

City of Portland

Rules Committee



Monday, November 28, 2022 at 4:00 PM Via Zoom

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Rules Committee meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

REMOTE ACCESS INFORMATION:

The Rules Committee will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/86291861582?pwd=a3ZkeTRqUWwyU2IySlJlZ2RyZEG1dz09>

Or Telephone: +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171

Webinar ID: 862 9186 1582

Passcode: 061783

1. Call to Order
2. Approval of Minutes of Prior Meeting
 - a. Draft Minutes of the November 21, 2022 Meeting
3. Review Draft Changes to Council Rules
 - a. Draft Changes to Council Rules
4. Public Comment on Council Rules
5. Adjournment

City of Portland

Rules Committee Minutes



Monday, November 21, 2022 at 4:00 PM Via Zoom

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To join the meeting, visit <https://portlandmaine-gov.zoom.us/j/81425152603>

1. Call to Order

Chair Mark Dion called the meeting to order at 4:12 PM

Councilor Mark Dion (Chair), Councilor Pious Ali, Councilor April Fournier, Sheba Brown (Executive Office Manager), Dena Libner (Chief of Staff), and Amy McNally (Corporation Counsel) were present.

2. Review Council Rules and Discuss Possible Changes

a. Proposed guidelines for issuance of proclamations

Dena Libner provided an overview of the proposed guidelines for issuance of proclamations.

The Committee discussed the recommendations and provided guidance on the potential rewording of some of the recommendations. The Committee also directed staff to produce a redlined version of the proposed rule changes to be discussed at the following meeting.

b. Discussion: Scheduling non-Council-Meeting Mondays as standing workshops

Dena Libner outlined this recommendation for the Committee.

The Committee discussed this recommendation and directed staff to include this in the redlined document for review at the next meeting.

City of Portland

Rules Committee Minutes

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PM Via Zoom

3. Public Comment on Council Rules

Ken Capron provided public comment on council rules.

4. Adjournment

Councilor Pious Ali made a motion to adjourn the meeting, seconded by Councilor April Fournier, vote (3-0)

DRAFT

RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended December 5, 2022~~July 11, 2022~~

Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:00 p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday or an election day, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at 6:00 PM on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.

- B. Regular workshop sessions of the City Council shall be held at 5:00 p.m. every Monday that is not a recognized holiday and on which a regular City Council meeting is not already scheduled. With proper notice, additional special workshop sessions of the City Council may be called by five (5) members of the City Council, the Mayor or the City Manager, as the case may be, for obtaining legal, administrative or policy guidance or for the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) business days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

Rule 2. Quorum; Adjourned Meetings

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

Rule 3. Enactments

The Council shall act only by ordinance, order, or resolve. Final passage of or amendments to any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

Rule 4. Ordinance; Style

All ordinances passed by the Council shall be termed "amendments to the Portland City Code" and the enacting style shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

Rule 5. Order and Resolve; Style

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts or purposes, the form shall be "resolved".

Rule 6. Readings

The reading of any ordinance, order, or resolve shall be by title of the ordinance, order or resolve only, if no member objects.

Rule 7. Reading on Two Separate Days; Waiver

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$50,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of seven (7) of the members.

Rule 8. Yeas and Nays Taken; When

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$50,000.00 or more and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

Rule 9. Ordinances; Effective When

No ordinance shall take effect until thirty (30) days after its passage by the Council, except in the case of emergency ordinances.

Rule 10. Order, Resolve; Effective When

No order or resolve shall take effect until ten (10) days after its passage, except in the case of emergency orders and resolves.

Rule 11. Emergency Ordinances, Orders and Resolves

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

Rule 12. Item for Meetings; Filed When

No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda.

Items for the Agenda should to the maximum extent possible be received in the office of the City Manager on or before close of the work day ten (10) days prior to the scheduled Council meeting.

Each item for the Agenda shall be submitted with an electronic agenda request form. The form shall have a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy.

Rule 13. Sponsorship; Proclamations and Orders.

Items listed on the Council agenda shall be sponsored as follows:

A. The Mayor shall sponsor any proclamations or resolutions; provided, however, that any Councilor may request the opportunity to sponsor a proclamation that is not deemed "standing" hereunder; and

B. For purposes of this Section, "standing" proclamations shall include, but not be limited to mean annual holidays, existing anniversaries of prominent events, or proclamations or resolutions that have come before the Council at least two (2) times in the last five (5) years.

C. Any requests for proclamations must be submitted to proclamations@portlandmaine.gov and must meet the following criteria:

1. Be made or endorsed by a Portland Resident;
2. Be related to a community benefit, event, individual or organization;
3. Be made in writing or accompanied by a written draft of the proclamation; and
4. Be submitted at least two weeks prior to the requested date of proclamation.

