

LEWISTON CITY COUNCIL WORKSHOP AGENDA

Tuesday, July 10, 2012

City Council Chambers

6:00 p.m. Workshop

Pledge of Allegiance to the Flag.

Moment of Silence.

WORK SESSION

1. Presentation of Report of the Charter Committee.
2. Discussion of Maine Turnpike Toll Increases.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
JULY 10, 2012
6:00 P.M.

1. Presentation of Report of the Charter Committee

On November 15, 2011, a Charter Review Committee established by the Council and appointed earlier last fall presented a report outlining its proposed charter changes to the City Council. A copy of that report is attached. In order for the charter to be amended, the amendments must be approved by the voters of the City. The next step in the process is for the Council to determine which amendments should be scheduled for a public hearing. Once this has been done, an order providing for notice and hearing on them must be adopted. This should be done at your meeting of July 17th, setting the hearing date for your August 14th meeting. Notice must appear in the newspaper at least 7 days prior to the hearing. Within 7 days after the public hearing, the Council must act on whether to place the amendment on the November ballot. Given this time limit, I would recommend that action be taken immediately following the public hearing. The purpose of the workshop is to review the proposed charter changes to determine whether the Council wishes to proceed with all the amendments as recommended by the Charter Committee. Also attached are Council Orders outlining the amendments by major subject and comments from the School Committee regarding the proposed changes to their section of the charter.

2. Maine Turnpike Toll Increases

The Turnpike Board may take action on the proposed toll increase as early as July 19th. Following the recent public hearing, representatives of Lewiston and Auburn, AVCOG, and LAEGC have been working to further evaluate the option preferred by Turnpike staff and are working toward developing an alternative to present to the Board. It would be appropriate for the Council to consider taking a formal position on the toll increase at its meeting of July 17th given the Turnpike's schedule. We hope to have a draft resolve for your consideration at this workshop.

CHARTER REVIEW COMMITTEE

Aaron Burke

Ron Farris

Anthony Ferguson

Lucien B. Gosselin

Lionel Guay, Jr.

Denis Jean

Paul Robinson

Staff:

Ed Barrett



CHARTER REVIEW COMMITTEE Final Report

November 15, 2011



City of Lewiston

CHARTER REVIEW COMMITTEE



November 15, 2011

Mayor Gilbert and Members of the City Council:

It is our pleasure to present to you the final report of the Charter Review Committee.

The Committee began its work on September 22nd and met weekly through November 3rd. Over that time, the Committee received comments and suggestions from a wide variety of individuals interested in and knowledgeable of Lewiston city government and its history. This included: various members of city staff, the City Attorney, Mayor Gilbert, Council President Morgan, Councilors Jean and Cayer, former City Clerk Gerry Berube, School Superintendent Bill Webster, and retired Maine Supreme Court Justice Robert Clifford, chair of the commission which initially adopted the current charter. The Committee also held a public hearing at which a number of citizens spoke and solicited comments and recommendations through the City's web site.

While we are advancing a number of recommended charter changes, the consensus of the Committee is that the current Charter has served the City well and dramatic structural changes are not required. The majority of proposed changes are designed to clarify issues, eliminate potential confusion, and modernize this document by eliminating unnecessary transitional provisions and achieving gender neutrality.

A few changes are, however, noteworthy. These include:

- A limited expansion of the authority of the mayor to vote, primarily when there is a vacant council position or a councilor is absent;
- Increasing term limits for the mayor from two to three terms;
- Eliminating the prohibition against appointive officers or employees from being eligible candidates for election to city offices;
- Eliminating the two alternate positions on the Planning Board and Board of Appeals through attrition;
- Expanding term limits for the Planning Board and Board of Appeals from five years within a ten year period to two consecutive full five year terms;
- Requiring write-in candidates to register with the city clerk at least 30 days prior to the election;
- Requiring write-in candidates to receive at least as many votes as are required for nomination to the position for which they are running in order to be eligible to be elected to that position;
- Allow for filling any council vacancy resulting from the failure to elect a candidate at a regular election by appointment;

- Filling all school committee vacancies through appointment;
- Adding a provision that would forfeit various offices, including mayor, council, school committee, planning board, and board of appeals as a result of unexcused absences from three consecutive regular meetings.

We would like to express our appreciation to everyone who contributed to the work of the committee.

We stand prepared to provide you with further information on any of the changes we are recommending or to meet with you or your successors to discuss the substance of this report in greater detail.

Sincerely,



Lucien Gosselin
Chair



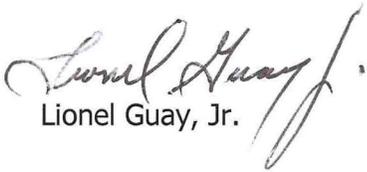
Aaron Burke



Ron Farris



Denis Jean



Lionel Guay, Jr.



Paul Robinson



Anthony Ferguson

EXECUTIVE SUMMARY
PROPOSED CHARTER AMENDMENTS

Article I. Grant of Powers to the City

1. Eliminate current \$1,000 limit on penalties for violating City ordinances.
2. Expand the authority of the Mayor to vote to include when a council vacancy exists, when a councilor is absent, when a counselor has been recused due to a conflict of interest, and where five or more affirmative votes are required by charter or ordinance.

Article II. City Council

1. Increase the allowable consecutive terms for mayor from two to three.
2. Authorize compensation on a per diem basis to councilors appointed to governing bodies of various organization and agencies.
3. Authorize the Council President to make appointments when acting as Mayor and the temporary absence or disability of the Mayor exceeds 45 calendar days.
4. Authorize the Council to elect a temporary presiding officer if both the Mayor and Council Chair are absent from any duly scheduled meeting.
5. Eliminate the current prohibition against anyone holding appointive office or employment with the City from being eligible to be a candidate for city elective office. Retain prohibition upon assuming office.
6. In the event a council vacancy results from a failure to elect a candidate to a position in the regular municipal election, the vacancy would be filled by appointment of an eligible individual by the council.
7. Increase the length of time remaining in a mayoral term during which a replacement would be appointed rather than elected to the position from 9 to 12 months to match the provision for council.
8. Authorize the council to establish an alternative method of notifying members of a special meeting.
9. Authorize the council to act by motion in addition to order, resolve, and ordinance.
10. Eliminate the current requirement that ordinances that repeal or amend other ordinances set out in full the changes as illustrated by underlines for new material and strikeouts for old.
11. Eliminate the requirement that the ordinance adoption procedure begin over in instances of substantive amendment to a proposed ordinance.

Article III. City Administrator

1. Eliminate the requirement for council confirmation for all offices appointed by the city administrator except for the chief financial officer.
2. Authorize the administrator to appoint an acting administrator during absences of 30 days or less.

Article IV. Administrative Organization

1. Eliminate the two alternate positions on the planning board and board of appeals through attrition as the current alternates leave office.

2. Expand the current term limits for the planning board and board of appeals from one five year term within any ten year period to two full five year terms.

Article V. School Administration

1. Special elections for vacancies on the school committee would be eliminated. All vacancies would be filled by the mayor nominating an eligible individual who shall be appointed by the city council.
2. Eliminate provisions found unenforceable by Maine courts including the requirement that the city council approval all collective bargaining agreements and that the school department comply with all personnel policies adopted by the city council.
3. Include language that the school superintendent shall be selected solely on the basis of executive and administrative qualifications.
4. Require the superintendent to be a resident of the city unless otherwise approved by the school committee.
5. Add charter provisions governing school committee meetings, quorum, maintenance of records, and voting procedure.

Article VI. Financial Procedures

1. Eliminate the current reference to the city's fiscal year.
2. Relocate the section on council action on the capital plan to immediately follow the section on the capital program itself.
3. Extend the allowable term for the city's contract with an outside auditor from three to five years.
4. Specifically authorize the issuance of bond anticipation notes.
5. Clarify the public hearing and adoption process for bond issues by requiring notice of public hearing to be published between 7 and 15 days prior to the hearing and that action on the bond order be taken by the council within 60 days of the hearing.
6. Authorize city employees to appeal decisions of the finance committee to the council.
7. Specify that the rules adopted by the finance committee be consistent with policies adopted by the city council.

Article VII. Nominations and Elections.

1. Require write-in candidates to register with the city clerk at least 30 days prior to the election.
2. Require that write-in candidates receive at least the same number of votes as are required for nomination to the position they seek in order to be elected.

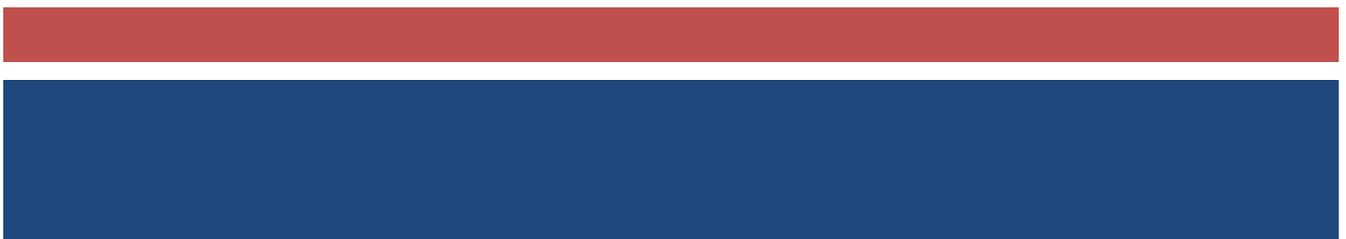
Article VIII. General Provisions

1. Clarify that the terms of elected officials shall begin on the first Monday in January or the following Tuesday if the Monday is a holiday or the day after a holiday. Make a similar change to first meeting dates.
2. Add a provision requiring the mayor to appoint a committee to review the charter in every year ending in 1.

General Changes

1. Eliminate no longer needed transitional language required when charter was originally adopted.
2. Eliminate all specific compensation amounts cited in charter.
3. For Mayor, council, school committee, planning board, board of appeals, and finance committee, clarify forfeiture of office due to crime or offenses involving moral turpitude by amending this language to conviction of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment.
4. For these same positions, add another reason for forfeiture of office: failure to attend three consecutive regular meetings without being excused.
5. Recognize the use of electronic means of communication for purposes of posting certain information, documents, and notices.
6. Eliminate all gender specific language.

Proposed Charter Amendments



CHARTER

ARTICLE I. GRANT OF POWERS TO THE CITY

Sec. 1.01. Corporate existence retained.

The inhabitants of the City of Lewiston shall continue to be a body politic and corporate by the name of the City of Lewiston, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein or otherwise, pertaining to or incumbent upon said city as a municipal corporation or to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations and ordinances for municipal purposes, not inconsistent with the constitution and laws of the State of Maine, and impose penalties for the breach thereof, ~~not exceeding one thousand dollars (\$1,000.00) in any one case~~ to be recovered for such uses as said by-laws, regulations or ordinances shall provide.

