

CITY OF SANFORD



CITY COUNCIL RULES AND ORDER OF BUSINESS

Adopted By the City Council under Authority of Section 213 of the Charter

Effective: January 4, 2005

Amended: January 17, 2006

Amended: February 7, 2006

Amended: February 3, 2009

Amended: January 19, 2010

Amended: January 17, 2012

Amended: January 8, 2013

Amended: January 6, 2015

Amended: January 21, 2020

Amended: January 19, 2021

Amended: June 15, 2021

Amended: July 20, 2021

Amended: August 3, 2021

Section 1. Preface

City Council decisions must not take place in an ad hoc fashion but must be made by the Council as a whole at public meetings and workshops.

Section 2. Regular Meeting

For the purposes of this document, a Regular meeting of the city Council shall be defined as any meeting, whether a workshop or a televised business meeting, open to the General Public. Regular meetings of the City Council shall be conducted on Tuesday at least once every two weeks and shall commence no later than 7:00 o'clock p.m. Eastern Time. Starting March 1, 2006, televised business meetings of the City Council shall be scheduled no less than 30 days in advance of the meeting date. Unless otherwise voted by the Council, Business meetings shall be conducted in the room known as "the Third Floor Annex Chambers" of the Sanford City Hall and workshops shall, at the discretion of the Mayor, be conducted either in the "Third Floor Annex Chambers" or in the "Third Floor Conference Room" of the Sanford City Hall

Regular City Council Meetings will adjourn at no later than 9:00 o'clock p.m., Eastern Time- unless extended by unanimous vote of the City Council.

Section 3. Special Meetings

Special Meetings may be called by the Mayor, and in case of the Mayor's absence, disability or refusal, may be called by written signature, fax, or e-mail or voice confirmation of four (4) members of the City Council. Notice of such meeting shall be served in person or delivered to the residence of each member of the City Council at least twenty-four (24) hours before the time for holding said special meeting, unless all members sign a waiver of said notice. Such

a notice mailed to each council member and postmarked in Sanford at least three (3) mail delivery days preceding the date of such special meeting shall meet the requirements for delivery to the Councilors' residences. The call for said special meeting shall set forth the matters to be acted upon at said meeting, the time and place of such meeting, along with the names of the Councilors calling for the meeting. No business shall be transacted at this meeting except as stated in the notice and nothing else shall be voted upon at such special meeting. Notice of all special meetings shall be given in compliance with the Freedom of Access Law; T.1, Section 406; M.R.S.A.

Section 4. Workshop

The Mayor may call a workshop session of the City Council to discuss any matter. No binding vote shall be taken on any matter under discussion, but a non-binding vote on any matter under discussion may be taken. Public Participation at a workshop shall be at the discretion of the Mayor.

Section 5. Executive Sessions

Executive Sessions may be scheduled by the Mayor or called by a vote of 3/5 of the City Councilors at a Regular Meeting. All Executive Sessions shall be held in accordance with M.S.R.S. § 405(1)-(5) for purposes described under M.S.R.S. § 405(6).

Section 6. Multi-Media Presentation of City Council meetings/Workshops and/or Related Meetings

All regular City Council meetings shall be multi-media format to include live broadcast on the public access channel/s, live streamed over the internet, and shall incorporate a videotelephony platform allowing public participation by remote connection, following rules of conduct laid out in Section 6-A and Section 6-B, remote participation in public meetings and public proceedings. A recorded version of live broadcast shall be rebroadcast on the public access channel/s and preserved and made available via internet streaming.

Pursuant to the recent recommendations of the U.S. CDC and adoption by the State of Maine CDC, the City Council shall follow the recommendations for the conduct of meetings indoors in the public space. For the duration of the COVID-19 Pandemic and in consideration of the SARS-CoV-2 variant and related hyper levels of transmission, all public and elected or appointed officials present in person at the public proceeding shall wear a face covering indoors under the following directions;

1. For meeting dates when the U.S. CDC Community Transmission levels for SARS-CoV-2 are "Low" or "Moderate" for York County, all unvaccinated attendees must wear a face covering for the duration present at the public proceeding or indoors within the public space.
2. For meeting dates when the U.S. CDC Community Transmission levels for SARS-CoV-2 are "Substantial" or "High" for York County, all attendees must wear a face covering for the duration present at the public proceedings or indoors within the public space.

