

CITY OF SANFORD



CITY COUNCIL RULES AND ORDER OF BUSINESS

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

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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 10:00 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. Televising City Council meetings/Workshops and/or Related Meetings

All regular City Council meetings shall be televised live and recorded for rebroadcast, if necessary, at a later date, provided that the 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.

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) Acknowledgements
- (10) Public Hearings
- (11) Consent Agenda Approval
- (12) Public Participation
- (13) Communications
- (14) Old Business: Ordinances, orders or resolves not reached on the agenda of the previous meeting, including items tabled and second readings.
- (15) New Business: Ordinances and Orders
- (16) Council Member Comments
- (17) Future Agenda Items
- (18) Summation of meeting by Mayor.
- (19) 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 11 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 16 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 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 if 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 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 on policy issues, said debates should only occur at meetings posted in accordance with Maine State Law and/or the Freedom of Access Law.

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

At its first Regular Meeting in January, or as soon thereafter as possible, there shall be chosen the following committees, each committee to consist of such members of the Council as the Mayor may designate after full discussion by the City Council. Each 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.

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."

- 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.

The Mayor may appoint other ad hoc or temporary 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. Committees shall serve at the pleasure of the City Council.

City Council representatives on the following Committees and or Boards shall be designated by the Mayor after full discussion by the City Council.

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

City Council Representation on any additional committees and/or boards shall be designated by the Mayor after full discussion by the City Council.

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.