

City Council Workshop

Agenda Item #3

February 24, 2014

City Council Standing Rules
Continued Discussion

The City Council met twice previously to discuss City Council Standing Rules. The first workshop discussion was held on June 25, 2012 where there was a general review of the standing rules, the areas where suggested revisions might be made and an offering of other topics for discussion were presented;

1. Taking votes in public session after items have been discussed in executive session
2. Public disclosure of executive session privileged information
3. City Councilor interaction with City boards/committees
4. Use of social media and electronic communications
5. Adoption of a Code of Ethics

There were no definitive decisions considered at that first workshop as most felt that this was too much material to be covered at one workshop. A second workshop was held on September 24, 2012 to discuss only the first two items above.

At the September 24th meeting Counselor Daggett presented detailed information around Executive Sessions, opinions shared in executive session and the taking of votes in public session. There were no revisions from that discussion that impacted Standing Rules.

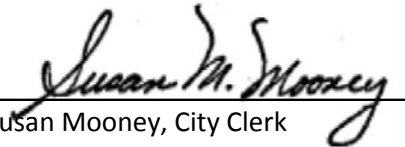
Recently Counselor Daggett provided detailed information and handouts around social media and electronic communications. This material was quite detailed and I would suggest that it covered the topic fully enough to not require additional workshop discussion.

The topics for discussion on Monday could focus on the following three items;

1. **Item #14 ORDER OF BUSINESS** – 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. **(DELETE ON THE AGENDA SINCE CITIZENS ALREADY HAVE THE OPPORTUNITY TO SPEAK ON AN ITEM ON 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. And Councilors' Round Robin, shall provide each Councilor a maximum of 3 minutes to speak on any issue. **(THIS HAS ONLY RECENTLY BEEN ENFORCED. DOES IT NEED TO BE AMENDED)**
2. **Item #35 WORKSHOP MEETINGS** of the Council shall be open to the public but no public comments will be allowed unless recognized by the Chairperson. **(ADD PUBLIC COMMENT 2 MINUTES)** Any Councilor may request an item be placed on a workshop agenda. **(QUESTION: SHOULD THERE BE AT LEAST 3 COUNCILORS WHO SUPPORT THE WORKSHOPPING OF A PARTICULAR ITEM?)** Such request shall be submitted to the City Manager by 8:30 a.m. on the Tuesday of the week preceding the workshop. The City Manager shall place the item on the **(TO BE ON SCHEDULED LIST – NOT ON THE NEXT WORKSHOP)** next workshop for which the deadline has been met.

Workshops are normally scheduled on the second and fourth Monday of each month at ~~7:00~~
6:30 p.m. (6:00 P.M.?)

3. City Councilor interaction with City boards/committees (SHOULD THERE BE CONSIDERATION TO ADD AN ITEM TO STANDING RULES THAT WOULD PREVENT A CITY COUNCILOR FROM SPEAKING DURING PUBLIC COMMUNICATIONS ON A BOARD OR COMMITTEE MEETINGS THAT THEY ARE NOT A MEMBER OF)


Susan Mooney, City Clerk

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

The following rules are adopted by the City Council pursuant to Charter Sec. 218 and the South Portland Code of Ordinances Sec. 2-36. The rules are derived from the Charter, Article II of the Code of Ordinances, Council Order #83-88/89 regarding public notice, Robert's Rules of Order Newly Revised, and the custom 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 7:00 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.

Charter Sec. 213

Code of Ordinances Sec. 2-26

2. SPECIAL MEETINGS

Special meetings may be called by the Mayor 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 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. **[DELETE THE PROVISIONS REGARDING CORPORATION COUNSEL? THEY ARE NOT REQUIRED BY THE CHARTER. ADD REGARDING ELECTRONIC NOTICE TOO?]**

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, ..."
- (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 noon of the Thursday prior to the regular meeting held on the first and third Monday of each month, and before 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.

Charter Sec. 221

Code of Ordinances Sec. 2-27

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 City Manager, City Clerk, Corporation Counsel. An individual Councilor may request that an item be placed on the agenda for a regular meeting provided that the item has first been brought to workshop. Items for the agenda must be received in the office of the City Clerk not later than Tuesday at 8:30 a.m. of the week preceding the regular meeting. **(DO WE WANT TO SAY ALL ITEMS BY THURSDAY 8:00 am?)(THAT IS THE CASE NOW) [IF THIS IS CHANGED, ALSO NEED TO CHANGE RULE 36(b)]**

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;

(c) This 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.

A motion to withdraw from the agenda, to postpone indefinitely, to postpone to a day certain, or to postpone until after a certain event may be made at any time.

6. ELECTION OF A MAYOR

At the last workshop in November of each year **[CHANGE THIS DATE TO REFLECT CURRENT PRACTICE]**, 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 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.

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.

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.

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.

Charter Sec. 211

Code of Ordinances Sec. 2-33

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.

Charter Sec. 211

Code of Ordinances Sec. 2-34

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.

Code of Ordinances Sec. 2-35

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.

Charter Sec. 218

Code of Ordinances Sec. 2-36

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.

Code of Ordinances Sec. 2-37

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.

Code of Ordinances Sec. 2-38

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.