Failure to televise or record any meeting shall not affect the validity of actions taken at the meeting. All other City Council meetings or workshops may be televised at the discretion of the Mayor, after discussion with the Council, but will incorporate a videotelephony platform for public participation, pursuant to 1 MRSA §403.

Section 6-A. Rules for Virtual Public Meetings and Workshops

The following City of Sanford rules for hosting Virtual Public Meetings, subject to the restrictions in Section 6-B, shall apply to all Boards and Committees established by the City of Sanford Charter and/or by the City Council.

Posting

All Boards and Committees shall include the Meeting ID (zoom or other) and Password on the official Agenda posted for Public Meetings and Workshops. Attending a Public Meeting or Workshop should not require members of the Public to call in for this information.

Board and Committee Member Requirements

- All Members of Boards and Committees must identify themselves as such for the virtual meeting. (E.g. Jane Smith, Zoning Board).
- All Members of Boards and Committees must remain visible on camera to the Public who are attending the meeting.
- All Members of Boards and Committees must be muted when not speaking or voting.

Staff Requirements

- All Staff must identify themselves with their position and/or title as well as their name for the zoom meeting.
- All Lead Staff must always be visible on camera to the Public who are attending the meeting.
- Secondary Staff must be visible on camera to the Public attending the meeting when an agenda item involving them is being presented to the Board and Committee members.
- All Staff must be muted when not speaking.

Presentation of Material

During discussion, materials that are being used as part of the discussion should be visible to all virtual meeting attendees.

Public Attendees

The City of Sanford offers multiple ways to watch and participate in virtual public meetings:

- Watch and/or participate in the meeting directly in Zoom, or similar platform, by joining the meeting as an attendee. To join a Zoom meeting, follow the link on the meeting agenda.
- Dial in to the meeting with your phone. This method will also allow you to participate in public comment opportunities. The toll-free dial-in numbers for each meeting will be posted prior to each meeting on the meeting agenda.
- Watch the broadcast on WSSR, local channel 26 or view the live stream of the meeting. These broadcast methods will NOT allow viewers to participate in the meeting. Do not try to simultaneously watch the broadcast and participate via Zoom as there will be a delay.

Public Comment

Attendees will have the opportunity to speak during public comment periods. During public comment, those wishing to comment will be asked to use the “raise your hand” function to speak. This can be done by clicking on the “raise your hand” option located at the center of the control bar at the bottom of the screen, or by Dialing *9 to "raise your hand" if connecting by phone. The Chair of the meeting will acknowledge each attendee raising their hand in turn. When acknowledged, the attendee must unmute their microphone. At that point, as in regular public meetings, the attendee should state their name and address prior to asking a question or making a comment. When finished speaking, they should mute their microphone until they utilize the “raise your hand” function again.

Public comments may also be submitted in advance of the meeting via email using the form on the City of Sanford website.

Executive Session

To ensure privacy during Executive Session, the following procedures will be followed:

- A separate, private Zoom meeting for Executive Session will be created.
- Once a motion to move to Executive Session is approved in the public Zoom meeting, participants in Executive Session will exit the public meeting.
- Staying in the Zoom app, participants in Executive Session will then join the private meeting created for executive session.
- Executive Session is done securely in private.
- Once Executive Session is complete, participants will leave the private Zoom meeting and re-join the public meeting using their panelist join-link for any potential report from Executive Session and adjournment in front of the public.

Section 6-B. Remote participation in public meetings and public proceedings.