Sec. 1.02. Powers and duties.

- (a) The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, except the general management, care, conduct and control of the schools of said city, which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this Charter, shall be and are vested as the mayor and council, all of whom shall be qualified voters of said city, and shall be sworn in the manner hereinafter prescribed.
- (b) The mayor and members of the city council shall be and constitute the municipal officers of the City of Lewiston for all purposes required by statute and, except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers and mayors of cities under the laws of this state. The mayor, when ~~he~~ actings as a municipal officer, shall be entitled to vote ~~only~~ to break a tie, when a council vacancy exists, in the absence of a councilor, when a councilor has been recused due to a conflict of interest, and when five or more affirmative votes are required by this charter or adopted ordinance.
- (c) All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this Charter, except as herein otherwise provided, shall be vested in the mayor and city council.

Sec. 1.03. Construction.

The Charter shall be liberally construed to the end that the city may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the city may assume pursuant to state laws and to the provisions of the state constitution.

Sec. 1.04. Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, quasi-municipal bodies, the State of Maine or any agency thereof, or of the United States or any agency thereof, in accordance with the terms of the Interlocal Cooperation Act and other statutory provisions.

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ARTICLE II. CITY COUNCIL

Sec. 2.01. Composition, eligibility, wards, elections and terms.

- (a) *Composition.* The city council shall consist of a mayor and seven (7) councilors. The mayor shall be nominated and elected by the qualified voters of the entire city. The qualified voters of each of the seven (7) wards of the city shall nominate and elect a councilor who shall be qualified to vote in his ward. Nominations and elections shall be conducted as provided in Article VII.
- (b) *Wards.* For the purpose of all elections, the city shall be divided into seven (7) wards which shall contain, as nearly as possible, the same number of inhabitants. The ward lines, ~~as they exist as of the date of the adoption of this Charter,~~ shall continue until changed by ordinance in accordance with the provisions of the Revised Statutes of Maine, as amended. The city council may, by ordinance, divide the wards into precincts for voting purposes.
- (c) *Elections and terms.* The mayor and the ward councilors shall be elected at each regular election to serve two-year terms. The mayor shall not be eligible to serve for more than ~~twethree~~ (23) full successive terms.

Sec. 2.02. Compensation, expenses.

The mayor ~~shall receive an annual salary of three thousand six hundred dollars (\$3,600.00), payable monthly, and~~ each of the councilors shall receive an annual salary as set by ordinance of one thousand eight hundred dollars (\$1,800.00), payable monthly. ~~The council may also, by ordinance, provide for compensation for elected officials who are appointed by the council, the mayor, or the council president to represent the city on the governing bodies of any joint agency, quasi-governmental organization, or non-profit organization. Such compensation shall be on a per diem basis for any day on which the elected official attends a meeting of such governing body. No ordinance increasing such salaries shall take effect during the term for which the mayor or the councilors were elected.~~ The mayor and members of the council shall receive their actual and necessary expenses incurred in the performance of their duties of office. During the term of office for which they have been elected, neither the mayor nor any councilor shall hold the office of city administrator, acting city administrator or any other office or employment, compensation for which is payable by the city. No former mayor or councilor shall hold employment in any position created during his term or terms of office until one (1) year after the termination of his last term of office. ~~The city council may, by ordinance, establish the amount that the mayor and members of the council shall be entitled to receive as salary, but no such ordinance increasing such salaries shall take effect during the term for which the mayor or the councilors were elected.~~ Nothing herein shall prevent a councilor serving on the finance committee from receiving as additional compensation the salary authorized by section 6.15(b) or a councilor serving on the school committee from receiving as additional compensation the salary authorized by section 5.01(b).

(Ord. No. C86-1, § 1, 1-1-87)

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Sec. 2.03. Mayor.

The mayor shall be the presiding officer of the council and shall be entitled to vote ~~only~~ to break a tie, when a council vacancy exists, in the absence of a councilor, when a councilor has been recused due to a conflict of interest, and when five or more affirmative votes are required by Charter or ordinance. The mayor shall be recognized as the head of the city government for all ceremonial purposes. ~~He~~The mayor shall solely make appointments to committees and boards created under this Charter, to statutory boards and commissions as are required by the Statutes of the State of Maine to be made by the municipal officers and shall solely appoint citizens to ad hoc advisory committees.

Sec. 2.04. President of the council.

The council shall elect for a two-year term, from among its members, a president who shall act as mayor during the temporary absence or temporary disability of the mayor, but ~~the president~~ shall have ~~no~~ appointive powers only when the temporary absence or temporary disability of the mayor exceeds 45 consecutive calendar days. When the president of the council acts as presiding officer in the temporary absence of the mayor, ~~he~~the president shall be entitled to vote only as a councilor. In the event of the absence of both the mayor and president of the council at any duly scheduled meeting, the council shall elect from its members a temporary presiding officer.

Sec. 2.05. Prohibition.

Except as otherwise provided by law, no person who holds an appointive office in the city government or is an employee of the city shall ~~be eligible to be a candidate for or~~ hold an elective office in the city government. However, a person holding an elective office shall be eligible, during ~~his~~that person's term of office, to become a candidate for the same or another elective office. In the event such person is elected to the second office, a vacancy shall exist in the first office when such person qualifies for the second office. No person shall be a candidate for more than one (1) city elective office in the same city election.

Sec. 2.06. Forfeiture of office of councilor.

- (a) A vacancy in the office of councilor shall exist if ~~a councilor~~he:
- (1) Dies;
 - (2) Resigns;
 - (3) Moves from the ward from which ~~he was~~ elected or appointed;
 - (4) Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment offense involving moral turpitude while in office; or
 - (5) Is found in violation of section 8.04 of this Charter; or
 - (6) Fails to attend three consecutive regular meetings of the city council without being excused by the mayor or president of the council, such excuse to be documented with the city clerk.

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- (b) In the event that a vacancy in the office occurs as a result of the failure to elect a candidate at the regular city election, the remaining members of the council may appoint an eligible person to fill the term within thirty calendar (30) days after the vacancy exists. If the Council fails to make such appointment within said thirty (30) calendar days, the mayor shall appoint an eligible person to fill the unexpired term within ten (10) calendar days thereafter.
- (bc) If a vacancy in the office occurs one (1) year or more prior to the next regular municipal election for reasons other than that set forth in section 2.06.b, the vacancy for the unexpired term shall be filled by a special election. Such election shall be called and held and nominations made as in other elections.
- (ed) If a vacancy in the office occurs less than one (1) year prior to the next regular municipal election, the remaining members of the council may appoint an eligible person to fill the unexpired term within thirty (30) calendar days after the vacancy exists. If the Council fails to make such appointment within said thirty calendar (30) days, the mayor shall appoint an eligible person to fill the unexpired term within ten calendar (10) days thereafter.
- (de) If, at any time, more than three (3) vacancies in the office of councilor exist, an election shall be held to fill such vacancies. Such election shall be called and held and nominations made as in other elections, except a majority of the remaining councilors may call such an election.

Sec. 2.07. Forfeiture of office of mayor.

- (a) A vacancy in the office of mayor shall exist if the mayor~~he~~:
- (1) Dies;
 - (2) Resigns;
 - (3) Moves from the city;
 - (4) Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment or offense involving moral turpitude while in office; ~~or~~
 - (5) Is found to be in violation of section 8.04 of this Charter; or
 - (6) Fails to attend three consecutive regular meetings of the city council without being excused by the city council.
- (b) If a vacancy in the office occurs ~~ninetwelve~~ (912) months or more prior to the next regular municipal election, the vacancy shall be filled by a special election for the unexpired term. Such election shall be called and held and nominations made as in other elections.
- (c) If a vacancy in the office occurs less than ~~ninetwelve~~ (912) months prior to the next regular municipal election, the president of the council shall serve the remainder of the unexpired term as the mayor of the city with all the powers, privileges and authority of the mayor. In such event, the vacancy in the city council caused by the president of the

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council becoming the mayor shall not be filled.

Sec. 2.08. Secretary to the council.

The city clerk shall be the secretary of the council. The clerk shall keep the journal of proceedings and perform such other duties as are assigned to ~~h~~the clerk ~~m~~ by law, by this Charter, and by the city council. The clerk shall also give notice of council meetings to its members, ~~and~~ shall post a notice of each meeting on a bulletin board in the city building and through such appropriate electronic means as the council may direct.

Sec. 2.09. Investigations.

Upon the affirmative vote of at least six (6) members of the council, the council may make investigations into the affairs of any city department, office or agency, and for this purpose shall enact an ordinance providing for the conduct of such investigations.

Sec. 2.10. Procedure.

- (a) *Meetings.* The council shall meet regularly, at least once in every month at such times and places as the council may prescribe by order. Special meetings may be held on the call of the mayor or of four (4) members by causing a notification to be given in hand or left at the usual dwelling place of each council member or through such other method of notification that the council may establish by order. Such notice shall be given ~~in writing~~ not less than six (6) hours before the special meeting.
- (b) *Rules and journal.* The council shall determine its own rules and order of business and make lawful regulations for enforcing the same. It shall provide for keeping a journal of its proceedings. This journal shall be a public record and shall be kept in the office of the city clerk.
- (c) *Action by council.* The city council shall act only by ordinance, order, ~~or~~ resolve, or other decision based upon motion.
- (d) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four (4) members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council, except as provided in the preceding sentence and in section 2.06(~~ed~~) shall be binding or valid unless adopted by the affirmative vote of four (4) or more members of the council, including the mayor, if voting ~~to break a tie~~ under section 2.03.

Sec. 2.11. Ordinances in general.

- (a) *Form.* Every proposed ordinance shall be introduced in writing. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Lewiston hereby ordains" Any ordinance which repeals or amends an existing ordinance shall set out ~~in full~~ the ordinance sections or subsections to be repealed or amended ~~and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.~~

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- (b) *Procedure.* A proposed ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the city clerk shall distribute a copy to the mayor, each council member and to the city administrator; shall file a reasonable number of copies in the office of the clerk and such other public places as the council may designate; and shall publish the proposed ordinance, together with a notice, setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least four (4) days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. After the hearing, the council may adopt the ordinance with or without amendment, or reject it; ~~but, if it is amended as to any matter of substance, the council may not adopt it until the ordinance and its amended sections have been subjected to all the procedure hereinbefore required in the case of a newly introduced ordinance.~~
- (c) *Effective date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) calendar days after adoption or at any later date specified therein.
- (d) *"Publish" defined.* As used in this section, the term "publish" means to print in one (1) or more newspapers of general circulation in the city:
- (1) The ordinance or a brief summary thereof prepared by the city clerk,
 - (2) The places where copies of it have been filed and the times when they are available for public inspection, and
 - (3) The date, time and place of the public hearing.

