

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #161-16/17 –Setting April 3, 2017 as the date for a Public hearing in City Council Chambers to amend City Council Standing Rules. Passage requires majority vote.

Position:

City Council cannot vote on amendments to its rules at the same meeting at which they are present. Council will be presented with changes to its standing rules that resulted from a recent workshop and will be asked to set a date (April 3rd) to vote on adopting these rules.

Requested Action:

Council passage of Order #161-16/17.



City Manager



CITY OF SOUTH PORTLAND

PATRICIA A. SMITH
Mayor

SCOTT T. MORELLI
City Manager

EMILY F. SCULLY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

District One
CLAUDE V. Z. MORGAN

District Two
PATRICIA A. SMITH

District Three
EBEN C. ROSE

District Four
LINDA C. COHEN

District Five
BRAD FOX

At Large
MAXINE R. BEECHER

At Large
SUSAN J. HENDERSON

IN CITY COUNCIL

ORDER #161-16/17

ORDERED, that a public hearing will be held on the City Council's proposed amendments to the City Council Standing Rules on April 3, 2017 at 7:00 p.m. in City Council Chambers in South Portland City Hall.

Fiscal Note: Less than \$1,000

Dated: March 20, 2017

**CITY OF SOUTH PORTLAND CITY COUNCIL
STANDING RULES**

The following rules are adopted by the City Council pursuant to Charter Sec. 218. The rules are derived from the Charter, Robert's Rules of Order Newly Revised, and the customs and practices of the Council.

1. TIME, PLACE OF REGULAR MEETINGS

The time and place for holding regular meetings of the Council shall be at the Council chambers in the municipal building on the first and third Mondays of each month at 7:30 p.m. A meeting so scheduled shall be held on the following Wednesday at the same hour and place if:

- (a) The day of the meeting falls on a holiday; or
- (b) A weather or other emergency poses a threat to the health, safety or welfare of the community, or
- (c) The Council so provides by order no later than the preceding regular meeting and notice of the change is posted in the municipal building at least seven (7) days prior to the meeting scheduled.

[Reference: Charter Sec. 213]

2. SPECIAL MEETINGS

Special meetings may be called by the Mayor or City Manager and in case of his/her absence, disability or refusal may be called by a majority of the City Council. Notice of such meeting shall be served in person or via electronic mail upon, or left at the residence of, each member of the City Council, the City Manager, the City Clerk and the Corporation Counsel at least 24 hours before the time of holding such special meeting. Failure to notify the Corporation Counsel will not invalidate the call for a special meeting. The City Council may meet upon shorter notice by unanimous consent of all of its members, recorded in the record of such meeting.

[Reference: Charter Sec. 214]

3. FORM OF ORDINANCE, ORDER, RESOLVE, LOCATION OF PREAMBLE

- (a) The enacting form of an ordinance shall be as follows: “The Council of the City of South Portland hereby ordains...”.
- (b) The form of an order shall be as follows: “In City Council, Ordered,”
- (c) The form of a resolve should be: “In City Council, ~~RESOLVED~~Resolved, ...”
- (d) Any suitable preamble may precede the enacting form of an ordinance, and may be inserted before the word “Ordered” in an order, and before the word “Resolved” in a resolve.
- ~~(e) No ordinance, order or resolve shall be in order for action at any meeting of the City Council unless such ordinance, order or resolve shall be filed in the office of the City Clerk on or before 12 noon of the Thursday prior to the regular meeting held on the first and third Monday of each month, and before 12 noon of the secular day next prior to the day of any other regular meeting. This deadline may be waived by a majority vote of the Council. Supporting materials for agenda items should be received in the office of the City Clerk not later than Thursday at 12 noon of the week preceding the regular meeting.~~

[Reference: Charter Sec. 221]

4. ITEMS FOR MEETINGS

No ordinance, order, resolve or other item shall be in order for action at any regular meeting unless it appears on the Council agenda. Items may be placed on the agenda by the Mayor, City Manager, City Clerk, and Corporation Counsel. An individual Councilor may request that an item be placed on the agenda for a action at the next regular meeting provided that the item has first been brought to workshop and the Council has determined that the item is in order for action pursuant to Rule 35.

~~Items for to be included on the agenda must be received in the office of the City Clerk not later than Tuesday at 8:30 a.m. 12:00 noon of the week preceding the regular meeting. Supporting materials for agenda items should be received in the office of the City Clerk not later than Thursday at 12 noon of the week preceding the regular meeting.~~ All packet materials, including any ordinances, orders or resolves, shall be filed in the office of the City Clerk not later than Thursday at 12 noon of the week preceding the regular meeting. This deadline may be waived by a 2/3 majority vote of the Council.