Pursuant to 1 M.R.S.A. § 403-B, public bodies established in the City of Sanford Charter and by the City Council including the Budget Committee, Planning Board, Zoning Board of Appeals, Board of Assessment Review, Housing Authority, and Board of Education may hold public meetings using remote methods under the following limitations:

- A. Remote methods means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Remote participation may not be by text-only means such as email, text messages, or chat.
- B. Notice for remote participation in public meetings and public proceedings shall be made in the same manner as other public meeting notices in accordance with 1 M.R.S. § 406, City Charter, City Code, and a body’s bylaws, and must indicate the method by which the meeting may be joined using remote methods.
- C. All documents and materials considered by the body must be made available to the public who attend remotely, to the same extent they are made available to members of the public who attend in person.
- D. Remote public proceedings.

- a. Members of bodies must be present at the location indicated in the public notice for public proceedings except in the following circumstances:
 - (1) The existence of an emergency or urgent issue that requires the public body to meet solely by remote methods;
 - (2) Illness, other physical condition or temporary absence from the jurisdiction that causes a member of the body to face significant difficulties traveling to and attending in person at the location in the notice under 1 M.R.S. § 406, Public Notice.
- b. A body may not determine that public attendance at a public proceeding will be limited solely to remote methods except when there is the existence of an emergency or urgent issue that requires the public body to meet solely by remote methods.
 - (1) Existence of an emergency is hereby defined as linked to, but shall not be limited to, the U.S. CDC U.S. CDC Community Transmission levels for SARS-CoV-2 Rates as mapped by County Level if reaching “Substantial” or “High” for York County, Maine. At such times the public proceedings will revert to remote methods only in conformance with this Policy.
 - (2) Community Transmission rates as established as “Moderate” or “Low” for York County, Maine shall not be considered an emergency for this section.
 - (3) All work sessions of the Council subcommittees shall remain by remote methods only, posted and made available to the public by remote means, for the duration of the U.S. CDC Community Transmission levels for SARS-CoV-2 for York County, Maine for any level except “Low.”
- c. Members of a body using remote methods will be considered present for purposes of quorum and voting.
- d. In all public proceedings using remote methods, voting shall be by roll call that can be seen and heard if using video technology, and heard if using only audio technology, by other members of the body and those in attendance.
- e. A member who will be participating by remote methods shall notify the Chair as far in advance as possible.

Pursuant to 1 M.R.S.A. § 403-B, and after public notice and hearing, this policy has been adopted on July 20, 2021 and amended August 3, 2021.

Section 7. Quorum

As per Article II, Section 211, of the City of Sanford Charter, a majority of the City Council 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 an adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken. Every ordinance, order, and resolve shall require on final passage the affirmative vote of four (4) members of the City Council.

Section 8. Agendas

The City Council shall take up items, which appear on its agenda in the following order, unless a majority of those councilors present and voting vote to take an item out of order:

- (1) Call to order by the Mayor
- (2) Pledge of Allegiance
- (3) Moment of Silence
- (4) Roll Call
- (5) Acceptance of the Minutes
- (6) Mayor's Report
- (7) City Council Sub-committee Reports. (items not on the agenda)
- (8) City Managers Report
- (9) Communications/Presentations
- (10) Public Participation
- (11) Public Hearings
- (12) Consent Agenda
- (13) Old Business: (Ordinances, orders or resolves not reached on the agenda of the previous meeting, including items tabled and second readings).
- (14) New Business: (Ordinances and Orders)
- (15) Council Member Comments
- (16) Future Agenda Items
- (17) Adjournment.

When appropriate and in compliance with the Freedom of Access Law, 1 M.R.S.A. § 405, the Council may conduct any agenda item in executive session.

Public participation under Item 10 above shall be subject to Rule 38 of these rules and shall be limited to matters that are lawful and appropriate for public discussion. Any person wishing to speak during the public participation segment of the agenda must first notify the City Manager of the person's wish to speak and the matter or matters upon which the person wishes to speak. No action will be taken on items presented during "Public Participation." A person is not required to speak during the public participation segment of the agenda if the person wishes to speak to a particular agenda item, but may wait to be recognized to speak at the appropriate time.

Council member comments under item 15 above shall be limited to a maximum of 5 minutes per Council Member.