Sec. 2.12. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one (1) or more emergency ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment at the meeting at which it is introduced, but ~~at least five~~ the affirmative votes ~~of at least five (5) councilors~~ shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall stand repealed as of the sixty-first (61st) calendar day following the date on which it was adopted; but this shall not prevent re-enactment of the ordinance in the manner specified in this section, if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. It shall not be necessary to publish the emergency ordinance prior to its enactment, but public hearing shall be had thereon.

Sec. 2.13. Initiative and referendum.

The council shall, in accordance with the provisions of the Constitution of the State of Maine, Article IV, Part 3, section 21, enact an ordinance relating to initiative. Said ordinance may provide for one (1) or more methods of exercising such initiative, one (1) of which methods shall include the public circulation of petitions.

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ARTICLE III. CITY ADMINISTRATOR

Sec. 3.01. Appointment, qualifications, compensation.

The city council shall appoint a city administrator and fix ~~the administrator's~~his compensation. The city administrator shall serve at the will of the council. The administrator shall be appointed on the basis of ~~his~~ executive and administrative qualifications and ~~his~~ technical knowledge of municipal management. ~~The administrator~~He need not be a resident of the city or state at the time of ~~his~~ appointment, but may reside outside the city while in office only with the approval of the council. ~~The administrator~~He shall give bond to the City of Lewiston for the faithful discharge ~~of his~~the duties of the office of city administrator. The premium on ~~his~~the administrator's bond shall be paid by the city.

Sec. 3.02. Powers and duties of the city administrator.

The city administrator shall be the chief administrative officer of the city. ~~He and~~ shall be responsible to the council for the administration of all city affairs placed in ~~the administrator's~~his charge by or under this Charter. ~~The administrator~~He shall have the following powers and duties:

- (a) Except as may otherwise be provided by this Charter, ~~to the city administrator shall~~ appoint, without confirmation by the city council, all department heads, and other officers and employees responsible directly to the city administrator. ~~The chief financial officer of the city heads of departments, the primary function of which is financial, and financial officers such as auditor, treasurer, tax collector, controller and chief financial officer, should one (1) or more of these positions or similar positions be created by the city council,~~ shall be appointed by the city administrator and confirmed by the city council. ~~The city clerk shall be appointed by the city administrator and confirmed by the city council.~~
- (b) ~~He shall, w~~When he deems it necessary for the good of the city, suspend and remove any city employee or appointive administrative officer provided for, by or under this Charter, except as otherwise provided by law, by this Charter or by personnel rules adopted pursuant to this Charter. Where council confirmation is necessary for appointment, it shall also be required for removal.
- (c) ~~He may~~To authorize any administrative officer who is subject to ~~the administrator's~~his direction and supervision to suspend or remove subordinates in that officer's department, office or agency.
- (d) ~~To~~He shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by the Charter or by law.
- (e) ~~He shall~~To attend all council meetings, unless excused by the mayor or council president~~ouncil~~, and ~~to~~shall have the right to take part in discussion but ~~may~~not vote.
- (f) ~~To~~He shall see that all laws, provisions of the Charter and acts of the council, subject to enforcement by ~~the administrator~~him or by officers subject to ~~the administrator's~~his direction and supervision, are faithfully executed.
- (g) ~~To~~He shall prepare and submit the annual budget, the annual capital program and annual financial and administrative reports to the council.

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- (h) ~~To He shall~~ prepare and submit to the council such reports and ~~shall~~ perform such duties as the council may require and ~~to shall~~ make such recommendations to the council concerning the affairs of the city as ~~he deem~~eds desirable.

Sec. 3.03. Acting city administrator.

During any vacancy in the office of city administrator ~~and during the temporary absence or disability of the city administrator, as determined by vote of the council, and during any temporary absence or disability of the city administrator of more than thirty (30) consecutive calendar days.~~ the council may designate a properly qualified person to perform the duties of city administrator and fix such person's compensation. ~~During a temporary absence of thirty calendar (30) days or less, the city administrator may designate a qualified person to perform the duties of administrator during such absence.~~ While so acting, such person shall have the same powers and duties as those given to and imposed on the city administrator.

Sec. 3.04. Removal.

The council may remove the administrator from office in accordance with the following procedures:

- (a) The council shall adopt, by affirmative vote of at least four (4) councilors, a preliminary resolution which must state the reasons for removal and may suspend the administrator from duty for a period not to exceed forty-five (45) calendar days. A copy of the resolution shall be promptly served on the administrator.
- (b) Within ten (10) calendar days after being served a copy of the resolution, the administrator may file with the council a written request for a public hearing. This hearing shall be held at a regular or special council meeting not earlier than fifteen (15) nor later than thirty (30) calendar days after a request is filed. The administrator shall file with the council a written reply to the stated reasons not later than five (5) calendar days before the hearing.
- (c) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of at least four (4) councilors at any time after ten (10) calendar days from the date when a copy of the preliminary resolution was served upon the administrator, if he has not requested a public hearing, or at any time after the public hearing, if he has requested one.
- (d) The administrator shall continue to receive his salary until the effective date of the final council resolution of removal.

Sec. 3.05. Noninterference.

Except for the purpose of investigation as set forth in section 2.09 of this Charter, the mayor and the members of the council shall deal with the administrative service solely through the administrator. Neither the mayor nor members of the council shall give orders to any subordinate of the administrator either publicly or privately.

ARTICLE IV. ADMINISTRATIVE ORGANIZATION

Sec. 4.01. General provisions.

- (a) *Creation of departments.* The council, by ordinance, may create, change and abolish offices, departments and agencies, other than the offices, departments and agencies established by this Charter. The council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this Charter, but may neither discontinue nor assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.
- (b) *Direction by administrator.* All departments, offices and agencies under the direction and supervision of the administrator shall be administered by an officer appointed by and subject to the direction and supervision of the administrator, except as otherwise provided in this Charter. With the consent of the council, the administrator may serve as the head of one (1) or more such departments, offices or agencies or may appoint one (1) person as the head of two (2) or more of them.

Sec. 4.02. Personnel ordinance.

The council shall adopt a personnel ordinance to carry out the purposes of this article.

Sec. 4.03. Reserved.

Editor's note: Charter amendment effective Jan. 1, 2007, repealed § 4.03 in its entirety. Formerly, said section pertained to the Personnel Board.

Sec. 4.04. City attorney.

There shall be a city attorney nominated by the administrator and appointed by the city council who shall serve at the will of the council. He shall serve as chief legal advisor to the council, the administrator, and all city departments, boards, agencies, committees and commissions. The city attorney shall represent the city in all legal proceedings and shall perform any other duties prescribed by ordinance and law. The city council shall have the right to employ or retain special attorneys, if it deems it to be in the best interest of the city.

Sec. 4.05. Planning board.

- (a) *Appointment.* There shall be a planning board consisting of ~~sevensseven~~ (97) members appointed for five year staggered terms, each of whom shall be a qualified voter of the City of Lewiston and who shall be appointed by the mayor. No more than two (2) members may reside in the same ward. ~~The terms of office of members of the board appointed following the adoption of this Charter shall be established by the mayor who shall appoint one (1) member to serve one (1) year; two (2) members to serve two (2) years; one (1) member to serve three (3) years; two (2) members to serve four (4) years; and one (1) member to serve five (5) years. Thereafter all members shall be appointed for~~

~~five-year terms.~~

~~There shall be, in addition to the seven (7) members of the board, two (2) associate members of the board, each of whom shall be a qualified voter of the City of Lewiston, appointed by the mayor. The associate members are subject to the same ward residency requirements as the regular members. They shall serve for five-year staggered terms, with initial terms being one (1) associate member serving for four (4) years and one (1) for five (5) years. An associate member shall serve in the place of a member who is absent, disqualified or otherwise unable to participate when designated by the chair person to do so. Existing associate members of the Board shall continue to serve until their current terms have expired or they have resigned or otherwise forfeited their positions. Once vacant, these positions shall be eliminated.~~

- (b) *Compensation.* Each member shall receive compensationsalary at the rate established by ordinance by the city council of ~~three hundred sixty dollars (\$360.00)~~ per year, payable monthly.
- (c) *Duties.* The planning board shall carry out those duties assigned to it by general law and by ordinance.
- (d) *Rules of procedure.* The planning board shall adopt appropriate rules of procedure consistent with the provisions of this Charter to enable it to carry out its functions.

(Amd. effective 1-1-03)

Sec. 4.06. Board of appeals.

- (a) *Appointment.* There shall be a board of appeals consisting of seven (7) members, appointed for five year staggered terms, each of whom shall be a qualified voter of the City of Lewiston and who shall be appointed by the mayor. No more than two (2) members may reside in the same ward. ~~The terms of office of members of the board, appointed following the adoption of this Charter, shall be established by the mayor who shall appoint one (1) member to serve one (1) year; two (2) members to serve two (2) years; one (1) member to serve three (3) years; two (2) members to serve four (4) years; and one (1) member to serve five (5) years. Thereafter, all members shall be appointed for five-year terms.~~

~~There shall be, in addition to the seven (7) members of the board, two (2) associate members of the board, each of whom shall be a qualified voter of the City of Lewiston, appointed by the mayor. The associate members are subject to the same ward residency requirements as the regular members. They shall serve for five-year staggered terms, with initial terms being one (1) associate member serving for four (4) years and one (1) for five (5) years. An associate member shall serve in the place of a member who is absent, disqualified or otherwise unable to participate when designated by the chair person to do so. Existing associate members of the Board shall continue to serve until their current terms have expired or they have resigned or otherwise forfeited their positions. Once vacant, these positions shall be eliminated.~~

- (b) *Compensation.* Each member shall receive compensationsalary at the rate established by ordinance by the city council of ~~three hundred sixty dollars (\$360.00)~~ per year, payable monthly.
- (c) *Duties.* The board of appeals shall carry out those duties assigned to it by general law and

by ordinance.

- (d) *Rules of procedure.* The board of appeals shall adopt appropriate rules of procedure consistent with the provisions of this Charter to enable it to carry out its functions.

(Ord. No. C95-1, 1-9-96)

~~**Sec. 4.07. Compensation.**~~

~~Compensation paid to members of the planning board and board of appeals may be changed by ordinance.~~

(Amend. eff. 1-1-07)

Sec. 4.078. Forfeiture of office.

A member of the planning board or board of appeals shall forfeit his office and a vacancy therein shall exist, if he:

- (1) Dies;
- (2) Resigns;
- (3) Moves from the city;
- (4) In the case of the planning board and board of appeals if he moves from his ward into a ward in which there are currently two (2) members of the same board;
- (5) Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment or offense involving moral turpitude while in office;
- (6) Is found to be in violation of section 8.04 of this Charter; or
- (7) Exceeds the tenure authorized for the office.
- (8) Fails to attend three consecutive regular meetings of the board without being excused by the chair or, in the case of the chair, by the board.

