

**RULES GOVERNING THE CITY COUNCIL  
FOR PERIOD 1/09/2018 - 1/07/2020**

**Sec. 1. Regular meetings**

- (a) **Time:** The City Council shall hold regular meetings on the first and third Tuesday of each month at 7:00 p.m.
- (b) **Place:** All regular meetings of the City Council shall be held in the Council Chambers of the City Building.
- (c) Matters that are appropriate for executive session and which are to be held on evenings of regular City Council meetings shall be scheduled either at a workshop preceding the meeting or immediately following Other Business as the final item on the meeting agenda, except in situations when the City Administrator deems it to be in the best interest of the City to hold the executive session at another time.
- (d) Items shall appear on the agenda in the following standard order of business:

Pledge of Allegiance to the Flag

Moment of Silence - to be held at the discretion of the Mayor

Ceremonial Presentations and Recognitions

Acceptance of meeting minutes

Public Comment period - any member of the public may offer comments regarding issues pertaining to Lewiston City Government; maximum time limit for the full comment period shall be 15 minutes

Consent Agenda

Public Hearings (licenses, ordinance adoptions or amendments, other)

Policy Manual adoptions or amendments

Items requiring adoption or approval

Discussion items (no action required)

Reports and Updates

Any other city business Councilors, staff or members of the public may have relating to Lewiston City Government

- (e) The Mayor is authorized to adjust the standard order of business to accommodate members of the public attending the meeting in regard to an item or items.

**Sec. 2. Special meetings**

All special meetings shall be called in accordance with Article II, Section 2.10 of the City Charter.

**Sec. 3. Agenda**

- (a) All agenda items must be in the office of the City Clerk no later than 12:00 Noon on the Wednesday prior to a regular meeting.
- (b) A consent agenda shall be prepared for all regular meetings of the City Council. The consent agenda shall be adopted by a yea and nay vote.

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### **Sec. 4. Presiding officer - call to order**

The Mayor, or in the absence of the Mayor, the Council President, shall call the meetings to order. In the absence of the Mayor and Council President, the City Clerk shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the Council present.

### **Sec. 5. Parliamentary Procedure**

- (a) "ROBERT'S RULES OF ORDER" shall be regarded by the Council as the proper authority for parliamentary procedure in conduct of its meetings for the ensuing year, except as otherwise provided herein, or by Charter and may be suspended by a majority vote of the city council at any time.
- (b) Reconsideration of Items - When an item is voted on by the Council, it shall be in order for any member who voted on the prevailing side or who was not present at the time the vote was taken to move a reconsideration thereof, during the same meeting or at the immediate next regularly scheduled Council meeting, but not afterwards. In instances where a majority of those present vote in favor of an item but there are less than the normally required four votes, the prevailing side shall be those who voted against the item. No motion to reconsider a vote taken at a previous meeting shall be in order for consideration at the immediate next regularly scheduled Council meeting unless an item to that effect is scheduled on the agenda for such meeting or unless five of the members consent to such reconsideration.

### **Sec. 6. City Council Teleconference/Video Conference Rules**

- (a) Physical attendance by members of the Lewiston City Council at all meetings is encouraged and expected. Council members and the Mayor should make all reasonable effort to be physically present for every meeting. Teleconference procedures may not be routinely used as a substitute for attendance in person. However, physical attendance may not always be possible.
- (b) Teleconferencing” is defined as remote participation by an official in a meeting of the City Council by means which enables the remote official to clearly hear the Mayor, all Council members, the City Clerk, and public testimony and to be clearly heard by the Mayor, all Council members, the City Clerk, and the public for the duration of the meeting.
- (c) Physical attendance at meetings contributes to quality dialogue and supports a sound deliberative and decision-making process. Consequently, teleconferencing will only be permitted under the following conditions:
  - 1. a quorum cannot be achieved for a regularly scheduled or special meeting;
  - 2. one or more member are unable to attend due to absence from the City,