All council actions on licenses shall be placed as a "consent agenda" item and shall be approved with the declaration of unanimous consent by the Mayor. Any one councilor may object to the consent agenda and may ask for any or all items on the consent agenda to be tabled approved or disapproved by vote of the entire council. All staff comments or concerns shall be made known to the Council before said approval of unanimous consent agenda.

Section 9. Enactment Form

The City Council shall act only by ordinance, order or resolve. Final passage of any item shall require four (4) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders and resolves shall be confined to one subject, which shall

be clearly expressed in the title.

Section 10. Ordinance, Order and Resolve Reading

Every ordinance, order or resolve shall be read by title only unless the Council votes to have it read in full.

Section 11. Reading on Two Separate Days; Waiver

No ordinance, except for an emergency ordinance enacted according to section 214.1 of the Charter, shall be passed until it has been read on two separate days. The first reading shall include a Public Hearing. The second reading shall follow the first by no less than fourteen days (Article II, Section 214 of the City Charter).

Section 12. Yeas and Nays Taken

The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the City Council by the City Clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the City Council. Every ordinance, order and resolve shall require, on passage, the affirmative vote of four (4) members of the City Council, except for emergency ordinances enacted according to section 214.1 of the Charter, which require five (5) affirmative votes.

Section 13. Tie Votes

Tie Votes on any motion means that there has been no action taken on the motion.

Section 14. Tabled Agenda Items

Tabled items will be taken up under Old Business at the next regular meeting of the Council unless the Council has voted to postpone the matter to a later date certain.

Section 15. Ordinance Take Effect

After receiving final passage by the City Council, an ordinance shall take effect as described in Article II, Section 214, of the City Charter or at a later date specified within the ordinance.

Section 16. Order, Resolve Take Effect

All orders or resolves shall take effect upon passage.

Section 17. Emergency Ordinances

In accordance with Section 214.1 of the Sanford City Charter, the City Council may, by vote of five (5) 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 City Council shall be conclusive.

Section 18. Item for Meetings

1. 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 Manager on or before noon on the Tuesday prior to the regular meeting held on the following Tuesday and before noon seven days prior to the day of any other special meeting.

2. All agenda items must be approved by the Mayor for inclusion on the agenda. The Mayor may, in consultation with the City Manager, use his/her discretion in placing and scheduling items for the agenda, provided the Mayor may not unreasonably delay placing items on the agenda requested by other Councilors. All Councilors may suggest items for future agendas during regular meetings at the time designated for that purpose.
3. Agenda items shall not be removed from the agenda after the agenda has been published.
4. New items may be placed on the agenda at a Regular City Council meeting if all of the Council members present vote unanimously to take action on the item, and subject to any specific notice requirements provided by law or this Charter for the taking of the proposed action.
5. Items placed on the agenda without necessary written background information may be tabled by a majority vote of the Council.

Section 19. Mayor to be Presiding Officer

The Mayor 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, and proceed to business.

Section 20. Role of Deputy Mayor

The Deputy Mayor will serve in the absence or disability of the Mayor and perform any duties as designated by the Mayor.

Section 21. Preserve Order

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

Section 22. 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 Mayor according to Rule 12;
- (c) The issue shall be explained by the City Manager, or his/her designee;
- (d) A motion shall be made and seconded prior to Council debate;
- (e) The issue shall be discussed by the Council, and
- (f) The item shall be opened for germane public input.

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.

Section 23. Debate

When a question is under debate, the Mayor shall receive no motion but to:

- (1) recess the meeting
- (2) lay on the table
- (3) for the previous question
- (4) postpone to a day certain
- (5) refer to a committee or some administrative official
- (6) amend
- (7) postpone indefinitely

which several motions shall be precedence in the order in which they stand arranged.

Section 24. Motion to Adjourn, Recess

The Mayor shall not entertain a motion to adjourn the meeting if there remains unfinished business, but may at any time entertain a motion to recess the meeting to a date, time, and place certain. A motion to recess the meeting is subject to debate. A motion to adjourn and the motion to lay on the table, or to take from the table, shall be decided without debate.