5. INTRODUCTION OF ITEMS ON THE AGENDA

Introduction of all ordinances, orders, and resolves appearing on the City Council agenda that are in order for Council action shall proceed as follows:

- (a) The item shall be announced by the Mayor as it appears on the agenda;
- (b) The ordinance, order or resolve shall be read by the City Clerk by title only;
- (c) ~~This~~ The item ~~issue~~ shall be explained by the City Manager;
- (d) The item shall be opened for public input, and
- (e) A motion shall be made and seconded prior to Council debate.
- (f) A motion to withdraw from the agenda, to postpone indefinitely, to postpone to a ~~day~~-date certain, or to postpone until after a certain event may be made at any time. An item that is postponed indefinitely by the City Council may not be brought back for a period of 180 days except pursuant to Rule 18.
- (g) Items may only be introduced after 11:00 p.m. upon a majority vote of Councilors present and voting. Items on a regular meeting agenda not introduced pursuant to this rule shall be placed on the next regular meeting agenda.

6. ELECTION OF A MAYOR

At the meeting of the Council (regular or workshop) on the Monday after the November regular municipal election of each year, the Council will hold a caucus to select a Mayor for the upcoming year. All Councilors who will remain in office for the following year and Councilors Elect who will be sworn into office for the following year will be eligible to vote. The incumbent Mayor will chair the caucus but will only be allowed to vote if he/she is to remain in office as a Councilor for the following year. Any Councilor or Councilor-Elect who is eligible to vote may submit nominations or be nominated to serve as Mayor. All nominations for Mayor require a second.

Immediately after the swearing into office of new Council members at the first meeting in December, the Council shall elect, by majority vote of the entire Council, one of its members for the ensuing year as Mayor. The City Clerk shall announce the names of those Councilors who have been nominated for Mayor, and the election shall be conducted by roll call vote with the City Clerk calling the roll in alphabetical order by last name. Only votes for those previously nominated shall be in order. If on the first vote no

nominee receives at least four votes, then the process shall be repeated until such time as a nominee receives at least four votes.

In the temporary absence or disability of the Mayor, the City Council may elect a Mayor pro tempore from any of its members, who shall exercise all the powers of the Mayor during such temporary absence or disability of the Mayor. The Mayor may designate a specific Councilor to serve as Mayor pro tempore in his/her absence. The Mayor's designee as Mayor pro tempore shall call the next meeting(s) to order and shall chair the meeting(s) unless the Council moves and votes during the meeting(s) to designate a different Councilor as Mayor pro tempore, in which case the Council's designee shall be Mayor pro tempore.

[Reference: Charter Sec. 211]

7. MAYOR'S POWERS, DUTIES GENERALLY

The presiding officer of the Council shall be entitled to speak on all questions of order in preference to other members, and may vote in all cases except where required to abstain in accordance with Rule 29 below; he/she shall decide all questions of order subject to appeal to the Council; he/she shall declare all votes and preserve order and decorum.

[Reference: Charter Sec. 211]

8. MAYOR'S DUTY TO TAKE CHAIR, CALL MEETING TO ORDER, ASCERTAIN PRESENCE OF QUORUM AND PROCEED TO BUSINESS

It shall be the duty of the presiding officer of the Council to take the chair promptly at the time appointed for each Council meeting, and after calling the Council to order and ascertaining the presence of a quorum, he/she shall proceed at once to business. In the Mayor's absence, if the Mayor has not designated a Mayor pro tempore, the City Clerk, or in the Clerk's absence, the City Manager, shall call the meeting to order and the Council shall immediately elect a Mayor pro tempore to preside during that meeting.

[Reference: Charter Sec. 211]

9. PENALTY FOR BREACHING RULES

When any member of the Council is guilty of a breach of any of the rules of the Council, and the Council determines that he has so transgressed, such member shall be formally warned in the form of a complaint recorded in the minutes of that meeting.

10. AUTHORITY TO ESTABLISH PROCEDURES

The Council shall have the authority to adopt such procedures as it may desire to expedite its procedures. Such authority shall include, but shall not be limited to, consent calendars.

[Reference: Charter Sec. 218]

11. SUSPENSION OF RULES

No rule of the Council shall be suspended unless two-thirds (2/3) of the members present shall consent thereto. No rule may be waived when such waiver would result in a violation of the Charter, local ordinance, or State or federal law.

12. ALTERING, REPEALING, ADOPTING RULES

No rule of the Council shall be altered or repealed, nor shall any new standing rule be adopted, unless written notice has been given at the next preceding meeting, nor unless a majority of all the members of the Council vote to so alter or repeal.