If any vacancy should occur, it shall be filled for the remainder of the unexpired term by appointment of the mayor.

(Amend. eff. 1-1-07)

Sec. 4.098. Limitation of terms.

No member of any board established by this article shall serve more than two full five-year terms on the same board ~~within any ten-year period. Said period shall be deemed to commence at the time of his first appointment.~~

CHARTER

ARTICLE V. SCHOOL ADMINISTRATION

Sec. 5.01. School committee.

- (a) *Election and appointment.* There shall be a school committee of nine (9) members, composed of one (1) qualified voter to be elected from each ward, one (1) at-large member to be elected from any ward, and one (1) city council member to be nominated by the mayor and appointed by the city council from any ward, all of whom shall serve two (2) year terms, as set forth herein, and until their successors are elected and/or appointed and qualified. The qualified voters of each of the seven (7) wards of the city shall nominate and elect a school committee member who shall be qualified to vote in his ward and the qualified voters of the entire city shall nominate and elect one (1) at-large school committee member who shall be qualified to vote in any ward. Nominations and elections shall be conducted as provided in Article VII. The mayor shall nominate one (1) councilor from any ward, who shall be appointed by the city council, at the first city council meeting in January after each biennial election. If an elective position on the school committee is not filled at a regular municipal election, the mayor shall nominate an eligible individual who shall be appointed by the city council to assume the vacant position. ~~The present members and their successors shall continue in office until their respective terms expire but no later than the first Monday of January, 1988. Successors are to be elected as provided herein beginning at the regular municipal election in 1987 and appointed as provided herein at the first meeting of the city council in 1988.~~
- (b) *Compensation.* Each member shall receive compensationsalary at the rate set by ordinance by the city council ~~of six hundred dollars (\$600.00) per year, payable monthly. Such compensation may be changed by ordinance.~~
- (c) *Forfeiture of office.* A member of the school committee shall forfeit his office and a vacancy therein shall exist if he:
- (1) Dies;
 - (2) Resigns;
 - (3) For the seven (7) members elected by ward, moves from the ward in which he was elected;
 - (4) For the one (1) at-large member, moves from the city;
 - (5) Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment or offense involving moral turpitude while in office;
 - 6) Fails to attend three consecutive regular meetings of the school committee without being excused by the chair or, in the case of the chair, by the school committee.
 - ~~(7)~~ Is found to be in violation of section 8.04 of this Charter; or
 - ~~(8)~~ For the councilor member, is no longer a member of the city council.

If any vacancy in office of any elected member occurs ~~less than one (1) year prior to the next regular municipal election~~, the vacancy shall be filled from the same ward for the remainder of

the unexpired term by nomination of the mayor and appointment by the city council except that the at-large school committee member may be from any ward. ~~If any vacancy in the office of any elected member occurs one (1) year or more prior to the next regular municipal election, the vacancy for the unexpired term shall be filled by a special election. Such election shall be called and held and nominations made as in other elections. If there is any vacancy in the office of the city council member, it shall be filled by nomination of a councilor by the mayor and appointment by the city council.~~

~~(d) — [Election under this Charter.] The terms of office of the present members of the school committee shall terminate immediately upon the election, appointment and qualification of members of the school committee elected and/or appointed under the provisions of this Charter.~~

(Ord. No. C86-1, §§ 2--4, 1-1-87)

Sec. 5.02. Chairpersonman.

At its first meeting, or as soon thereafter as possible, the school committee shall elect by majority vote of the entire committee, one (1) of its members as chairpersonman of the school committee for a one-year term. The said committee may fill for the unexpired term any vacancy in the office of chairpersonman that may occur. The chairpersonman shall preside at all meetings of the school committee and shall have a vote as other members of said committee.

Sec. 5.03. Powers and duties.

- (a) *General powers and duties.* The school committee shall have all the powers and shall perform all duties necessary for care and management of the city's public schools pursuant to prescribed for superintending school committees by the general laws of the State of Maine, which grant these powers and responsibilities to the school committee, except as otherwise provided by this Charter. The school committee shall accomplish its duties within the financial limitations established by the city council in its annual appropriation resolve and such supplemental appropriations voted by the city council, together with such other revenues it may receive from the federal or state governments, as well as gifts, grants, and payments from other sources. The school committee shall submit to the city council at least three (3) months prior to the end of the current fiscal year, for inclusion in the budget submitted to the city council under Article VI, budget estimates for the various sums required for the support of public schools for the ensuing uniform school fiscal year and shall thereafter provide the city council with such information relating to such estimates as the city council shall require. The school committee shall comply with all Charter provisions contained under Article VI.
- (b) *Employees.* All school department employees, including the superintendent of schools, shall be hired by the school committee. ~~Except when prohibited by state law, the school committee and the school department shall comply with all ordinances pertaining to personnel and shall follow the employment practices adopted by the city council. The school committee shall choose a superintendent of schools solely on the basis of executive and administrative qualifications. The superintendent of schools need not be a resident of the city at the time of appointment, but shall be a resident of the city during tenure in office unless otherwise approved by the school committee.~~
- ~~(e) — Approval of labor contracts. Any contract negotiated with any bargaining agent representing employees of the school department, pursuant to the Maine Public~~

~~Employees Labor Relations Law, shall require approval by the city council.~~

(Ord. No. C87-1, 11-3-87)

Sec. 5.04. General supervision over finances.

The city administrator shall establish a system of bookkeeping, auditing, purchasing and records pertaining to all financial transactions of the school committee, and may establish rules governing such procedure not inconsistent with the provisions of law, of this Charter or the Ordinances of the city.

Sec. 5.05. Meetings

The school committee shall meet at such time and place as it determines by rule. Meetings of the school committee other than executive session shall be open to the public as required by state statute, and the school committee shall promote public participation in and public notice of its meetings in the contemporary means of information sharing. Agendas and supporting information for meetings shall be available to the public at the superintendent of schools' office at least two business days prior to the meeting as well as electronically through the city's or school's website, if available.

Section 5.06. Quorum

A majority of the voting members of the school committee shall constitute a quorum for the transaction of business, but a smaller number may adjourn or compel attendance of absent members.

Section 5.07. Record

The school committee shall keep a record of its own proceedings which, except for executive sessions, shall be available to the public.

Section 5.08. Voting.

A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least five affirmative votes.

ARTICLE VI. FINANCIAL PROCEDURES

Sec. 6.01. Fiscal year.

- (a) *Fiscal year.* The fiscal year of the city shall ~~be established by begin on the first day of January and end on the last day of December or be such other fiscal year as~~ the council ~~may~~ by resolution ~~adopt~~.
- (b) *School committee subject to Article VI.* The school committee shall comply with and be subject to all the provisions of this article, in addition to provisions of general law relating to a uniform school fiscal year.

Sec. 6.02. Submission of budget and budget message.

At least three (3) months prior to the end of the current fiscal year, the administrator shall submit to the council a budget for the ensuing fiscal year and an accompanying message. The council may establish regulations and procedures to carry out the purpose of this article, including the referral of the budget to the finance committee for its review.

(Ord. No. C87-1, 11-3-87)

Sec. 6.03. Budget message.

The administrator's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the administrator deems desirable. It shall also describe the tax impact of the proposed budget.

Sec. 6.04. Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, and except as required by this charter, shall be in such form as the administrator deems desirable or the council may require. In organizing the budget, the administrator shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures including debt service for the ensuing fiscal year, and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable and the proposed method of financing each

such capital expenditure;

- (c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition (subsidiary budgets for each such utility giving detailed income and expenditures information shall be attached as appendices to the budget); and
- (d) Comparative statements reflecting actual expenditures for the current year and estimated expenditures for the next succeeding fiscal year shall be set forth in parallel columns. An increase or decrease in any item shall be indicated.

The total of proposed expenditures shall not exceed the total of estimated income.

Sec. 6.05. Capital program.

- (a) *Submission to council.* The administrator shall each year prepare and submit to the council a five-year capital program, including the capital program proposed for the school department, at least five and one-half (5 1/2) months prior to the end of the current fiscal year. The administrator shall concurrently refer the capital program to the planning board for its review.
- (b) *Contents.* The capital program shall include:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, method of financing and recommended time schedules for each improvement; and
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

- (c) *Planning board review.* The planning board shall review the proposed capital program each year, and following public hearing thereon, shall forward its recommendations to the city council at least four and one-half (4 1/2) months prior to the end of the current fiscal year.

(Ord. No. C87-1, 11-3-87)

Sec. 6.067. Council action on capital program.

- (a) *Notice and hearing.* The council shall publish in one (1) or more newspapers of general circulation in the city a general summary of the capital program and a notice stating:
 - (1) The times and places where copies of the capital program are available for inspection by the public;
 - (2) The time and place, no less than seven (7) nor more than fifteen (15) calendar days after such publication, for a public hearing on the capital program.

- (b) Copy at public library. A copy of the capital program shall be filed in the Lewiston Public Library.
- (c) Notice in city building. Notice shall also be posted in the city building.
- (d) Electronic Availability. Notice of the plan or the plan itself shall be made available through the city web site or other current technologies.
- (d) Adoption. The council by resolution shall adopt the capital program with or without amendment after the public hearing and at least four (4) months prior to the end of the current fiscal year. Adoption as provided herein shall not constitute the appropriation of funds.

(Ord. No. C87-1, 11-3-87)

Sec. 6.067. Council action on budget.

- (a) *Notice and hearing.* The Council shall publish in one (1) or more newspapers of general circulation in the city the general summary of the budget and a notice stating:
 - (1) The times and places where copies of the message and budget are available for inspection by the public, and
 - (2) The time and place, no less than seven (7) nor more than fifteen (15) calendar days after such publication, for public hearing on the budget.
- (b) *Copy at public library.* A copy of the budget message and the budget shall be filed in the Lewiston Public Library.
- (c) *Notice in city building.* Notice shall also be posted in the city building.
- (d) Electronic Availability. Notice of the budget or the budget itself shall be made available through the city web site or other current technologies.
- (d) *Amendment before adoption.* After the public hearing the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendments to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
- (e) *Adoption.* The council shall by resolution adopt the budget not later than one (1) month prior to the end of the then current fiscal year. In the event the council fails to adopt the budget at least one (1) month prior to the end of the then current fiscal year, the administrator and school committee shall, within seventy-two (72) hours thereafter, present a final budget to the council. If the council shall fail to adopt a budget at least twenty (20) days prior to the end of the then current fiscal year, the administrator's and school committee's final budget shall be deemed to be automatically adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.
- (f) The percent budget increase, beginning in fiscal year 1996, when compared to the preceding fiscal year budget, shall not exceed the percent increase of the Gross National Product-Implicit Price Deflator (Source: Survey of Current Business, Department of Labor) as compiled for the

12-month period ending September 30 of the previous year.