Section 25. Reconsideration

When a vote is passed, it shall be in order for any member who voted in the majority, to move a reconsideration thereof at the same, or the next regular 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 regular meeting unless an item to that effect is contained on the agenda for such next regular or unless five (5) of the members present consent to such reconsideration.

Section 26 Motion for Previous Question

Upon the motion for the previous question being made and seconded, the Mayor shall put the question in the following form: "Voting is now on whether there shall be further debate on (state the motion)." All debate shall then be suspended. If the motion for the previous question is adopted by a two-thirds majority of the Councilors present, the motion to which it applied shall be voted on at once without further debate.

Section 27. Not to be Debated or Amended

No debate shall be allowed on a motion for the previous 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 chair or not.

Section 28. Manner of Speaking

When a member is about to speak, said member shall respectfully address the Mayor, confine comments to the question under debate, and avoid personal statements about other Councilors, City officials or employees, or others. All questions and answers will be directed through the Mayor.

Section 29. Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

Section 30. Breach of Rules

When any member shall be guilty of a breach of any of these Rules, said member may, on motion, be admonished or censured or may be required to make satisfaction therefore by taking such action or refraining from such conduct as may be stated in the motion, and shall not be allowed to vote or speak except by way of apology or excuse, until such satisfaction has been made.

Section 31. No member to 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.

Section 32. Disclosure of Interest

As per Article XIV, Section 1409, of the City of Sanford Charter, Disclosure of Interest is determined as follows:

- A. 1409.1 Financial Interest: A City Official, Budget Committee Member, or employee who has a financial interest in a contract with the City or in the sale, purchase or lease of any land, material, supplies or services to or from the City, shall disclose the interest and abstain from negotiating, voting upon or otherwise participating in decisions involving such contract, sale, purchase or lease, unless the contract, lease or sale is awarded through a competitive bidding process. Similarly, a City Official or Budget Committee Member who has a financial interest in any matter before the body, committee, subcommittee or commission of which they are a member, shall disclose the interest and abstain from voting on any matter involving the interest. A copy of the disclosure and the abstention shall be recorded with the City Clerk. A City Official, Budget Committee Member, or employee has a "financial interest" within the meaning of this section if the Official, Member or employee owns at least a ten percent interest in the business or economic entity or ten percent or more of the stock of the corporation involved in the pending transaction or matter.
- B. 1409.2 Relationship: A City Official is disqualified in any quasi-judicial matter before the body, committee, subcommittee or commission of which the Official is a member, if the Official is related to any of the parties to within the sixth degree (second cousin). The City Official shall disclose the interest and abstain from voting unless all parties waive the disqualification in writing.
- C. 1409.3 Appearance of Conflict: A City Official or Budget Committee Member shall avoid the appearance of a conflict of interest, whether there is a technical conflict or not, by disclosure of the facts underlying the potential conflict and, where appropriate, by abstaining from voting on the matter. If, after disclosure, the City Official or Budget Committee Member believes the interest will affect the Official's or Member's ability to make a fair and impartial decision faithful to the public interest, the City Official shall abstain from voting.

- D. 1409.4 Participation: An abstaining City Official or Budget Committee Member may but need not remain in the meeting room during debate or votes on that issue. An abstaining City Official or Budget Committee Member who wishes to be heard on a matter may join other members of the public and speak as a member of the public during that portion of the meeting when the public is being heard. In no case shall an abstaining City Official or Budget Committee Member participate in discussions or deliberations or otherwise act in an official capacity in the matter as to which the City Official or Budget Committee Member has abstained.
- E. 1409.5 Judgment of Qualifications: If there is any doubt as to whether a City Official or Budget Committee Member has a conflict of interest in any matter, the Mayor shall determine the qualification of the challenged member. The decision of the City Board, Committee or Commission shall be final.

