation of public peace, property, health, or safety in which the emergency claimed is set forth and defined in a preamble thereto, may be passed without a second reading by an affirmative vote of at least five members of the Council. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section and such definition shall be strictly construed.

**2. Robert's Rules of Order** - Council will adhere to and conduct meetings in accordance with Robert's Rules of Order, as they are applicable and do not conflict with the Rhode Island General Laws or Newport's City Charter, and will pay special attention to the following sections as they would apply:

**§23.Point of Order**

23:1 When a member thinks that the rules of the assembly are being violated, they can make a Point of Order (or "raise a question of order," as it is sometimes expressed), thereby calling upon the chair for a ruling and an enforcement of the regular rules.

**§61.Disciplinary Procedures**

61:9 In dealing with any case of disorder in a meeting, the presiding officer should always maintain a calm, deliberate tone- although they may become increasingly firm if a situation demands it. Under no circumstances should the chair attempt to drown out a disorderly member - either by their own voice or the gavel - or permit themselves to be drawn into a verbal

duel. If unavoidable, however, proper disciplinary proceedings to cope with immediate necessity can be conducted while a disorderly member continues to speak.

**B. Newly Elected Councilors** - per Section 2-17. - ORGANIZATION OF COUNCIL, "Until the election of a Chair, the Presiding Officer shall be the City Clerk", on the first Monday following the official election results, newly elected Councilors will meet with the City Clerk to discuss the below items. A caucus to select the Chair and Vice-Chair shall not commence until after this meeting has occurred.

1. City Charter - Chapter II. - The Council.
2. Rules of the Council
3. Caucus procedures regarding the selection of Chair and Vice-Chair
4. Robert's Rules of Order - §3 Basic Provisions and Procedures; Means by Which Business is Brought Before the Assembly 3:21-3:24

**C. Rhode Island Code of Ethics** - Council will adhere to and conduct themselves in accordance with the Rhode Island State Constitution, Article III, Section 7 - Ethical conduct., which states "The people of the State of Rhode Island believe that public officials and employees must adhere to the highest standards of ethical code, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety and not use their position for private gain or advantage." The following applies:

**1. Conflict of Interest -**

- a. As a person subject to the Code of Ethics, Council members may not participate in any matter if it is reasonably foreseeable that they, any person within their **family** (which includes their spouse, parents, children, siblings, grandparents/grandchildren, aunts/uncles, nieces/nephews, and first cousins), their business associate, or any business by which they are employed or which they represent, will derive a direct monetary gain or suffer a direct monetary loss by reason of their official activity.
- b. As someone who is subject to the Code of Ethics, Council members may not participate in any matter as part of their public duties if there is reason to believe or expect that any person within their family or a household member is a part or participant of; or will derive a direct monetary gain; or will suffer a

direct monetary loss; or will obtain an employment advantage.

**2. Recusal -**

- a. If a conflict of interest is present then a Council member must recuse themselves, that member must leave the dais until the item is voted upon at the meeting. Further, until the item for which the Council member has been recused is closed, said member cannot participate in discussion with other members of the council or lobby others either for or against the issue.

**D. Code of Conduct -** To ensure the City's business is conducted fairly and efficiently, Council members must conduct themselves, at all times, in a courteous, civil, and professional manner. Conduct that may be characterized as uncivil, abrasive, hostile, obstructive, and/or impeding the proper function of City business.

The purpose of the Code of Conduct is to communicate to all Council members, and those attending Council meetings, that displays of uncivil or disrespectful behaviors by and/or directed towards Council members, City administration, and/or the public will not be tolerated.

A Council member's conduct shall, at all times, be characterized by the personal courtesy, professional integrity, and patience toward all participants.

Civility and professionalism are hallmarks of a Council member's dedication to public service. Adherence is expected as part of this commitment by all members.

Uncivil and disrespectful behaviors are defined as, but not limited to, the following examples:

1. Threatening, humiliating, or intimidating behaviors
2. Verbal abuse such as slandering, ridiculing, and/or name-calling that is harmful, insulting or humiliating
3. Using offensive or intimidating gestures
4. Aggressively shouting or raising one's voice at an individual or individuals
5. Limiting another person's ability to speak, such as interrupting or over-speaking
6. Public humiliation in any form

In furthering these stated goals:

1. All members are expected to conduct themselves according to the highest standards of courtesy and professionalism and owe each other, and anyone appearing before them, respect, diligence, and protection against unjust and improper criticism or attacks.
2. All public interactions shall be conducted with regard for the best interests of the City, City staff, and citizens of Newport.
3. It is expected that anyone appearing before the Council members will conduct themselves with courtesy, respect, and shall not engage in improper criticism or attacks towards Council members or City staff.

The Chair is charged with preserving order and decorum. In the event a Council member, City staff, or anyone appearing before the Council engages in behavior that is contrary to these policies and goals, the Chair, or any Councilor, shall call attention to the offending behavior. The same holds true for the Council's interaction with the public. The procedures listed above Section A, subsection 2 - Robert's Rules of Order, §61. Disciplinary Procedures will apply.

**E. Council Meetings** - Per Rhode Island State General Law (R.I.G.L.) §42-46-1. Public policy. and §42-46-3. Open Meetings., every meeting of all public bodies shall be open to the public unless closed pursuant to §§ 42-46-4. Closed meetings. and 42-46-5. Purposes for which meeting may be closed.

**1. Types of Meetings -**

**a. Regular Council meetings -**

Regular meetings of the council shall be held on the second and fourth Wednesdays of each month at 6:30PM in the City Council Chambers, located on the Second Floor of Newport City Hall.