D. Proclamations may not be issued for the following:

1. Commercial Businesses;
2. Specific religious beliefs;
3. Campaigns or events contrary to City policies;
4. Organizations that have no locally-based chapters or a specific connection to Portland;
5. Any matter which may suggest an official City position on a issues under consideration or to be voted on by the City Council;

6. Any group whose policies or missions advocate violence, hatred, exclusivity, or any other position contrary to the well-being of the residents of Portland.

E. The Council may decline any proclamation request that does not comply with the above standards. ~~The City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items.~~

~~C. For purposes of this Section, "standing" proclamations shall include, but not be limited to mean annual holidays, existing anniversaries of prominent events, or proclamations or resolutions that have come before the Council at least two (2) times in the last five (5) years.~~

F. The City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items.

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Rule 14. Presiding Officer to Chair Meetings

The Presiding Officer shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

Rule 15. Preserve Order Decide All Questions of Order

The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

Rule 16. Declare Votes; Cause Return of Votes

The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

Rule 17. Debate; Rules of

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a date certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely, or to call the question; which several motions shall have precedence in the order in which they stand arranged.

Rule 18. Motion to Adjourn; Lay on Table

The Presiding Officer shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

Rule 19. Reconsideration

When a vote is passed, it shall be in order for any member who voted on the prevailing side to move a reconsideration thereof, at the time, or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained in the agenda for such next stated meeting or unless seven (7) of the members consent to such reconsideration.

A citizen petition, or zone change petition, once presented to and finally acted upon by the Council shall not again be received by the Council in the same or substantially the same form for a period of one (1) year next succeeding the Council's final action on the original petition. A member voting on the prevailing side on the original petition, however, shall be

privileged to reintroduce such a petition in accordance with the requirements of this rule.

A liquor license or special entertainment permit, or an amendment proposed by the licensee to an existing license or permit that has been denied by the Council shall not be received by the Council in the same or substantially the same form for one (1) year from the date of such action unless a shorter period is required by state law.

All other items, once presented to and finally acted upon by the Council, shall not again be offered or received by the Council in the same or substantially the same form within a given Council year (i.e. December - December).

Rule 20. Failure to Pass for Lack of Required Votes

When an item fails to finally pass for lack of the required five (5), or seven (7) affirmative votes, as applicable, and is not otherwise disposed of, the item shall appear on the Agenda as unfinished business at the next succeeding meeting.

Rule 21. Motion for Previous Question

Upon the motion for the previous question being made and seconded, the Presiding Officer shall put the question in the following form: "Shall the main question be now put?". And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Presiding Officer or not.

Rule 22. Manner of Speaking

When a member is about to speak at a Council meeting, that member shall rise in place, if physically able to do so, to be recognized and may afterward, while either sitting or standing, respectfully address the Presiding Officer. All comments by a member under this Rule shall be confined to the question under debate, and shall avoid personalities.

Rule 23. Length of Statements by Members

During the deliberation on any item and associated amendments, each member shall limit his or her remarks and/or questions, but not including responses to his or her questions, to a total of five (5) minutes. In the event that an item is divided or amended, each member shall be entitled to an additional five (5) minutes of remarks and/or questions. For purposes of clarity, this shall not apply to Councilor questions posed to staff or others prior to the "public comment" portion of any item.

Rule 24. Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order by the Presiding Officer, a point of order by any member or to correct a mistake.

Rule 25. Breach of Rules and Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, that member may, on motion, be required to make satisfaction therefor, and shall not be allowed to vote, or speak, except by way of excuse, until the member has done so.

Rule 26. Member Excused From Voting; When

Every member present when a question is put shall vote unless the member is precluded from participation therein because of interest or the appearance of interest or unless the member is otherwise prohibited by law from participation.

(a) Any member abstaining on grounds of interest or the appearance of interest must do so at the commencement of deliberations on the item under discussion and shall not participate in said deliberations or vote on such item.

(b) Any member abstaining as permitted hereunder shall clearly state such intent, the reason for such abstention and the legal or factual basis therefor prior to the commencement of deliberation on such item.

Rule 27. Motion to be Reduced to Writing; When

Any motion shall be reduced to writing if the Presiding Officer shall so direct.

Rule 28. Division of a Question

Any member may move that a question be divided.

Rule 29. Motion for Referral

Any member can make a motion for referral of any item to a Committee or administrative official. A motion for referral to a Committee or administrative official, until it is decided, shall preclude all amendments of the main question.

Rule 30. Priority of Business

All questions relating to priority of business to be acted upon shall be decided without debate.

Rule 31. Suspension of Rules; Amendment or Repeal

The rules shall not be dispensed with or suspended unless two-thirds as of those present and voting consent thereto; provided, however, that when these rules expressly require a vote larger than said two-thirds such rules shall not be suspended except by an equal or greater vote. No rule of procedure shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Rule 32. Procedure for Addressing Council

Any person wishing to address the Council will be given an opportunity to do so in accordance with the following procedure:

1. No public comment shall be permitted on the following agenda items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior action of the Council where that prior action had permitted public comment.