Section 33. E-Mails & Other electronic communication

E- mails, text messages, and other electronic communication exchanged between City Councilors, and/or between City Councilors and City Staff, and/or between City Councilors and City Committee or Board Members, shall be restricted to notifications and/or to general information. At no time should City Councilors participate in e-mail, social media, text messages and other electronic communication debates among themselves on policy issues, as such debates and deliberations should only occur at meetings posted in accordance with Maine State Law and/or the Freedom of Access Law.

The City recognizes that social media can be a valuable way to communicate with members of the community and relay important information. Social media includes websites such as Facebook, Twitter, Instagram, LinkedIn; blogs, and/or any other website where one posts or communicates information in a public or quasi-public Internet forum.

Official City Social Media Presence. The City has its own social media presence and only certain, designated persons are permitted to create and/or maintain the City's social media profiles. Any and all content created for or on the City's social media accounts and systems, and the accounts themselves, are property of the City. The City, under the authority of the City Manager and his/her designee, has ultimate discretion over the content posted on its social media accounts and may remove or alter content at any time. This policy also applies to the City's website and electronic systems.

Elected Officials. Elected City officials are not prohibited from posting items on the City's social media sites, or any other non-City controlled social media site. However, elected officials act as a body under Maine law. The Council may, as a body, decide to post information on the City's social media sites, but only as a collective and when considered the action of the entire Council.

Individual elected officials should understand that even when they are engaging in off-duty conduct, including use of social media sites, their actions, words and behavior may reflect upon themselves and the City Council. When and if an individual elected official makes any comment on any City-owned social media site, the elected official must make it clear that the comment is made in his or her capacity as an individual, and not on behalf of the City or City Council unless otherwise authorized, such as through delegation by the City Council. If there is any ambiguity with respect to posting on any City-owned social media site, the elected official

should seek prior guidance from the Mayor or the Council as a whole with respect to such posting.

When an elected official makes any comment relating to City business on a non-City owned social media site, the elected official must make it clear through conspicuous disclaimer that any individual opinions or views expressed are those of the individual, and do not express the views of the City or the City Council. Personal sites controlled by the elected official must at all times provide personal, not municipal, contact information.

All other policies apply. The City expects elected officials to comply with all applicable employment policies, including the City's harassment, discrimination, freedom of information, and personnel/confidentiality policies, when using social media related in any way to their elected capacity. Elected officials should refrain from making discriminatory, harassing, threatening, violent, abusive, defamatory, or obscene emails, text messages, and other electronic communication related in any way to their elected capacity, or publicizing any confidential information which he/she may have access to due to his/her position with the City.

Elected Officials' Rights. This policy in no way restricts, or should be construed to restrict or inhibit, an elected officials' right to engage in forms of protected free speech, including political speech, as permitted to the fullest extent of the law, so long as the elected official makes it clear that personal comments are made in his or her individual capacity, and not on behalf of the City or City Council.

To the extent that any dispute arises concerning whether any comments or postings made by any elected official violate these standards, or the City's Code of Conduct applicable to elected officials, such matters may be referred to the City Council for review, which may also seek an opinion from the City's legal counsel in relation to legal authority applicable to any potential disputes. If the City Council determines that any elected official has violated standards applicable to elected officials under the Code of Conduct or Rules of Procedure, the City Council may take any appropriate action authorized under the City's Charter or Council Rules of Procedure and other authority to address such violation.

Section 34. Member Excused from Voting

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 he or she is otherwise prohibited by law from participation or unless the member has been absent or has otherwise not had the opportunity to obtain and review sufficient information on the matter to enable the member to cast a properly informed vote.

- 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 therefore prior to the commencement of deliberations on such item.

Section 35. Motion to be Reduced to Writing

Every motion shall be reduced to writing, if the Mayor shall so direct.

Section 36. Division of Question

Any member may require the division of a question when the sense will admit it.

Section 37. Motion for Referral

A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments to the main question.

