

RULES GOVERNING THE CITY COUNCIL FOR PERIOD 1/04/2022 - 1/09/2024

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 2.11 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. No elected official initiated agenda items will be accepted after the deadline unless an emergency shall exist. In this case an emergency shall be defined as any business, which, if not addressed immediately, will cause irreparable harm to the city.

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- (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.
- (c) Any agenda item directly related to the ward of an individual councilor will be allowed to be moved by that councilor prior to deliberation if that councilor so desires.

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. Conflict of Interest

- (a) Deliberation and vote prohibited. No municipal officer shall participate in the deliberation or vote, or otherwise take part in the decision making process, on any agenda item before the council in which the official or an immediate family member has a financial or special interest, other than an interest held by the public generally. For purposes of this Section, immediate family members shall include: spouse, children, parents, siblings, including step, half, and in-law relations, and domestic partners.
- (b) Disclosure of conflict. Any Municipal Officer who believes that the Officer or an immediate family member has a financial or special interest, other than an interest held by the public generally, in any agenda item before the City Council shall disclose the nature and extent of such interest, and the City Clerk or designee shall make a record of such

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disclosure. Such disclosure shall be made no later than the date of the first meeting of the City Council at which the agenda item concerned is to be taken up for consideration, recommendation, discussion or vote and at which the Municipal Officer is present. Additionally, any Municipal Officer who believes that any fellow Municipal Officer, or a member of such fellow Officer's immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before the City Council, shall disclose the nature and extent of such interest, and the City Clerk or designee shall make a record of such disclosure.

- (c) Determination of conflict. Once the issue of conflict has been raised relative to an individual Municipal Official and disclosure has been made as provided above, such individual's fellow Municipal Officials shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each Municipal Official present shall be entitled to vote on all conflict questions except those questions pertaining to that individual Municipal Official's alleged conflict of interest.
 - (1) All votes of conflict of interest questions shall be recorded. A majority vote shall determine the question.
 - (2) Upon determination that a conflict of interest in fact exists, the Municipal Official concerned shall be excused from participating in discussion, deliberation or vote on the relevant agenda item.
 - (3) In lieu of the vote required by this subsection, the City Council, upon motion and by majority vote, may refer the conflict of interest question to the City Attorney for an advisory opinion and/or may table its consideration of the relevant agenda item. In the event that a majority of the City Council shall require disclosure of further information not immediately available or shall require confirmation of the information disclosed, consideration of the relevant agenda item shall be postponed to an appropriate time.
- (d) Avoidance of appearance of conflict. To avoid the appearance of a violation of this section, once any individual Municipal Official is determined to have a conflict of interest in respect to any agenda item and once all conflict of interest questions relating to the agenda item concerned have been determined as provided in (c) above, said

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individual shall immediately remove from the dais and take a seat in the audience or leave the meeting room. The Official shall not return to the regular seat as a member of the body until deliberation and action on the item is completed. If the item has not been finally resolved when the conflict of interest is first determined, said individual shall not participate in any subsequent discussion or action on this item until a final resolution has been reached as to the Officials conflict of interest. Nothing herein shall require an individual Official to refrain from acting on a motion to approve a consent agenda on which there is no deliberation, the individual's conflict has been determined by the other members, and the right to abstain from voting on the item has been granted.

- (e) Personal interest. Nothing herein shall be construed to prohibit any Municipal Official from representing that Officials own personal interest by appearing before the City Council on any such agenda item.

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.
- (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 MRS 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 MRS 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

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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.
- (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.

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Sec. 10. Action by Councilors Regarding Legal Services

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.

The City Council does hereby grant authority to the City Administrator to confer with and seek opinion from the City Attorney. City staff may only seek an opinion with approval of the City Administrator.

All opinions obtained from the City Attorney are protected by Attorney-Client Privilege, are not considered to be public record, and may not be released without authorization from a majority of the City Council.

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.
- (c) Citizens are welcome, and highly encouraged, to attend workshops. However, these sessions are primarily designed for the Council to discuss and explore items with each other. As such, public comments may be restricted by the Mayor. When members of the public are interested in commenting on workshop items, a request to do so should be made in advance or at the beginning of discussion of the item. City staff may also request that items be opened for public comment when such comment may be useful in refining or improving the item when it is presented to the Council for action at a regular meeting.
- (d) When a workshop item involves the work of or a recommendation from a City Board, Commission, or Committee, representatives of those groups, when speaking for or representing their work, will be allowed to participate and not be subject to the time limit imposed on the general public.

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

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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. Elected officials and city staff shall always be addressed by title and name or title and not by casual name or nickname reference, for instance: Councilor Smith or the Councilor of Ward X, Administrator Smith, Director Smith, etc.
- (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) Councilors are not permitted to use cell phones or tablets during City Council meetings except in the case of an emergency. The cell phones and tablets of Councilors and the Mayor should be turned off during City Council meetings unless the Councilor/Mayor has obtained approval from the Mayor/City Council President in the case of the Mayor before the meeting. Councilors and the Mayor may use City-supplied laptops to review electronically any documents that have previously been submitted for review and available to the public, including the agenda and the documents attached to the agenda. The Councilors and Mayor may not view any documents not otherwise made available to the public and shall not use the City-supplied laptop for emailing.
- (i) If considered necessary because of grave disorder, the Presiding Officer may adjourn or suspend the meeting for a specified time. Such action may be overruled by a minimum of five votes of the council.

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.

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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. See section 13 above.

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 or taxpayers 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, the City Administrator, or a Department Director.

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.

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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.
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 unless requested by the Presiding Officer to offer additional comments during the meeting.
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

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Presiding Officer enforce the rules and guidelines and, if denied, request that the Council vote on the motion.

Sec. 16. Confidentiality

- (a) Confidential information, as used in subsection (b) below, includes but is not limited to statements made by individuals participating in executive sessions, documents prepared specifically for an executive session, and information in any form that is within one or more of the exceptions to the definition of “public record” in Maine’s Freedom of Access Act, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.
- (b) Councilors (for purpose of this Section 16 only the reference to Councilors or Councilor shall include the Mayor as well) shall not discuss the confidential information of the City or the City Council at home, at work, online, in public spaces, or in any other location. The place for such discussion is in executive session. Councilors shall not intentionally disclose or discuss confidential information or materials held or distributed in executive session with any person not otherwise authorized or privileged to receive that information, including representatives of the media.
- (c) Any Councilor who is found to have violated this rule, after a decision by the City Council (without the vote of the Councilor) and after the Councilor has had an opportunity to present information as to the claimed violation, may be disciplined by reprimand or censure. The term reprimand means a decision by the City Council that the Councilor has violated the rules. The term “censure” means the recitation of a censure resolution by the Mayor (in the case of a City Councilor) or City Council President (in the case of the Mayor) of the nature of the violation of the rules. In any proceeding, the “affected Councilor” may seek discussion in executive session and/or in a public session and shall have the opportunity to introduce witnesses.