- (g) Exception: When deemed necessary by the city council, the provisions of subsection (f) of this section may be waived by five affirmative votes~~a two-thirds vote~~ of the city council.

(Ord. No. C87-1, 11-3-87; Ord. No. C95-2, 1-9-96)

~~Sec. 6.07. Council action on capital program.~~

- ~~(a) *Notice and hearing.* The council shall publish in one (1) or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:~~
- ~~(1) The times and places where copies of the capital program are available for inspection by the public;~~
 - ~~(2) The time and place, no less than seven (7) nor more than fifteen (15) calendar days after such publication, for a public hearing on the capital program.~~
- ~~(b) *Copy at public library.* A copy of the capital program shall be filed in the Lewiston Public Library.~~
- ~~(c) *Notice in city building.* Notice shall also be posted in the city building.~~
- ~~(d) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and at least four (4) months prior to the end of the current fiscal year. Adoption as provided herein shall not constitute the appropriation of funds.~~

~~(Ord. No. C87-1, 11-3-87)~~

Sec. 6.08. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available for inspection by the public at the Lewiston Public Library, ~~and~~ at such other places as may be designated by the council, and through appropriate electronic methods.

Sec. 6.09. Amendments after adoption.

- (a) *Supplemental appropriations.* If during the fiscal year the administrator certifies that there are available for appropriation, revenues in excess of the total estimated in the budget, the council by resolution after public hearing, may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by resolution. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by resolution authorize the issuance of temporary notes, which may be renewed from time to time, but the temporary notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the administrator that the revenues available will be insufficient to meet the amount appropriated, he

shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution reduce one or more appropriations.

- (d) *Transfer of appropriations.* At any time during the fiscal year the administrator may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the administrator, the council may by resolution transfer part or all of any unencumbered balance thereof to another department, office or agency.
- (e) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 6.10. Lapse of appropriations.

Every budgetary account shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

Sec. 6.11. Administration of the budget.

The administrator or his designee may make allotments to departments, offices and agencies in accordance with estimated seasonal or periodic needs and may revise such allotments. No expenditure may be made or obligation incurred unless the administrator or his designee first certifies that there is a sufficient unencumbered balance in the appropriate allotment or appropriation. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter may be cause for removal of the person who knowingly authorized or made such payment or incurred such obligations. Notwithstanding the preceding provisions of this section, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by council resolution.

Sec. 6.12. Annual postaudit.

Council shall appoint an accounting firm, whose minimum qualification shall include certified public accountants on staff, for the purpose of conducting the annual postaudit of the current fiscal year's municipal finances, as required by law. The council may enter into multi-year contracts pursuant to the competitive bid process for terms not to exceed fivethree (35) consecutive fiscal years.

Sec. 6.13. Temporary borrowing.

Money may be borrowed temporarily in anticipation of taxes or of the issuance of bonds, in accordance with the provisions of 30-A M.R.S.A. § 5771, as amended.

Sec. 6.14. Bond issues.

The city may issue general obligation and revenue obligation securities for funding or refunding all or any part of its debt or for any purpose for which it may raise money in accordance with Maine Statutes. Before passage of an order or orders providing for the issuance of bonds, the city council shall hold a public hearing, notice of which shall be advertised at least once in one (1) or more newspapers of general circulation in Lewiston, such publication to be made not less than seven (7) days and no more than fifteen (15) calendar days before ~~the public hearing, final action by the council.~~ Final action on the order or orders must take place no later than sixty (60) calendar days following the public hearing. In addition to the public hearing required herein, where the amount of any single purpose bonds authorized for an individual project exceeds fifteen (15) percent of the property tax levy of the preceding fiscal year, such authorization must be approved by the voters at a regular or special election prior to issuance.

Sec. 6.15. Finance committee.

- (a) *Appointment.* There shall be a finance committee composed of five (5) members, who shall be appointed as follows: The president of the city council shall appoint two (2) members of the city council to serve two-year terms; the mayor shall appoint three (3) qualified voters of Lewiston to serve staggered three-year terms. ~~Following the adoption of this Charter, the mayor shall appoint one (1) member to serve one (1) year, one (1) member to serve two (2) years, one (1) member to serve three (3) years.~~ Thereafter aAll terms shall be for three (3) years. No non-city-council member shall serve on the finance committee for more than six (6) consecutive years.
- (b) *Compensation.* The members of the finance committee shall receive salary at the rate established by ordinance by the city council~~of four hundred eighty dollars (\$480.00) per year~~, payable monthly. Compensation paid to members of the finance committee may be changed by ordinance, but no such ordinance increasing compensation for a member of the finance committee who is a member of the city council shall take effect during the term for which the councilor was elected.
- (c) *Duties.* The finance committee shall:
- (1) Approve contracts for the purchase of materials and services procured through the competitive bid process;
 - (2) Determine the amount of bonds required of officers and agents of the city; and
 - (3) Serve as the pension board of the city.
- (d) *Appeal.* Any party, including employees of the city, aggrieved by action of the finance committee taken under section 6.15(c), may appeal such action to the council within seven (7) days from the date of the action which is the subject of the appeal.
- (e) *Advisory functions.* The finance committee shall also advise the council on such financial matters as the council may refer to it.
- (f) *Rules of procedure.* The finance committee shall adopt appropriate rules of procedure consistent with the provisions of this Charter and policies adopted by the city council, to enable it to carry out its functions.
- (g) *Forfeiture.*

(1) A member of the finance committee appointed by the mayor shall forfeit his office and a vacancy therein shall exist if he:

- a. Dies;
 - b. Resigns;
 - c. Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment; or offense involving moral turpitude while in office; while in office;
 - d. Fails to attend three consecutive regular meetings of the committee without being excused by the committee chair or, in the case of the chair, by the committee;
- d. Is found to be in violation of section 8.04 of this Charter; or
- e. Exceeds the tenure authorized for the office.

If any vacancy shall occur, the vacancy shall be filled for the remainder of the unexpired term by appointment of the mayor.

(2) A member of the finance committee who is a member of the city council shall forfeit his office and a vacancy therein shall exist if he:

- ~~a. Dies;~~
- ~~b. Resigns;~~
- ~~c. Is convicted of a crime or offense involving moral turpitude while in office;~~
- ~~d. Is found to be in violation of section 8.04 of this Charter; or~~
- ~~e. Is no longer a member of the city council.~~

If any vacancy shall occur, the vacancy shall be filled by a member of the city council appointed by the president of the council for the remainder of the unexpired term.

ARTICLE VII. NOMINATIONS AND ELECTIONS

Sec. 7.01. Conduct of elections.

The regular municipal election shall be held on the first Tuesday after the first Monday in November of odd-numbered years. Except as otherwise provided by this Charter, the provisions of Title 21[-A] and Title 30[-A] of the Revised Statutes, as amended, shall apply to elections held under this Charter. All elections called for under this Charter shall be conducted by the election officials established under Title 21[-A]. For the conduct of elections, for the prevention of fraud in such elections and for the recount of ballots in cases of fraud or doubt, the council shall adopt, by ordinance, all regulations which it considers desirable, consistent with law and this Charter. "Qualified voter" shall mean any person qualified and registered to vote under law.

Sec. 7.02. Nomination by petition.

- (a) *Petitions.* Candidates for elective office in the City of Lewiston shall be nominated by petition. Any eligible and qualified voter of the city may be nominated for election to the office of mayor by a petition signed by not less than one hundred (100) nor more than two hundred (200) qualified voters of the city. Any eligible and qualified voter of a ward may be nominated for election to the office of city councilor by a petition signed by not less than fifty (50) nor more than one hundred (100) qualified voters of the ward. Except for the office of at-large school committee, any eligible and qualified voter of a ward may be nominated for election to the office of school committee by a petition signed by not less than fifty (50) nor more than one hundred (100) qualified voters of the ward. Any eligible and qualified voter of the city may be nominated for election to the office of at-large school committee by a petition signed by not less than fifty (50) nor more than one hundred (100) qualified voters of the city.
- (b) *Nomination petitions.* The signatures to a nomination petition need not all be affixed to one paper, but each separate paper of a petition shall contain an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in his presence, and that he believes each signature to be the genuine signature of the person whose name it purports to be. Such signatures shall be executed in ink or pencil. Each signer shall indicate next to his signature the street address where he resides. The nomination petitions shall be on forms prepared by the city clerk. No nomination petitions shall be issued by the city clerk or circulated for signatures more than one hundred twenty (120) calendar days prior to election day.
- (c) *Filing and acceptance of nomination petitions.* All separate papers comprising a nomination petition shall be assembled and filed with the city clerk as one (1) instrument not earlier than one hundred twenty (120) calendar days nor later than 4:30 p.m. on the sixtieth (60th) calendar day before the election. If the sixtieth (60th) calendar day falls on a Saturday, Sunday or legal holiday, the final filing date shall be the next regular business day. The council may, upon recommendation of the city clerk, set a shorter time period for the filing of nomination petitions for special elections. Under no conditions shall the time period for circulating petitions be less than ten (10) calendar days, nor the last filing

date closer than two (2) weeks prior to the date of the election. The clerk shall make a record of the exact time when each petition is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination.

- (d) *Objections to candidate.* All objections to the regularity or validity of the petition of any person shall be made within five (5) calendar days after the final filing date by written notice filed with the city clerk setting forth the grounds of objections. In case no such objection is filed within the five-day period herein prescribed, the regularity or validity of the nomination petition shall not be contested thereafter.
- (e) *Certification of petition validity.* Upon receiving a nomination petition and statement of acceptance of any candidate, the city clerk shall then have the board of registration certify the validity of any petition having a sufficient number of proper signatures. If a petition is found insufficient, the clerk shall return it immediately to the person who filed it with a statement setting forth wherein it is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.
- (f) *Eligibility.* The candidates for election as councilor and school committee members, except for the at-large school committee member, must be at least twenty (20) years of age and have been registered voters and qualified to vote in their respective wards for a period of at least three (3) months next prior to the last date on which the nomination papers are to be filed. The candidates for election as at-large school committee member must be at least twenty (20) years of age and have been registered voters and qualified to vote in the City of Lewiston at least three (3) months next prior to the last date on which the nomination papers are to be filed. The candidates for election as mayor must be at least twenty (20) years of age and have been registered voters and qualified to vote in the City of Lewiston at least six (6) months next prior to the last date on which the nomination papers are to be filed.

(Ord. No. C86-1, §§ 5, 6, 1-1-87; Ord. No. C87-2, 11-3-87)

Sec. 7.03. Names on ballots.