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employment, or family emergency reasons;

3. a minimum of three [3] Councilors must be present in person at the meeting location;
  4. an elected official participating by teleconference shall, while actually on the teleconference, be deemed present at the meeting for all purposes. The official shall make every effort to participate in the entire meeting;
  5. if the Mayor participates via teleconference, the Council President, or the Council-appointed presiding officer in the Council President's absence, shall preside over and perform all functions of the Mayor at the meeting; and
- (d) any City Council business, with the exception of items involving public hearings or quasi-judicial proceedings, may be conducted under this policy.
- (e) Where teleconferencing is employed, the Council member requesting to participate via teleconference must provide the City Clerk no less than 24 hours notice of his/her absence in order to participate as a voting member, except in instances where special meetings are called with short notice where a member requesting to teleconference should notify the City Clerk of this request as soon as practicable.
- (f) The following procedures shall apply to teleconferencing:
1. All votes during teleconferenced meetings shall be conducted by roll call.
  2. Agendas shall specify the name of the Mayor/City Councilor participating via teleconference and the location, address, and telephone number to be utilized for the teleconference. In the case of a special meeting called on short notice, this information shall be provided at the start of the meeting.
  3. Two-way communication must be established so that the teleconferenced City Councilor can listen to and participate in the public proceedings and members of the public can hear the comments of the teleconferenced official (with the exception of executive sessions).
  4. The City Clerk shall note in the minutes of the meeting all members attending via teleconference.
  5. To the extent practicable, materials to be considered by the Council shall be made available in advance to those attending by teleconference.

**Sec. 7. Action on Ordinances**

- (a) All ordinances shall be submitted in accordance with Article II, Section 2.11 of the City Charter.
- (b) All proposed ordinances shall be read by title only unless any member of the Council requests a full reading of the ordinance.

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- (c) No ordinance, excluding emergency ordinances, shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed with by the Council.
- (d) When passed by the Council, an ordinance shall be attested by the City Clerk; and it shall be immediately filed and thereafter preserved in the office of the City Clerk.

**Sec. 8. Action on budget**

**I. Community-Shared Assumptions and Principles**

- (a) The City Council has full authority and responsibility in law to set the municipal budget. The City Council, in consultation with the School Committee, shall approve the specific portions of the school budget in accordance with the applicable sections of MRSA 20-A, and shall establish the mill rate on the combined overall budget for all city and school budgets.
- (b) The School Committee has full authority and responsibility in law to develop the school budget and to establish educational policy in accordance with the applicable sections of MRSA 20-A.
- (c) Direct communication between the participants in these processes is preferable to relying on third party transmission.
- (d) Budgets for the School Department and other municipal offices will be developed with full and complete communication between the City Council and the School Committee. In addition to the regular public sessions presented by the City Council and the School Committee, there will be an appropriate number of joint public work sessions consistent with the limitations prescribed by statute and the charter.
- (e) Public communication on the budgetary process will be open and extensive, and, wherever possible, be jointly made by the City Administrator and Superintendent or the Council and the School Committee.
- (f) The City Council shall submit the approved School Budget for a budget validation referendum and the School Committee shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format in accordance with those provisions outlined in MRSA 20-A.
- (g) Budgetary development addresses not only the next fiscal year, but is also part of a strategic, long-range process and is viewed in that context.
- (h) The City Council and the School Committee will cooperate in the development of a strategic, integrated, long-range plan which will involve the whole community.
- (i) Broad-based, strategic, long-range community planning is vital to the process.

**II. The Superintendent and the City Administrator**

- (a) There will be meetings on a regular basis throughout the year.

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- (b) Each will share budget information with as much detail as available at appropriate stages in the budgetary development process. Special emphasis will be given to sharing relevant factual information about personnel, program development, facilities support and strategic development.