Code of Ordinances Sec. 2-38

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

Items number 7 and 10, 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 11, Councilors' Round Robin, shall provide each Councilor a maximum of 3 minutes to speak on any issue. The sequence in which Councilors speak shall rotate each meeting.

Code of Ordinances Sec. 2-40

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.

Code of Ordinances Sec. 2-41

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.

Code of Ordinances Sec. 2-42

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.

Code of Ordinances Sec. 2-43

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 judgement 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 dignify 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 Chairman.
- (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 inauguration of the new Councilor(s), or as soon thereafter as possible, the Council shall designate committees for the following year.

Each committee shall consist of such members as the Council may designate. The Mayor shall serve as non-voting ex-officio member of all Standing Committees of Council. The Committees and their membership shall be reviewed every year at the first Council workshop in December.

(a) Standing Committees of Council

- Cable TV Regulatory Board (3)
- ~~Joint Legislative Policy Committee (3)~~
- ~~Joint Finance Committee (3)~~
- Fair Hearing Board (3)
- ~~Surplus Land Committee (3)~~

(b) Representatives on Non-Council Committees

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

- ~~Regional Waste Systems Board of Directors~~
- Citizens Advisory Committee (Bus Service)
- ~~Area Development Council~~
- ~~Route #25 Corridor Study~~
- ~~Regional Transit Operators Study Committee~~
- ~~School Consolidation Study Committee~~
- Community Affairs Committee – Chamber of Commerce
- Spring Point Lease Committee
- City Sustainability Team
- Comprehensive Planning Committee
- Deferred Compensation Committee
- Ecomaine Board of Directors
- Greater Portland Council of Governments
- Jetport Noise Committee
- Long Creek Watershed Committee
- MMA Legislative Policy Committee
- Maine Service Center Coalition
- Metro Coalition
- Open Space Committee (ad-hoc)
- School Building Committee
- Trails Advisory Group (ad-hoc)
- Waterfront Alliance
- Bike/Pedestrian Committee (ad-hoc)

21. COMMITTEES – HOW CHOSEN

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

Each Standing Committee of Council shall elect its own chairperson.

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

No member of the City Council, other than the Mayor, 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.

Code of Ordinances Sec. 2-45

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.

Code of Ordinances Sec. 2-46

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.

Code of Ordinances Sec. 2-47

26. SPEAKING OF MEMBERS REGULATED

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 to the pending question and shall avoid intemperate and abusive language.

Code of Ordinances Sec. 2-48

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.

Code of Ordinances Sec. 2-49

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.

Code of Ordinances Sec. 2-50

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.

Code of Ordinances Sec. 2-51

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

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

Code of Ordinances Sec. 2-52

31. MEMBERS TO STAND WHEN VOTE DOUBTED

When a vote is doubted, the members of the council for and against the motion shall rise when called upon by the presiding officer and remain standing in their places until counted, but a call for the yeas and nays shall be in order at any time before such vote is made certain and declared.

Code of Ordinances Sec. 2-53 (REALLY??)

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.

Code of Ordinances Sec. 2-54

33. APPLICABILITY OF ROBERTS RULES

The rules of parliamentary practice comprised in "Robert's Rules of Order Newly Revised", 1990 Edition [UPDATE THIS TO THE 11TH EDITION (2011)], 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.

Code of Ordinances Sec. 2-55

34. VACANCIES ON COUNCIL COMMITTEES

City Councilors serving on Council committees shall be held to the same attendance standards as Council 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, Vacancies on boards and commissions.

Code of Ordinances Sec. 2-56

35. WORKSHOP MEETINGS

Workshop meetings of the Council shall be open to the public but no public comments will be allowed unless recognized by the Chairperson. (ADD PUBLIC COMMENT 2 MINUTES)

Order and decorum at workshops will be maintained by the Chairperson as outlined in Standing Rules for Regular Meetings.

Any Councilor may request an item be placed on a workshop agenda. (QUESTION: SHOULD THERE BE AT LEAST 3 COUNCILORS WHO SUPPORT THE WORKSHOPPING OF A PARTICULAR ITEM?) Such request shall be submitted to the City Manager by 8:30 a.m. on the Tuesday of the week preceding the workshop. The City Manager shall place the item

on the **(TO BE ON SCHEDULED LIST – NOT ON THE NEXT WORKSHOP)** next workshop for which the deadline has been met.

Workshop sessions shall be scheduled at the discretion of the City Manager and the Mayor. Workshops are normally scheduled on the second and fourth Monday of each month at ~~7:00~~ 6:30 p.m.

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

The City Clerk shall publish by 11:00 a.m. 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 **[DOES THIS NEED TO BE CHANGED TO LATER IN THE DAY ON FRIDAY?]**. 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.

Council Order #83-88/89 regarding public notice

FREEDOM OF ACCESS (“Right to Know”) LAW, 1 M.R.S.A. §401 et. seq.

OTHER POSSIBLE TOPICS FOR DISCUSSION:

1. Taking votes in public session after items have been discussed in executive session
2. Public disclosure of executive session privileged information
3. City Councilor interaction with City boards/committees
4. Use of social media and electronic communications
5. Adoption of a Code of Ethics