- (a) *Candidates for mayor.* The full names and street addresses of all candidates nominated for the office of mayor, except those who have died or become ineligible, shall be printed on the official and specimen ballots without party designation under a heading which reads "For Mayor."
- (b) *Candidates for city council.* The full names and addresses of all candidates nominated for the office of councilor, except those who have died or become ineligible, shall be printed only on the official and specimen ballots for their respective wards, without party designation, under a heading which reads "For Councilor."
- (c) *Candidates for school committee.* The full names and addresses of all at-large candidates nominated for the office of school committee, except those who have died or become ineligible, shall be printed only on the official and specimen ballots, without party designation, under a heading which reads "For School Committee At-Large," except that

the full names and addresses of all candidates nominated for the office of school committee by wards, except those who have died or become ineligible, shall be printed only on the official and specimen ballots for their respective wards, without party designation, under a heading which reads "For School Committee."

(Ord. No. C86-1, § 7, 1-1-87)

Sec. 7.04. Order of candidate surnames.

Where two (2) or more candidates have been nominated for the same office, the names of said candidates shall appear on the ballot in alphabetical order.

Sec. 7.05 Write-In Candidates.

In order for ballots cast for write-in candidates to be counted, such candidates must (a) register their candidacy with the City Clerk at least 30 calendar days prior to the date of the election and (b) be eligible for the office for which they wish to become a candidate.

Sec. 7.065. Election posting.

The city clerk or his designee shall post a properly executed copy of the election warrant and specimen ballot at the places where the election is to be held. Said notice shall be posted at least seven (7) calendar days before the date of said election.

Sec. 7.067. Determination of election results.

- (a) *Number of votes.* Each voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- (b) *Absentee voting.* Each qualified voter who desires to cast an absentee vote at a regular city election or special election shall be entitled to an official ballot and the right to cast such ballot in accordance with the provisions of 21-A M.R.S.A. subchapter IV, as amended.
- (c) *Plurality.* Except where otherwise provided, elections shall be determined by plurality vote. In case of a tie vote for any elective office, a new election shall be held on a date to be determined by the city council, said date to be no more than forty-five (45) calendar days from the date of the regular municipal election, but the only names appearing on the ballot shall be those candidates who receive the tie vote.
- (d) *Mayoral runoff election.* If it should appear that no person has received a majority of all votes cast for mayor, a special election to be known as a runoff election shall be held on a date to be determined by the city council, said date to be no more than forty-five (45) calendar days from the date of the regular municipal election. The candidate receiving the highest number of votes at such election shall be declared to be elected. The names to be placed upon the ballot at said election shall be determined as follows:
 - (1) If but one (1) candidate has received the highest number of votes and but one (1) candidate has received the next highest number of votes, their names only shall be placed upon the ballot.

- (2) If two (2) or more candidates have received the same number of votes and a number higher than those received by any other candidates, only the names of such candidates, whether they be two (2) or more, shall be placed upon the ballot.
- (3) If one (1) candidate has received the highest number of votes and two (2) or more candidates have received the same number of votes, which number shall have been next lower than that received by the candidate receiving the highest number, only the name of the candidate who has received the highest number and the candidates, whether two (2) or more, who have received the next highest number of votes shall be placed upon the ballot.

(e) Write-In Candidates. In order to be eligible to be elected, a write-in candidate must receive at least the same number of votes as are required for nomination for the position for which the write-in candidate is competing.

Sec. 7.087. Wardens and ward clerks.

- (a) *Appointment by city clerk.* The city clerk shall, with the approval of the city councilors, appoint a warden and ward clerk for each of the voting precincts. The wardens and ward clerks shall serve for two-year terms concurrent with the terms of the members of the city council.
- (b) *Vacancy.* In the case of a vacancy in the office of warden or ward clerk, the city clerk shall appoint a person for the remainder of the term.

ARTICLE VIII. GENERAL PROVISIONS

Sec. 8.01. Terms of officers and employees.

- (a) *Elected officers.* The term of any elected officer shall date from the first Monday in January next following his election, except that in the event the first Monday shall fall on a holiday or the day following a holiday, then on the following Tuesday, then on the next day following. If a person is elected to fill a vacancy in office, histhat person's term shall begin immediately upon taking the oath of office.
- (b) *Appointive officers and employees.* Except as may otherwise be provided in this Charter, all city officers, employees and appointees shall serve at the pleasure of the appointing power.

Sec. 8.02. First council meeting.

The city council shall convene on the first Monday in January next following its election; except that in the event the first Monday shall fall on a holiday or the day following a holiday, then on the following Tuesday, the city council shall convene the next day following.

Sec. 8.03. Swearing in officers.

All officers provided for in this Charter, whether elective or appointive, shall, before assuming their respective duties, qualify by being sworn to the faithful performance thereof before the city clerk or some magistrate thereto qualified.

Sec. 8.04. Personal financial interest.

If any elected or appointed official, officer or employee or the spouse of any such person has a financial interest, direct or indirect, in any contract with the city or in the purchase or sale of any land, material, supplies or services to the city or to a contractor supplying the city, hethat official shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as an elected or appointed official, officer or employee, in the making of such purchase or sale or in the making or performance of such contract. Any such person who willfully conceals a personalthe financial interest of himself or that of his spouse, or willfully violates the requirements of this section, shall be guilty of malfeasance in office or position and shall forfeit histhe office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a purchase from or a sale to the city, shall render the contract, purchase or sale voidable by the city.

Sec. 8.05. Prohibitions.

- (a) *Activities prohibited.* No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations or on any other basis prohibited by statute of general application.
- (b) *Penalties.* Any person convicted of any crimes involving falsification in official matters, bribery, corrupt practices or obstructing governmental administration, as these crimes are defined in the

Revised Statutes of Maine, as amended, shall be ineligible for a period of two (2) years following said conviction to hold any city office or employment, except as otherwise provided by law.

Sec. 8.06. Employee protection.

Wage supplements to which city employees, retirees and beneficiaries may be entitled under the Charter, adopted March 6, 1939, and amendments thereto, as it is in force as of the effective date of this Charter, shall be maintained, all as presently being provided, unless altered by general law enacted by the Maine State Legislature. Nothing contained in this Charter shall be held to deprive any employee, retiree or beneficiary of wage supplements under the 1939 Charter and amendments by private or special laws thereto. The term "wage supplements," as herein set forth, shall mean pensions, retirement, holidays, vacations and sick leave.

Sec. 8.07. Failure of appointment by mayor.

Whenever there is a vacancy for sixty (60) days or more in any office created under this Charter requiring appointment by the mayor, then such appointment shall be made by order of the city council, and not the mayor.

Sec. 8.08. Reference to statute.

Whenever reference is made to a statute, it shall include the statute as amended, and as hereafter amended, revised or replaced.

~~**Sec. 8.09. Gender.**~~

~~Words of the masculine gender may include the feminine.~~

Sec. 8.09. Periodic Charter Review.

In calendar years ending in 1, the Mayor shall appoint a charter review committee composed of seven members who shall be residents of the city and who have a background in or understanding of city government and its operations. The committee shall undertake a comprehensive review of this charter and shall recommend to the city council amendments to the charter designed to improve the operations of city government.

Sec. 8.10. Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby. If any provision of this Charter is held invalid by reason of any conflict with state or federal law, the provisions of the applicable state or federal law shall automatically become incorporated in this Charter in place of the invalid Charter provisions.

CHARTER

ARTICLE IX. TRANSITIONAL PROVISIONS

~~Sec. 9.01. First election.~~

- ~~(a) — *First election.* At the time of its adoption, this Charter shall become effective immediately, only for the purpose of conducting the election of necessary municipal officials. Said election shall be conducted in accordance with the provisions of Article VII of this Charter. The first election shall be held on November 6, 1979.~~
- ~~(b) — *Time of taking full effect.* This Charter shall be in full effect for all other purposes, on and after the first Monday in January, 1980.~~

~~Sec. 9.02. Termination of office.~~

- ~~(a) — The terms of office of the present mayor, the city council and the board of finance shall terminate on the first Monday in January, 1980.~~
- ~~(b) — The terms of office of the present members of the planning board and the board of zoning appeals shall terminate immediately upon the appointment and qualification of the new members of such boards, appointed under the provisions of this Charter.~~
- ~~(c) — The terms of office of the present members of the board of education shall terminate immediately upon the appointment and qualification of members of the school committee, appointed under the provisions of this Charter.~~
- ~~(d) — The terms of office of present members of all other boards and commissions established by the previous Charter which are not provided for in this Charter shall be deemed to have been abolished effective on the first Monday in January, 1980.~~

~~Sec. 9.03. Officers and employees.~~

- ~~(a) — *Officers and employees.* Any and all officers, department heads and employees of the City of Lewiston on the effective date of this Charter shall continue in such capacity until a successor is appointed and qualified as provided herein, unless sooner removed by the appointive power designated herein.~~
- ~~(b) — *Personnel system.* An employee holding a city position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects, shall be subject to the personnel system of the city.~~
- ~~(c) — *Acting administrator.* Until such time as a permanent city administrator is appointed the council shall appoint an acting city administrator and shall fix his compensation.~~

~~Sec. 9.04. Boards and commissions, transfer of power.~~

~~If a board or commission established by the previous Charter is not provided for in this Charter, it shall be deemed to have been abolished, and the powers and duties given it by law shall be transferred to the city department, office or agency designated in this Charter or, if the Charter makes no provision, designated by the council.~~

~~Sec. 9.05. Existing departments, offices and agencies.~~

~~All departments, offices or agencies in existence at the time of the adoption of this Charter which are not specifically abolished by or under this Charter shall continue in their present form until changed by ordinance enacted by the city council.~~

Sec. 9.016. Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the city department, office or agency appropriate under this Charter.

Sec. 9.027. Municipal laws.

All ordinances, resolutions, orders and regulations in force at the time that this Charter takes effect not inconsistent with this Charter shall continue in force until amended or repealed. All rules and regulations of the municipal officers or of any office of the City of Lewiston in force at the time that this Charter takes effect not inconsistent with the provisions hereof shall continue in force until amended or repealed.

Sec. 9.038. State laws.

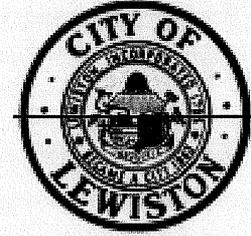
Upon the effective date of this Charter, all private and special state laws relating to the City of Lewiston which are inconsistent, in whole or in part, with the provisions of this Charter are hereby repealed.

~~**Sec. 9.09. Property and records.**~~

~~All property records and equipment of any department, office, agency, board or commission existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one (1) or more departments, offices or agencies designated by the council in accordance with this Charter.~~



**City of Lewiston Maine
City Council Order
2012**



Order, Proposing Amendments to the Lewiston City Charter, Office of the Mayor, Article I, Section 1.02 Powers and Duties; Article II, Sections 2.01 (c) Term Limits; Sections 2.03 and 2.10 (d) Authority of Mayor to Vote; Section 2.07 Forfeiture of the Office of Mayor.