### **III. City Council and School Committee**

- (a) The City Council and the School Committee agree to meet jointly prior to the budgetary season to discuss visions, goals and objectives for the coming year.
- (b) Each will share budget information with as much detail as available at appropriate stages in the budgetary development process. Special emphasis will be given to sharing relevant factual information about personnel, program development, facilities support and strategic development.
- (c) The City Council and the School Committee will have a regular agenda item at its meetings, "Report from the (City Council/School Committee). This will be facilitated by the City Council representative to the School Committee, thereby enhancing that role in the collaborative process.

#### **Sec. 9. Travel by Council Members**

Any member of the City Council who will not be serving an additional term in office shall refrain from out-of-state travel, in an official capacity, following the November Municipal Election.

#### **Sec. 10. Action by Councilors**

A majority vote of the City Council or approval by the council president, or Mayor in the absence of the council president, is required in order for an individual Councilor to obtain an opinion from the City Attorney.

#### **Sec. 11. Suspension of rules**

Any of the foregoing rules may be suspended, amended or repealed providing a majority of the members of the Council vote therefore.

#### **Sec. 12. Institutional Cooperation**

It is the policy of the City to work in close cooperation with the Council and staff of the City of Auburn and to continue to explore ways Lewiston and Auburn can work together to promote economic growth in the L/A region, reduce municipal operating and capital costs, and improve service to the public. To encourage such efforts, periodic joint meetings may be held between the City Councils. In addition, the City Administrator should make every effort to meet at least quarterly with the City Manager of Auburn to discuss issues of mutual concern and explore areas of further cooperation

#### **Sec. 13. Workshops**

- (a) Workshop meetings shall be held when deemed appropriate and necessary.
- (b) Workshop meetings should be focused on the Councils' formulation of policy based upon general topic discussions of current issues or project orientated.

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- (c) Citizens are welcome, and highly encouraged, to attend and participate in workshops, however, discussion maybe limited by the Mayor, if deemed appropriate.

### **Sec. 14. Rules of Decorum**

The City Council will practice civility and decorum in discussion and debate. Each member of the Council shall cooperate with the Mayor or Council President when presiding (hereafter the Presiding Officer) in preserving order and decorum and no member shall, by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disturb any member while speaking, or fail to abide by the orders of the Presiding Officer except as specifically permitted by these Rules or Roberts Rules of Order.

- (a) Subject to being overruled by a majority vote of the members, which vote shall be taken without debate or comment, the Presiding Officer shall maintain order and preserve the decorum of the meeting.
- (b) Every member of the Council desiring to speak shall seek recognition from the Presiding Officer and, upon recognition, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities, and direct comments to the Presiding Officer unless otherwise granted permission.
- (c) A member of the Council, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order. If a member of the Council, while speaking, is called to order, that person shall cease speaking until the question of order is determined.
- (d) When two or more members request the floor at the same time, the presiding officer shall name the one entitled to the floor.
- (e) After receiving permission from the Chair, any member may address a question to any other member.
- (f) All Councilors shall be provided the opportunity to speak and agree or disagree, but no Councilor shall speak twice on any given subject unless all other Councilors have been given the opportunity to speak.
- (g) No Councilor shall engage in private conversation while in the Council Chamber in such a manner as to interrupt the proceedings of the Council.
- (h) If considered necessary because of grave disorder, the Presiding Officer may adjourn or suspend the meeting for a specified time.

### **Sec. 15. Rules and Procedures Governing Public Comment Periods**

City Council meetings are conducted to carry on the official business of the City of Lewiston. All meetings of the City Council, except Executive Sessions, are open to the public. The public is cordially invited to attend all City Council meetings, and to participate in them consistent with the provisions of this policy and with the exception of Council workshops, which are primarily intended for the Council and staff to review and discuss items prior to their appearance on a regular City Council meeting.

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The intent of this policy is to allow a fair and adequate opportunity for the public to be heard, to express opinions and concerns related to the business of the City, and to provide adequate time for the City Council to obtain information and opinions on subjects before it while ensuring that the time allowed for public input does not interfere with the addressing the scheduled agenda.