Section 38. Priority of Business

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

Section 39. Procedure for Addressing Council

Any person wishing to address the City Council will be given an opportunity to do so in accordance with Rule 8 and the following procedures:

Procedure. No person shall be permitted to address the City Council on an agenda item during the City Council deliberations. Persons wishing to address the City Council on an agenda item shall signify their desire to speak by raising their hands when the Mayor announces consideration of such item by members of the Public. After being recognized to speak by the Mayor, such persons will preface their comments by giving their name. All questions and answers will be directed through the Mayor.

Time Limit. Persons addressing the City Council on an agenda item shall be permitted to speak only once per item and shall limit their remarks to a maximum of three (3) minutes. Persons addressing the City Council during the public comment period at the beginning of the meeting shall limit their remarks to non agenda items and shall limit their remarks to a maximum of five (5) minutes. Persons addressing the City Council during a public hearing shall limit their remarks to a maximum of five (5) minutes and may be allowed to speak more than once at the discretion of the Mayor. It shall always be at the discretion of the Mayor to extend or limit the Time a person may speak when addressing the City Council.

Decorum. Persons present at Council meetings are requested not to applaud or otherwise express approval or disapproval of any statements made or action taken at such meeting. Citizens will strive to be accurate in their statements, avoid personalities, and conduct themselves in the courteous manner expected of all meeting participants. The Mayor may limit or cut off any commentary that is not germane or that is scurrilous, abusive or not in accord with good order and decorum.

Violation. Any person who shall continue to violate these rules, after warning by the Mayor, shall be ejected for the remainder of the meeting then in progress.

Section 40. "Robert's Rules of Order"

In all cases where the parliamentary proceedings are not determined by the foregoing Rules of Order and Procedure, "Robert's Rules of Order" may be referred to for guidance to decide the course of proceedings but the Mayor and City Council will not be bound by said rules.

Section 41. Council Standing Committees, Council Representation on Committees and

Ad Hoc or Temporary Committees

A. Standing Committees. At its first Regular Meeting in January, or as soon thereafter as possible, there shall be chosen the following committees enumerated below (“Standing Committees”), each Standing Committee to consist of such members of the Council as the Mayor may designate and appoint after full discussion by the City Council. Each Standing Committee shall advise the full Council on such matters as are referred to it for review by the City Council, Mayor, or City Manager after consultation with the Mayor. Such Standing Committees shall serve at the pleasure of the Mayor.

All Council Standing Committee meetings having three Councilors or more shall be posted pursuant to (1 M.R.S.A. § 406) within City Hall and on the City’s website. Council Standing Committee meetings will be posted as public meetings and not as a business meeting of the full City Council. No quorum of the City Council can be established at a Council Standing Committee meeting and therefore no voted Council actions may be taken.

The Chairperson of the Council Standing Committee shall open all meetings with the opening statement:

“This is a work session of the “Name of Committee” and not a business meeting of the City Council. The meeting is open to the public but is not a public hearing. The Chairperson shall conduct the work session with the Committee Members and may elect to call upon the public in attendance for either questions or to obtain input and information. All work products will be developed by consensus and forwarded as advisory to the full Council for any matter warranting legislative action by the City Council at a business meeting so posted and assembled.”

The Standing Committees (and a description of functions) are as follows:

- 1) Economic and Community Development Committee
 - a) Review proposals for Economic or Community Development Projects and Grants
 - b) Review proposals for Housing that require City participation.
- 2) Appointments Committee
 - a) Advertise all Committee and Board vacancies and recommend appointments to City Council.
 - b) Review any changes in the status of City Committees including the creation or dissolution of any Committees.
- 3) Zoning and Land Use Committee
 - a) Serve as the City Council representatives on the Contract zone committee.
 - b) Review any proposals to amend the zoning ordinance.
- 4) Municipal Operations and City Property Committee
 - a) Reviews any proposed sale or lease of City owned properties.
 - b) Reviews proposal by the Administration to amend rules and regulations other than Zoning.
 - c) Reviews proposals by the Administration to modify City Services.
- 5) Public Safety Committee
 - a) Reviews issues pertaining to public safety including amendments to rules and regulations pertaining to the Police and Fire Departments

- b) Reviews requests for road closures for events
- 6) Solid Waste Committee
- a) Reviews issues pertaining to solid waste collection and handling including recycling and operation of the transfer station
 - b) Reviews proposed changes to City ordinances pertaining to solid waste

B. Ad Hoc or Temporary Committees. The Mayor may designate and appoint other ad hoc or temporary Committees (“Ad Hoc Committees”) for specific purposes or to review specific issues stated in their appointment by the Mayor or brought forward by other City Councilors or the City Manager. Such Ad Hoc Committees shall serve at the pleasure of the City Council.