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Lewiston;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Lewiston City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Summary:

This amendment will make a variety of changes to sections of the charter dealing with the mayor by:

1. Expanding the authority of the Mayor to vote as a municipal officer to situations where there is a council vacancy, a councilor is absent or recused due to a conflict of interest, and when five affirmative votes are required by the city charter or an ordinance.
2. Increasing the number of full consecutive terms an individual could serve as Mayor from two to three. It would also increase the period during which the Council President serves as Mayor when the office of Mayor is vacant from nine

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to twelve months. Vacancies of twelve months or more would be filled by a special election.

Sec. 1.02. Powers and duties.

- (b) The mayor and members of the city council shall be and constitute the municipal officers of the City of Lewiston for all purposes required by statute and, except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers and mayors of cities under the laws of this state. The mayor, when ~~he acts~~ acting as a municipal officer, shall be entitled to vote ~~only~~ to break a tie, when a council vacancy exists, when in the absence of a councilor, when a councilor is absent from a meeting, when a councilor has been recused due to a conflict of interest, and or when five or more affirmative votes are required by this charter or an adopted ordinance.

Sec. 2.01. Composition, eligibility, wards, elections and terms.

- (c) *Elections and terms.* The mayor and the ward councilors shall be elected at each regular election to serve two-year terms. The mayor shall not be eligible to serve for more than ~~two~~ three (23) full successive terms.

Sec. 2.03. Mayor.

The mayor shall be the presiding officer of the council and shall be entitled to vote only to break a tie, when a council vacancy exists, in the absence of a councilor, when a councilor has been recused due to a conflict of interest, and or when five or more affirmative votes are required by this charter or adopted ordinance. The mayor shall be recognized as the head of the city government for all ceremonial purposes. He shall solely make appointments to committees and boards created under this Charter, to statutory boards and commissions as are required by the Statutes of the State of Maine to be made by the municipal officers and shall solely appoint citizens to ad hoc advisory committees.

Sec. 2.07. Forfeiture of office of mayor.

- (b) If a vacancy in the office occurs ~~nine (9)~~ twelve (12) months or more prior to the next regular municipal election, the vacancy shall be filled by a special election for the unexpired term. Such election shall be called and held and nominations made as in other elections.
- (c) If a vacancy in the office occurs less than ~~nine (9)~~ twelve (12) months prior to the next regular municipal election, the president of the council shall serve the remainder of the unexpired term as the mayor of the city with all the powers, privileges and authority of the mayor. In such event, the vacancy in the city council caused by the president of the council becoming the mayor shall not be filled.

Sec. 2.10. Procedure.

- (d) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four (4) members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council,

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except as provided in the preceding sentence and in section 2.06(e) shall be binding or valid unless adopted by the affirmative vote of four (4) or more members of the council, including the mayor, if voting to ~~break a tie~~ under section 2.03.

Deletions of the existing Charter provisions are ~~struck through~~, additions are underlined.



**City of Lewiston Maine
City Council Order
2012**



Order, Proposing Amendments to the Lewiston City Charter Article II City Council, Sections 2.04 President of the Council; 2.08 Secretary to the Council; Section 2.10 Procedure

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Bangor;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Bangor City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Shall the municipality approve charter modifications that will: authorize the Council President to make appointments when acting as Mayor for a period of more than 45 days; authorize the council to elect a temporary presiding officer if both the Mayor and Council President are absent; authorize the council to establish an alternative method of notifying members of a special meeting; and authorize the council to act by motion?

Summary:

This amendment will make a variety of changes to sections of the charter dealing with the city council by:

1. Authorizing the Council President to make appointments when acting as Mayor during a temporary absence or disability of the Mayor that exceeds 45 calendar days.
2. Authorizing the Council to elect a temporary presiding officer if both the Mayor and Council President are absent from any duly scheduled meeting.
3. Authorizing the council to establish an alternative method of notifying members of a special meeting.
4. Authorizing the council to act by motion in addition to order, resolve, and ordinance.

ARTICLE II. CITY COUNCIL

Sec. 2.04. President of the council.

The council shall elect for a two-year term, from among its members, a president who shall act as mayor during the temporary absence or temporary disability of the mayor, but the president ~~he~~ shall have ~~no~~ appointive powers only when the temporary absence or temporary disability of the mayor exceeds 45 consecutive calendar days. When the president of the council acts as presiding officer in the temporary absence of the mayor, ~~he~~ the president shall be entitled to vote only as a councilor. In the event of the absence of both the mayor and president of the council at any duly scheduled meeting, the council shall elect from its members a temporary presiding officer.

Sec. 2.08. Secretary to the council.

The city clerk shall be the secretary of the council. The clerk shall keep the journal of proceedings and perform such other duties as are assigned to the clerk ~~him~~ by law, by this Charter, and by the city council. The clerk shall also give notice of council meetings to its members; and ~~he~~ shall post a notice of each meeting on a bulletin board in the city building and through such appropriate electronic means as the council may direct.

Sec. 2.10. Procedure.

- (a) *Meetings.* The council shall meet regularly, at least once in every month at such times and places as the council may prescribe by order. Special meetings may be held on the call of the mayor or of four (4) members by causing a notification to be given in hand or left at the usual dwelling place of each council member or through such other method of notification that the council may establish by order. Such notice shall be given ~~in writing~~ not less than six (6) hours before the special meeting.
- (c) *Action by council.* The city council shall act only by ordinance, order, ~~or~~ resolve, or other decision based upon motion.

Deletions of the existing Charter provisions are ~~struck through~~, additions are underlined.



**City of Lewiston Maine
City Council Order
2012**



Order, Proposing Amendments to the Lewiston City Charter Relating to Ordinances:
Section 1.01 and Article II City Council, Section 2.11 Ordinances in General;
2.12 Emergency Ordinances

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Bangor;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Bangor City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Shall the municipality approve charter modifications that will: eliminate the \$1,000 limit on penalties that may be imposed for violations of city ordinances; eliminate the requirement that amendments to or repeals of ordinances set out in full the changes; eliminate the requirement that the ordinance adoption procedure begin over in instances where a substantive amendment is proposed; and clarify that five affirmative votes of the municipal officers are required to adopt an emergency ordinance?

Summary:

This amendment will make a variety of changes to sections of the charter dealing with the city council by:

1. Eliminating the \$1,000 limit on penalties that may be imposed for violating city ordinances.
2. Eliminating the current requirement that ordinances repealing or amending other ordinances set out in full the changes as illustrated by underlines for new material and strikeouts for old.
3. Eliminating the requirement that the ordinance adoption procedure begin over in instances of substantive amendment to a proposed ordinance.
4. Clarify that five or more affirmative votes of the municipal officers are required to adopt an emergency ordinance.

ARTICLE I. GRANT OF POWERS TO THE CITY

Sec. 1.01. Corporate existence retained.

The inhabitants of the City of Lewiston shall continue to be a body politic and corporate by the name of the City of Lewiston, and shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein or otherwise, pertaining to or incumbent upon said city as a municipal corporation or to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations and ordinances for municipal purposes, not inconsistent with the constitution and laws of the State of Maine, and impose penalties for the breach thereof, ~~not exceeding one thousand dollars (\$1,000.00) in any one case~~ to be recovered for such uses as said by-laws, regulations or ordinances shall provide.

Sec. 2.11. Ordinances in general.

- (a) *Form.* Every proposed ordinance shall be introduced in writing. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Lewiston hereby ordains" Any ordinance which repeals or amends an existing ordinance shall set out ~~in full the ordinance sections or subsections to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underlining or by italics.~~
- (b) *Procedure.* A proposed ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the city clerk shall distribute a copy to the mayor, each council member and to the city administrator; shall file a reasonable number of copies in the office of the clerk and such other public places as the council may designate; and shall publish the proposed ordinance, together with a notice, setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least four (4) days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. After the hearing, the council may adopt the ordinance with or without amendment, or reject it; ~~but, if it is amended as to any matter of substance, the council may not adopt it until the ordinance and its amended sections have been subjected to all the procedure hereinbefore required in the case of a newly introduced ordinance.~~

Sec. 2.12. Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one (1) or more emergency ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment at the meeting at which it is introduced, but at least five ~~the affirmative votes of at least five (5) councilors~~ shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall stand repealed as of the sixty-first (61st) day following the date on which it was adopted; but this shall not prevent re-enactment of the ordinance in the manner specified in this section, if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. It shall not be necessary to publish the emergency ordinance prior to its enactment, but public hearing shall be had thereon.

Deletions of the existing Charter provisions are ~~struck through~~, additions are underlined.



**City of Lewiston Maine
City Council Order
2012**



Order, Proposing an Amendment to the Lewiston City Charter, Article III Sections 3.02 and 3.03 – Powers and Duties of the City Administrator and Acting City Administrator

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Lewiston;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Lewiston City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Shall the municipality approve charter modifications that eliminate the requirement for council confirmation of all offices appointed by the city administrator except for the chief financial officer and authorize the administrator to appoint an acting administrator during absences of the administrator for 30 days or less?

Summary:

This amendment eliminates the requirement for council confirmation for all offices appointed by the city administrator except for the chief financial officer and authorizes the administrator to appoint an acting administrator during absences of 30 days or less.

ARTICLE III. CITY ADMINISTRATOR

Sec. 3.02. Powers and duties of the city administrator.

The city administrator shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs placed in his charge by or under this Charter. He shall have the following powers and duties:

- (a) Except as may otherwise be provided by this Charter, the city administrator shall appoint without confirmation by the city council, all department heads, and other officers and employees responsible directly to the city administrator. The chief financial officer of the city ~~heads of departments, the primary function of which is financial, and financial officers such as auditor, treasurer, tax collector, controller and chief financial officer, should one (1) or more of those positions or similar positions be created by the city council,~~ shall be appointed by the city administrator and confirmed by the city council. ~~The city clerk shall be appointed by the city administrator and confirmed by the city council.~~

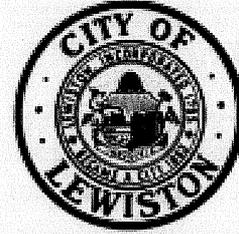
Sec. 3.03. Acting city administrator.

During any vacancy in the office of city administrator ~~and during the temporary absence or disability of the city administrator, as determined by vote of the council,~~ and during any temporary absence or disability of the city administrator of more than thirty (30) consecutive calendar days, the council may designate a properly qualified person to perform the duties of city administrator and fix such person's compensation. During a temporary absence of thirty calendar (30) days or less, the city administrator may designate a qualified person to perform the duties of administrator during such absence. While so acting, such person shall have the same powers and duties as those given to and imposed on the city administrator.

Deletions of the existing Charter provisions are ~~struck through~~, additions are underlined.



**City of Lewiston Maine
City Council Order
2012**



Order, Proposing an Amendment to the Lewiston City Charter, Article IV, Section 4.05 Planning Board; Section 4.06 Board of Appeals; Section 4.07 Forfeiture of Office; and Section 4.08 Limitation of Terms.