13. EFFECT OF AMENDING PORTION OF PROPOSITION

When a proposition consists of several paragraphs or sections, the amendment of one of them shall not preclude amendment of a prior paragraph or section.

14. ORDER OF BUSINESS

The order of business at Council meetings shall be as follows:

- (1) Roll call;
- (2) Acceptance of minutes;
- (3) Communication from the city manager;

- (4) Reports from boards and committees;
- (5) Petitions and communications;
- (6) Appointment calendar;
- (7) Consent calendar;
- (8) Citizen discussion (first part);
- (9) Public hearings and action;
- (10) Action on old and new business;
- (11) Citizen discussion (second part);
- (12) Councilors' round robin;
- (13) Executive session;
- (14) Adjournment.

Items number 8 and 11, Citizen discussion (first part) and Citizen discussion (second part) are intended to provide one opportunity for citizens to comment on items on or off the agenda. The item is divided for the convenience of the public. Any member of the public may speak once at either part of Citizen discussion, but not both.

Item number 12, Councilors' Round Robin, shall provide an opportunity for each Councilor to speak on any issue. Councilors shall try to limit such remarks to a maximum of three (3) minutes. The sequence in which Councilors speak shall rotate each meeting.

15. PUBLIC INPUT AT FIRST READING

Public input shall be allowed at the first reading of any proposed amendment to the Code of Ordinances of the City of South Portland.

16. MOTIONS TO BE WRITTEN IF REQUESTED

Every motion shall be reduced to writing if required by the chair or by any member.

17. MOTIONS RECEIVABLE WHEN QUESTIONS UNDER DEBATE; PRECEDENCE OF MOTIONS

- (a) When a question is under debate, only the motions enumerated herein shall be received:
 - (1) To adjourn;
 - (2) To table;
 - (3) For the previous question;

- (4) To commit;
 - (5) To postpone to a day certain;
 - (6) To amend;
 - (7) To postpone indefinitely.
- (b) The motions enumerated in this section shall have precedence in the order in which they are arranged.

18. MOTION TO RECONSIDER

When a motion has been voted upon, it shall not be in order for any member who voted with the side which did not prevail to move a reconsideration thereof, but any member who voted with the prevailing side may move to reconsider at the same or no later than the next succeeding regular meeting, but not afterward. A vote to reconsider shall require a majority of all the members of the Council. When a motion for reconsideration has been decided the vote shall not be reconsidered. A motion to reconsider shall not be in order more than once on the same question.

19. PROCEDURE FOR ADDRESSING COUNCIL

- (a) Citizen input shall be allowed on any ordinance, order or resolve prior to Council action on the item.
- (b) Whenever an ordinance, order or resolve is amended after public input has been closed and in the judgment of the Mayor said amendment significantly alters the substance of that item, the issue will be reopened for public input prior to Council action.
- (c) Citizens discussion will take place as outlined in the Order of Business.
- (d) Citizens discussion may be on any topic on or off the agenda.
- (e) Any person wishing to address the Council during public input on any item or during citizen discussion shall signify such desire by raising his/her hand and, when recognized by the Chair, shall state his/her name and address. All speakers shall be limited to five (5) minutes per person, which limit may be extended at the discretion of the Council.
- (f) Questions of an individual Councilor, the City Manager, the City Clerk or the Corporation Counsel shall be addressed through the Mayor. Individual Councilors may choose not to respond to specific questions directed to them by a speaker.
- (g) Persons present at Council meeting shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at the meeting.

- (h) The Presiding Officer may cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.
- (i) Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected for the remainder of the meeting then in progress.

20. COUNCIL COMMITTEES

~~After~~ Each year after inauguration of the new Councilor(s) have been sworn into office, or as soon thereafter as possible/practicable, the Council shall designate ~~committees~~ Standing Committees of the Council for the ~~following~~ ensuing year. Each Standing Committee shall consist of such members as the Council may designate, not to exceed three Councilors. ~~The Mayor shall serve as non-voting ex-officio member of all Standing Committees of the Council.~~ The Committees and their membership shall be reviewed every year at the first Council workshop in December.