To carry out these purposes, the following rules and procedures shall govern the public comment period at all Lewiston city council meetings:

### **General Public Comment**

A public comment period shall be conducted near the beginning of all regular City Council meetings, at which time Lewiston residents will have the opportunity to be heard on matters directly relating to City business that ARE NOT included on the regular agenda. Individuals addressing the Council during the public comment period will limit their comments to (3) three minutes. Up to fifteen (15) minutes will be allocated for general public comment periods. If the general public comment period exceeds 15 minutes, the public comment period will be suspended by the Presiding Officer to allow the Council to conduct its business and out of courtesy for those attending the meeting for a specific agenda item. The Council will not engage in dialogue with the public during this time. Questions posed during the public comment period will be followed up upon after the meeting. Individuals requesting further information should leave their contact information with the City Administrator.

A general public comment period will not be conducted at workshops, emergency meetings, or special meetings of the City Council.

### **Addressing Specific Agenda Items**

In addition, public comments will be allowed during the meeting on those items requiring a public hearing and on other items appearing on the agenda. These comments should be DIRECTLY related to the specific agenda item being addressed. Public comments will not be taken during workshops unless a request is made to the Presiding Officer by an individual Councilor.

### **Rules Governing Public Comment Periods**

1. Since meetings are broadcast and recorded, persons wishing to speak must use the public podium located to the left side of the audience, and speakers must preface their comments by giving their full name and address.
2. Comments must be limited to issues or concerns DIRECTLY related to Lewiston municipal government. Public comment on matters not related to the City business will not be allowed, so as to make sure that all meetings are carried out in a productive and efficient time and in keeping with the interests of all who attend and participate in a Council meeting.
3. Per state law, found in Title 1, Section 408, complaints or charges from the public about an individual employee will not be permitted. We encourage you to address such comments by directly contacting the City Administrator or City Attorney for their immediate follow-up and review.

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4. Comments related to the following will be ruled out of order by the Presiding Officer:
  - a. Specific situations that are in litigation, including those in which the City is a party (issues of a criminal or legal nature should be addressed with the Lewiston Police Department or other criminal justice agency) Individual employees and/or employee groups will not be permitted to discuss matters for which complaint or grievance procedures are provided;
  - b. Personal disputes between the speaker and other private residents not germane to City business; or
  - c. Support for or opposition to any candidate for political office.
5. Individuals will be restricted to speaking once during the general public comment period and once per public comment period for each specific agenda item.
6. Individuals addressing the Council shall direct their remarks exclusively to the Presiding Officer. No person other than the elected officials and the individual at the podium shall be permitted to enter into any discussion, either directly or through members of the Council. The public comment period is an opportunity for residents to express their views on matters relating to City business.
7. As a limited designated public forum, the City Council does not have the right to prohibit disparaging, rude and other remarks of a personal nature. But, because of the potential implications, including personal liability of the speakers, we encourage any speakers to strive to be accurate in their statements and avoid making personal, rude, or provocative remarks.
8. All statements should respect the dignity and seriousness of the proceeding.
9. 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, except for those instances that are listed on the Council Agenda under Public Recognition where the Mayor or a City Councilor are formally recognizing and individual or group for their accomplishments.

### **Failure To Follow Guidelines**

The Presiding Officer will limit commentary that is determined not to be germane to City business or the topic at hand, or which violates any of the guidelines listed above. The Presiding Officer will direct any individual not operating in accord with these guidelines to cease such action or risk being asked to be seated or removed. If such conduct continues, the Presiding Officer will call a recess, request the removal of such person(s) from the Chambers, adjourn the meeting, or take other such appropriate action. Repeated violations by any individual will result in the Presiding Officer revoking that individual's right to speak at future meetings. Should the Presiding Officer fail to take action, any Councilor may move that the Presiding Officer enforce the rules and guidelines and, if denied, request that the Council vote on the motion.