2. On items other than those set forth in 1. above, public comment shall be permitted only once prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing or at the second reading of such item by the Council, where the item requires a second reading on a separate date.

3. Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under 1. and 2. above, shall wait until the Clerk announces the consideration of such item, at which time they may address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

4. Persons wishing to address the Council on an item not appearing on the Council agenda shall only do so at the 5:00 p.m. public comment period reserved on the Council agenda for non-agenda items. Such public comment period shall not extend beyond 5:45 p.m.; provided, however, that upon a vote of a majority of the Council, the public comment period may be reopened at the end of end of the Council's consideration of all other agenda items, excepting adjournment. Notwithstanding the foregoing, the public comment period reserved on the Council agenda for non-agenda items shall not be reopened after 11 p.m.

5. Any person wishing to address the Council shall signify such desire and, when recognized by the Presiding Officer, such person shall give his or her first and last name and -city of residence, and/or district, organization or individual

represented, if any, designate the subject matter on which they to address the Council, respectfully address only the Presiding Officer, and avoid personalities.

6. When any person or entity is being honored or recognized by the Council, applause shall be permitted. In all other matters, persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

7. Any and all signs shall not be permitted in the Council Chambers.

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer may grant an extension of this three (3) minute requirement. Such persons shall also confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items, excluding any comment provided pursuant to number 4 above, at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

9. The Presiding Officer shall limit or cut off any commentary that is not germane or that is abusive or disrespectful. No clapping, cheering, jeering, or booing will be tolerated.

10. 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.

Rule 33. Parliamentary Proceedings

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules of Order"

(Newly Revised, 11th Edition) shall be taken as authority to decide the course of the proceedings.

A list of debatable and non-debatable motions is hereby incorporated for reference in Appendix A, attached hereto.

Rule 34. Council Committees

At the commencement of the municipal year members shall be appointed to the following standing Committees:

:

1. Housing & Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee;
5. Sustainability & Transportation Committee; and
6. Ethics Committee.

The Housing & Economic Development, Ethics, and Health & Human Services and Public Safety Committees shall each have four (4) members, and the Finance, Legislative & Nominating, and Sustainability & Transportation Committees shall each have three (3) members of the Council. A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

Rule 35. Council Committees; How Chosen

The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

Rule 36. Council Committees; Public Comment

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her first and last name and -city of residence, and/or district, organization or individual represented, if any, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer of a Committee may extend this period of time pursuant to Rule 31(8). These requirements for public comment shall apply to the following Committees:

1. Housing & Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee;
5. Sustainability and Transportation Committee; and
6. Ethics Committee.

Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior Committee action where that prior action had permitted public comment.

Rule 37. Smoking at Meetings

No person shall smoke in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing

to smoke after warning by the Presiding Officer shall be ejected for the remainder of the meeting then in progress.

Rule 38. Confidentiality

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.

City of Portland | Executive Department

Danielle West, *Interim City Manager*



To: Rules Committee, Councilor Dion (Chair)

From: Dena Libner, Chief of Staff

Date: November 14, 2022

Re: Proposed Proclamation Guidelines

Staff recommend that the Rules Committee consider adopting rules to guide the issuance of proclamations. Guidelines would help ensure proclamations reflect the Council's values and priorities, as well as provide members of the public clear standards prior to making a request.

Currently, the Council does not have any such standards. Proclamations are requested by members of the public, advocacy groups, and community organizations, among other entities. Requests are made by residents and non-residents, as well as organizations based locally and nationally.

To inform this recommendation, staff reviewed standards adopted by other municipalities. We recommend the following for the Rules Committee's consideration:

Request for proclamations must:

1. Be made or endorsed by a Portland resident;
2. Be related to a community benefit, event, individual, or organization;
3. Be made in writing and accompanied by a written draft of the proclamation;
4. Be submitted at least two weeks prior to the requested date of proclamation.

Proclamations may not be issued for:

1. Commercial businesses;
2. Matters of a religious nature;
3. Campaigns or events contrary to City policies;
4. Organizations that have no locally-based chapters or specific connection to Portland;
5. Any matter with potential political controversy or which may suggest an official City position on a matter under consideration or to be voted upon by the City Council;
6. Any group whose policies or aims advocate violence, hatred, or any other position contrary to the well-being of the residents of Portland.

If the Rules Committee and City Council adopt any guidelines related to the issuance of proclamations, City staff will publish the guidelines in a prominent place on the City website.

Rule 11. Emergency Ordinances, Orders and Resolves

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

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A. The Mayor shall sponsor any proclamations or resolutions; provided, however, that any Councilor may request the opportunity to sponsor a proclamation that is not deemed "standing" hereunder; and

B. The City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items.

C. For purposes of this Section, "standing" proclamations shall include, but not be limited to mean annual holidays, existing anniversaries of prominent events, or proclamations or resolutions that have come before the Council at least two (2) times in the last five (5) years.

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The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

Rule 17. Debate; Rules of