- (a) Standing Committees of the Council
 - Cable TV Regulatory Board-(3)
 - Fair Hearing Board-(3)
- (b) Members of the above committees shall be chosen by the City Council by a majority vote
- (c) Each Standing Committee of the Council shall elect its own chairperson
- ~~(b) Representatives on Non-Council Committees~~
~~— Committees may be added or deleted by Council vote from time to time)~~
 - ~~Citizens Advisory Committee (Bus Service)~~
 - ~~Middle School Consolidation Study Committee~~
 - ~~Spring Point Lease Committee~~
 - ~~Bike/Pedestrian Committee (ad-hoc)~~
 - ~~City Sustainability Team~~
 - ~~Comprehensive Planning Committee~~
 - ~~Deferred Compensation Committee~~
 - ~~ecomaine Board of Directors~~
 - ~~Greater Portland Council of Governments~~
 - ~~Jetport Noise Advisory Committee~~
 - ~~Long Creek Watershed Management District~~
 - ~~MMA Legislative Policy Committee~~
 - ~~MaineServiceCenter Coalition~~
 - ~~METRO Coalition~~
 - ~~Open Space Committee (ad-hoc)~~

- ~~Trails Advisory Group (ad-hoc)~~
- ~~Transit Management Authority~~
- ~~Waterfront Alliance~~

21. COUNCIL SERVICE ON OTHER BOARDS AND COMMITTEES
~~—HOW CHOSEN~~

~~Members of the above committees shall be chosen by the City Council by a majority vote.~~

~~—Each Standing Committee of the Council shall elect its own chairperson.~~

Each year after the new Councilor(s) have been sworn into office, or as soon thereafter as practicable, the Council shall determine which City Councilors, Staff, or other City Officials will serve on the following boards and committees:

City Boards and Committees

- Citizens Advisory Committee (Bus Service)
- Middle School Consolidation Study Committee (ad-hoc)
- Spring Point Lease Committee
- Bike/Pedestrian Committee
- Comprehensive Planning Committee
- Deferred Compensation Committee
- Open Space Committee
- Trails Advisory Committee

State and Regional Boards and Committees

- Community Chamber of Commerce
- ecomaine Board of Directors
- Greater Portland Council of Governments
- Jetport Noise Advisory Committee
- Long Creek Watershed Management District
- MMA Legislative Policy Committee
- Maine Service Center Coalition
- METRO Coalition
- Waterfront Alliance

Committees may be added or deleted by Council vote from time to time.

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22. NO MEMBER SHALL SPEAK ON BEHALF OF COUNCIL UNLESS DESIGNATED

No member of the City Council shall represent to anyone or knowingly allow anyone to infer that he/she speaks on behalf of the City Council unless that Councilor has been officially designated by act of the Council or appointed by the Mayor.

23. WITHDRAWAL OF MOTION OR ORDER

Any motion or order may be withdrawn by the mover at any time before a decision or amendment, except a motion to reconsider, which shall not be withdrawn except by consent of the Council.

24. QUESTIONS TO BE DECIDED WITHOUT DEBATE

The following questions shall be decided without debate:

- (1) To adjourn;
- (2) The previous question;
- (3) To lay on the table;
- (4) To take from the table.

25. DEBATE ALLOWED

Debate may be permitted at the discretion of the Chair upon questions of order and appeals from the decision of the Chair thereon.

26. SPEAKING OF MEMBERS REGULATED

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When a member of the Council wishes to speak, he/she shall address the presiding officer and shall not proceed until recognized by the Chair. He/she shall confine himself/herself to the pending question and shall avoid intemperate and abusive language.

27. MAYOR MAY BE SEATED WHEN ADDRESSING COUNCIL

When stating a question or motion, or when addressing the Council, the presiding officer of the Council may be seated.

28. SPEAKING ON ONE QUESTION RESTRICTED

No member of the Council shall speak more than twice on the same question at any one meeting, unless by permission of the Council.

29. ABSTENTIONS

Every member of the Council who shall be in attendance when a question is put shall, unless excluded by interest, give his/her vote, unless the Council for special reasons shall excuse him/her.

30. MEMBERS TO REMAIN SEATED WHEN YEAS, NAYS CALLED FOR

When yeas and nays are ordered, no member of the Council shall leave his/her seat until the vote is taken.

31. PRESIDING OFFICER TO DECLARE VOTE ON ACTION ITEMS

The Presiding Officer shall declare the vote on action items (*e.g.*, X votes in favor of passage, Y votes opposed to passage, Councilor Q absent) before the Council moves on to other agenda items so that if there is any doubt as to a vote, it can be resolved immediately.

32. AUTHORITY TO RESOLVE INTO COMMITTEE OF THE WHOLE: APPOINTMENT TO CHAIR

The Council may resolve itself into a committee of the whole on any question, and the presiding officer shall appoint the member who shall occupy the chair.

33. APPLICABILITY OF ROBERTS RULES

The rules of parliamentary practice comprised in “Robert's Rules of Order Newly Revised,” latest edition, shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the Charter of the City, the Constitution or laws of the State or of the United States, or the Standing Rules of the Council. The City Clerk shall be designated parliamentarian for the City.