Pre-meetings shall be held at 6:20PM in the 2<sup>nd</sup> Floor Conference Room and are open to the public.

If a regular meeting cannot occur at 6:30PM, then Council shall designate another time. If a regular meeting shall occur on a legal or major religious holiday, the meeting for that week shall be held on the day following, or on such date as the Council may determine.

**b. Special meetings -**

A special meeting is a separate session that is held at a time that is different from that of any regular meeting. This meeting is convened only to consider one or more items of business specified in the meeting announcement.

Special meeting requests shall be filed with the City Clerk and shall require the signatures of three (3) Councilors.

### **c. Executive session -**

Prior to the Council meeting in Executive Session, it will meet in Open Session, and by open call through an affirmative vote of a majority of its members, will vote to convene the meeting in a closed session pursuant to R.I.G.L. §42-46-5. Purposes for which meeting may be closed.

Per Robert's Rules of Order §9 Types of Business Meetings, Subsection 9:26 and 9:27, the following applies:

Anything that occurs in executive session may not be divulged to non-members, except those permitted to attend. A member can be punished under disciplinary procedures if they violate the secrecy of an executive session.

## **2. Meeting Structure -**

### **a. Call to order -**

The chair shall, at the appointed hour of each regular and special meeting, call the Council to order. Immediately after the Chair calls the Council to order, the City Clerk shall record the roll of the members present.

### **b. Making a motion -**

Pursuant to Robert's Rules of Order §3 Basic Provisions and Procedures the following applies: Before a Council member can make a motion, they must be recognized by the Chair as having the right to be heard at the time. This is done by stating "Mr. Chair," or "Madame Chair." If the Council member is entitled to the floor at the time, the Chair will recognize them.

The member can then make a motion by announcing what they propose and can ask for a second to their motion for their motion to be considered. If a second to the motion is presented, then a discussion on said topic can follow.

The Chair may make or second any motion.

A motion to reconsider a motion that has passed or failed is in order, if made at the same meeting, or at the next regular Council meeting but must be made by the one who voted in the majority.

Any person, that is not a member of the Council, desiring to address a subject under consideration by the Council may do so upon being recognized by the Chair and for a period not to exceed five (5) minutes.

**c. Vote -**

All matters coming before the Council shall be decided by a simple majority vote.

Pursuant to Robert's Rules of Order §4 The Handling of a Motion, the following applies: The vote on a motion is normally taken by voice or by a show of hands.

**d. Citizens Forum -**

Citizens shall complete a written request to speak, noting the subject to be addressed during the public forum, and submit that form to the City Clerk prior to the start of the meeting per Resolution 2004-41.

Speakers must sign in with the City Clerk prior to the start of the meeting.

The Citizens' Forum period shall be no longer than fifteen minutes in its entirety and shall be conducted at the onset of a regularly scheduled council meeting.

Citizens may address the Council on one subject only and for no longer than three (3) minutes.

Issues to be discussed shall not include matters to be considered or discussed as part of the regular Council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

This is a citizens' forum and not up for debate, discussion, or vote by Council, therefore Council is not required to provide a reply.

**e. Ordinances and Resolutions -**

All ordinances and resolutions to be acted upon by the Council must be introduced by one member

of the Council or by the City Clerk in the city clerk's official capacity.

All ordinances, resolutions, reports, communications, claims, appointments to boards and commissions, or any other potential agenda item, shall be filed in full with the City Clerk at or before 4:30PM on the Tuesday of the week preceding the week of the regular Council meeting. If this does not happen then the item cannot be acted upon at any regular meeting.

The city clerk shall, on the Wednesday preceding each regular meeting of the council, prepare a docket of all matters filed on time with the city clerk, and shall send to each member of the council, electronically and/or hard copy, a copy of the docket and copies of all ordinances, resolutions, reports, claims, communications, etc., prior to it being posted to the City's website so that the Council can have time to adequately prepare for the meeting.

A resolution to be introduced by a member of the Council that might potentially impact city resources and staffing shall be submitted to the City Manager and/or City Solicitor for evaluation.

Any resolution of more than one section shall be passed upon section by section at the request of any member.

**f. Meeting minutes -**

The council shall keep written minutes of all meetings. Such minutes shall include, but need not be limited to, the following:

1. The date, time, and place of the meeting.
2. The members of the council recorded as either present or absent.
3. A record by individual member of any vote taken.
4. Any other information relevant to the business of the council that any member of the council requests be included or reflected in the minutes.

A record of all votes taken at all meeting of the council listing how each member voted on each issue shall be a public record and shall be available within two (2) weeks of the date of such vote. The minutes shall be public records

and unofficial minutes shall be available within thirty-five (35) days of the meeting or at the next regularly scheduled meeting, whichever is earlier, except where such disclosure would be inconsistent with R.I.G.L. §§42-46-4 and 42-46-5, or where the council, by majority vote, extends the time period for the filing of said minutes and publicly stated the reason. The minutes of a closed session shall be made available at the next regularly scheduled meeting unless the majority of the council votes to keep said minutes closed pursuant to R.I.G.L. §§42-46-4 and 42-46-5.

**g. Miscellaneous -**

1. There shall be no texting via cell phone when the meeting has come to order, however, the use of electronic devices such as laptops or tablets may be used on the dais for the purpose of following the agenda in lieu of receiving paper copies of the agenda.

2. Any of these rules, outside of the R.I.G.L. and City Charter sections, may be suspended temporarily, repealed, or amended by a vote of the majority.

**These rules shall take effect upon their passage.**

STEPHANIE SMYTH  
ELLEN PINNOCK

IN COUNCIL  
READ AND PASSED

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Laura C. Swistak, CMC  
CITY CLERK