C. Designated Committees. City Council representatives on the following Designated Committees and or Boards (“Designated Committees”) shall be designated and appointed by the Mayor after full discussion by the City Council. Such Designated Committees shall serve at the pleasure of the Mayor. The Designated Committees are comprised of the following:

1. Airport Advisory Committee
2. Housing Authority Council Representative
3. Sanford, Shapleigh and Acton Dam Committee

D. Remaining Committees. City Council Representation on any additional committees and/or boards, including sub-committees (“Additional Committees and Sub-Committees”) shall be designated and appointed by the Mayor after full discussion by the City Council. Such Additional Committees and Sub-Committees serve at the pleasure of the Mayor.

E. Removal, Suspension, or Re-designation.

1. As to all Committees that serve at the pleasure of the Mayor, the Mayor may remove, suspend, or re-designate members of such committees after full discussion by the City Council for conflicts real or perceived, violations of Council Rules of Procedure or Conduct. In addition, the Mayor may take such action at the request of a majority of the City Council.

2. As to all Committees that serve at the pleasure of the City Council, the City Council may remove, suspend, or re-designate members of such committees after full discussion by the City Council for conflicts real or perceived, violations of the Council Rules of Procedure or Conduct. In addition, the City Council may take such action at the request of the Mayor.

Section 42. Meeting Minutes

1. Minutes of any Council meeting will not be official until they are accepted and approved by the City Council.
2. All minutes of the City Council will contain the wording of the motion and any amendments as well as the names of the Councilors casting positive and negative votes. Upon request a Councilor’s name may be included with a minority vote along with a statement giving the minority opinion.

Section 43. Procedure for Filling a City Council Vacancy

Should there be a vacancy on the council and should the council determine that it is in the

best interests of the city that the vacancy be filled; the council will proceed as follows:

1. The council will post a notice of the vacancy and publish the notice in a newspaper of general circulation, allowing at least seven (7) days for persons to apply in writing using a form provided by the City or in such other form as the council may accept.
2. The application shall state, among other things, the applicant's qualifications and experience relevant to the position of City councilor.
3. At the close of the application period, the council will review, in Executive Session, all applications received that follow the requirements of this procedure. In addition to reviewing applications and other information the council considers pertinent, the council may at its option interview any candidate or candidates.
4. The Council will endeavor in all cases to appoint the applicant the council judges best qualified to fill the vacant seat(s) that the Council chooses to fill, bearing in mind that in a given case the council may determine that it is not in the best interests of the City to fill a vacant seat. The Council will consider the number of votes received by an applicant who ran for the City Council in an election that took place within four (4) months of the date on which the position became vacant.

Section 44. Suspension of Rules

Any provision of these rules not governed by the Charter or code may be temporarily suspended at any meeting of the City Council by a vote of four or more City Councilors. The vote on the suspension shall be taken by yeas and nays and entered upon the records.

Section 45. To Amend Rules

These Rules of Order and Procedure may be amended, repealed, or replaced or new rules adopted by the affirmative vote of four (4) members of the City Council. An amendment must be submitted in writing at a preceding meeting and shall be placed on the Agenda under the order of new business.

Section 46. City Council Self- Evaluation

The City Council shall conduct an annual self-evaluation, as part of the City Council Goal setting process.

Section 47. Adoption

These Rules shall be reviewed and adopted at the first organizational meeting of the City Council each January, provided that if the Council does not act at said meeting the Rules remain in effect as most recently adopted or amended until the Council acts.