34. VACANCIES ON COUNCIL COMMITTEES

City Councilors serving on Council committees or other various boards and committees pursuant to Rule 21 shall be held to the same attendance standards as ~~Council~~ other appointees to ~~other~~ City boards and commissions, and a vacancy ~~on any City Council committee~~ shall exist upon the occurrence of any of the events described in Sec. 2-121 of the Code of Ordinances, Vacancies on boards and commissions.

35. WORKSHOP MEETINGS

Workshop meetings should be focused on the Council's formulation of policy based on general topic discussions of current issues or projects. No vote on the merits of any order, ordinance or resolve shall be taken in a workshop meeting.

Workshop meetings of the Council shall be open to the public and citizen input is generally allowed unless the Council decides to proceed without citizen input due to time constraints or other special circumstances. Any person wishing to address the Council during any public input on a workshop item shall signify such desire by raising his/her hand and, when recognized by the Chair, shall state his/her name and address. All speakers shall be limited to two (2) minutes per person, which limit may be extended at the discretion of the Council.

Order and decorum at workshops will be maintained by the Chair consistent with Rule 19(g)-(h).

—The City Manager shall maintain a list of ~~potential~~ workshop agenda items, which the Council shall review on a regular basis, as determined by the Council, normally at the first workshop of each month. At the time the list is reviewed, the Council may discuss the schedule for future workshop meetings and provide guidance to the Mayor and City Manager.

The City Manager may add agenda items to the list and inform the Council of those items via memorandum. Agenda items may also be initiated by individual Councilors by submitting a written summary to the City Clerk's office at least one week prior to the workshop meeting at which it will be discussed. The individual Councilor shall be provided an opportunity at the next workshop to present the item to the full Council. Councilors are not limited in their ability to introduce new workshop items but as a rule, not more than one item may be introduced per meeting. After the Council has considered the proposed workshop item, it may add the item to the workshop list by vote of at least three Councilors.

At the time the workshop list is reviewed, the City Council may provide general guidance to staff to prepare each item for discussion, set parameters or time limits, or impose other limitations to ensure the most efficient use of workshop meeting time.

~~A request by at least two Councilors is needed for an agenda item to be moved from the potential workshop agenda item list to an actual workshop agenda.~~

The Mayor and City Manager are allowed certain discretion and flexibility to schedule and manage Council workshops; to set the order of the agenda when two or more items are on a single agenda; to postpone items or add new, unanticipated items, within reason and in pursuit of efficiency and maximizing the value of Council's time spent in workshop. An individual Councilor who originally initiated an agenda item scheduled for workshop may withdraw or request postponement of said item any time, except that within seven days of the scheduled workshop, the agenda may only be changed at the discretion of the Mayor. Any changes to the workshop agenda shall be communicated to the Council as soon as practicable.

During each workshop, at the close of each item, the Council shall determine whether the item requires no further discussion, shall be scheduled for another future workshop, or shall be prepared for Council action at a regular Council meeting. The decision shall be made by majority vote of Councilors.

Workshop sessions shall be scheduled on the second and fourth Monday of each month at 6:30 p.m., but may be rescheduled or cancelled at the discretion of the City Manager or the Council. ~~Workshops may be scheduled on the second and fourth Monday of each month at 6:30 p.m.~~

36. LIST OF BOARD AND COMMITTEE MEETING(S) AND MEETING AGENDA(S) TO BE PUBLISHED

Boards or committees other than the Council shall submit meeting schedules and agendas to the City Clerk by 11:00 a.m. on Friday of each the week preceding the board or committee meeting. The City Clerk shall publish board and committee meeting agendas by 12:00 noon on Friday of each week:

- (a) A list of each public proceeding which is a meeting consisting of 3 or more members for the upcoming week, including Council meetings and workshops. The list shall prominently display a notice that:
 1. Meetings may be cancelled or other meetings may be added after publication and a copy of the amended list, if any, may be obtained from the City Clerk; and

2. The body may elect at any time during a proceeding to go into executive session as allowed by law.
- (b) A tentative agenda for any Council meeting or workshop for the upcoming week. The tentative agenda shall prominently display a notice that items may be added to or deleted from the tentative agenda after publication and that a copy of the amended agenda, if any, may be obtained for the City Clerk or at the meeting. ~~Any items added to the agenda for a Council meeting or workshop after the deadline of 8:30 a.m. the preceding Tuesday shall not be in order for Council action unless the Council votes by a 2/3 majority to waive the rule regarding deadlines.~~

Editor's Note:

Last amended 09/09/15 by Order #28-15/16 (effective 10/11/15)

DRAFT