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Lewiston;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Lewiston City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Shall the municipality approve charter modifications that reduce the size of the Planning Board and Board of Appeals and increases the allowable number of terms an individual may serve on the Planning Board and Board of Appeals to two consecutive five year terms?

Summary:

This amendment will make a variety of changes to sections of the charter dealing with the Planning Board and the Board of Appeals by:

1. Reducing the size of the Planning board and the Board of Appeals from seven regular and two associate members to seven regular members, with existing regular and associates members continuing in office until their terms expire or they have otherwise left office.
2. Increasing the allowable number of terms an individual may serve on the Planning Board or Board of Appeals from one five year term within a ten year period to two consecutive full five year terms.

ARTICLE IV. ADMINISTRATIVE ORGANIZATION

Sec. 4.05. Planning board.

- (a) *Appointment.* There shall be a planning board consisting of ~~seven~~ nine (9) members appointed for five year staggered terms, each of whom shall be a qualified voter of the City of Lewiston and who shall be appointed by the mayor. No more than two (2) members may reside in the same ward. ~~The terms of office of members of the board appointed following the adoption of this Charter shall be established by the mayor who shall appoint one (1) member to serve one (1) year; two (2) members to serve two (2) years; one (1) member to serve three (3) years; two (2) members to serve four (4) years; and one (1) member to serve five (5) years. Thereafter all members shall be appointed for five year terms.~~

~~There shall be, in addition to the seven (7) members of the board, two (2) associate members of the board, each of whom shall be a qualified voter of the City of Lewiston, appointed by the mayor. The associate members are subject to the same ward residency requirements as the regular members. They shall serve for five year staggered terms, with initial terms being one (1) associate member serving for four (4) years and one (1) for five (5) years. An associate member shall serve in the place of a member who is absent, disqualified or otherwise unable to participate when designated by the chair person to do so. Existing members and associate members of the Board shall continue to serve until their current terms have expired or they have resigned or otherwise forfeited their positions. Once vacant, all associate member positions shall be eliminated.~~

(Amd. effective 1-1-03)

Sec. 4.06. Board of appeals.

- (a) *Appointment.* There shall be a board of appeals consisting of seven (7) members,

appointed for five year staggered terms, each of whom shall be a qualified voter of the City of Lewiston and who shall be appointed by the mayor. No more than two (2) members may reside in the same ward. ~~The terms of office of members of the board, appointed following the adoption of this Charter, shall be established by the mayor who shall appoint one (1) member to serve one (1) year; two (2) members to serve two (2) years; one (1) member to serve three (3) years; two (2) members to serve four (4) years; and one (1) member to serve five (5) years. Thereafter, all members shall be appointed for five-year terms.~~

~~There shall be, in addition to the seven (7) members of the board, two (2) associate members of the board, each of whom shall be a qualified voter of the City of Lewiston, appointed by the mayor. The associate members are subject to the same ward residency requirements as the regular members. They shall serve for five-year staggered terms, with initial terms being one (1) associate member serving for four (4) years and one (1) for five (5) years. An associate member shall serve in the place of a member who is absent, disqualified or otherwise unable to participate when designated by the chair person to do so. Existing members and associate members of the Board shall continue to serve until their current terms have expired or they have resigned or otherwise forfeited their positions. Once vacant, all associate member positions shall be eliminated.~~

(Ord. No. C95-1, 1-9-96)

Sec. 4.098. Limitation of terms.

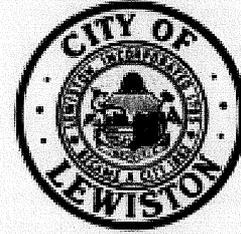
No member of any board established by this article shall serve more than two consecutive a full five-year terms on the same board ~~within any ten-year period. Said period shall be deemed to commence at the time of his first appointment.~~

Deletions of the existing Charter provisions are ~~struck through~~, additions are underlined.

CHARTER



**City of Lewiston Maine
City Council Order
2012**



Order, Proposing an Amendment to Article V School Committee Section 5.01 Election and Appointment and 5.03 Powers and Duties and Adding New Sections 5.05 Meetings, 5.06 Quorum, 5.07 Record, and 5.08 Voting

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Lewiston;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Lewiston City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Summary:

This Amendment will:

- Authorize the Mayor to nominate , subject to consent of the City Council, an eligible individual to fill a position on the School Committee where that position is not filled at a regular election
- Clarify the powers and duties of the school committee and require that these duties be accomplished within the financial limitations established by the city council together with other state or federal funds, gifts, grants, and payments from other sources
- Repeal the requirement that the school department comply with all city ordinances and practices relating to employees
- Require that the school superintendent be selected solely on the basis of executive and

administrative qualifications and be a resident of the city while in office unless otherwise approved by the school committee

- Repeal the requirement that all school department labor contracts be approved by the city council
- Require that the school committee establish the times and places of its meetings by rule; that these meetings be open to the public; that public notice be given of such meetings and public participation in them be promoted; that agendas and supporting information be made publicly available at least two days prior to the meeting and through electronic means if available
- Establish that a majority of the school committee constitutes a quorum
- Require that records be kept of open school committee proceedings and be made available to the public
- Allow any member of the committee to request a roll call vote on any order or resolve;
- Require at least five affirmative votes for the school committee to take action

ARTICLE V. SCHOOL ADMINISTRATION

Sec. 5.01. School committee.

- (a) *Election and appointment.* There shall be a school committee of nine (9) members, composed of one (1) qualified voter to be elected from each ward, one (1) at-large member to be elected from any ward, and one (1) city council member to be nominated by the mayor and appointed by the city council from any ward, all of whom shall serve two (2) year terms, as set forth herein, and until their successors are elected and/or appointed and qualified. The qualified voters of each of the seven (7) wards of the city shall nominate and elect a school committee member who shall be qualified to vote in his ward and the qualified voters of the entire city shall nominate and elect one (1) at-large school committee member who shall be qualified to vote in any ward. Nominations and elections shall be conducted as provided in Article VII. The mayor shall nominate one (1) councilor from any ward, who shall be appointed by the city council, at the first city council meeting in January after each biennial election. If an elective position on the school committee is not filled at a regular municipal election, the mayor shall nominate, subject to the consent of the city council, an eligible individual for appointment who shall be appointed by the city council to assume the vacant position. ~~The present members and their successors shall continue in office until their respective terms expire but no later than the first Monday of January, 1988. Successors are to be elected as provided herein beginning at the regular municipal election in 1987 and appointed as provided herein at the first meeting of the city council in 1988.~~

~~If any vacancy in office of any elected member occurs less than one (1) year prior to the next regular municipal election, the vacancy shall be filled from the same ward for the remainder of the unexpired term by nomination of the mayor, subject to the consent of the city council, and appointment by the city council except that the at-large school committee member may be from any ward. If any vacancy in the office of any elected member occurs one (1) year or more prior to the next regular municipal election, the vacancy for the unexpired term shall be filled by a special election. Such election shall be called and held and nominations made as in other elections. If there is any vacancy in the office of the city council member, it shall be filled by nomination of a councilor by the mayor and appointment by the city council.~~

- (d) **[Election under this Charter.] The terms of office of the present members of the school committee shall terminate immediately upon the election, appointment and qualification of members of the school committee elected and/or appointed under the provisions of this Charter.**

Sec. 5.03. Powers and duties.

- (a) *General powers and duties.* The school committee shall have all the powers and shall perform all duties necessary for care and management of the city's public schools pursuant to ~~prescribed for superintending school committees by~~ the general laws of the State of Maine, which grant these powers and responsibilities to the school committee, except as otherwise provided by this Charter. The school committee shall accomplish its duties within the financial limitations established by the city council in its annual appropriation resolve and such supplemental appropriations voted by the city council, together with such other revenues it may receive from the federal or state governments, as well as gifts, grants, and payments from other sources. The school committee shall submit to the city council at least three (3) months prior to the end of the current fiscal year, for inclusion in the budget submitted to the city council under Article VI, budget estimates for the various sums required for the support of public schools for the ensuing uniform school fiscal year and shall thereafter provide the city council with such information relating to such estimates as the city council shall require. The school committee shall comply with all Charter provisions contained under Article VI.
- (b) *Employees.* All school department employees, including the superintendent of schools, shall be hired by the school committee. ~~Except when prohibited by state law, the school committee and the school department shall comply with all ordinances pertaining to personnel and shall follow the employment practices adopted by the city council.~~ The school committee shall choose a superintendent of schools solely on the basis of executive and administrative qualifications. The superintendent of schools need not be a resident of the city at the time of appointment, but shall be a resident of the city during tenure in office unless otherwise approved by the school committee.
- (c) ~~*Approval of labor contracts.* Any contract negotiated with any bargaining agent representing employees of the school department, pursuant to the Maine Public Employees Labor Relations Law, shall require approval by the city council.~~

Sec. 5.05. Meetings

The school committee shall meet at such time and place as it determines by rule. Meetings of the school committee other than executive session shall be open to the public as required by state statute, and the school committee shall promote public participation in and public notice of its meetings in the contemporary means of information sharing. Agendas and supporting information for meetings shall be available to the public at the superintendent of schools' office at least two business days prior to the meeting as well as electronically through the city's or school's website, if available.

Section 5.06. Quorum

A majority of the voting members of the school committee shall constitute a quorum for the transaction of business, but a smaller number may adjourn or compel attendance of absent members.

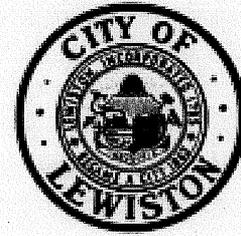
Section 5.07. Record

The school committee shall keep a record of its own proceedings which, except for executive sessions, shall be available to the public.

Section 5.08. Voting.

A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least five affirmative votes.

Deletions of the existing Charter provisions are ~~struck through~~, additions are underlined.



City of Lewiston Maine
City Council Order

2012

Order, Proposing an Amendment to the Lewiston City Charter, Article VI Financial Procedures Section 6.01 (a) Fiscal Year; Section 6.07 Capital Plan; Section 6.06 Budget; Section 6.08 Public Records; Section 6.12 Annual Postaudit; Section 6.13 Temporary Borrowing; Section 6.14 Bond Issues; Section 6.15 Finance Committee.

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Lewiston;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Lewiston City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Shall the municipality approve charter modifications that empower the city council to set the dates of the city's fiscal year; require that notice of the capital plan and budget be made available electronically; specify that five affirmative votes of the council are required to override the charter's budget appropriation limit; increase the length of time the council may appoint an accounting firm to conduct the annual audit to five years; authorize the issuance of bond anticipation notes; require final council action on bond orders within sixty days following the public hearing on such orders; clarify that city employees may appeal decisions of the

Finance Committee; and require the Finance Committee's rules of procedure to be consistent with established council policies?

Summary:

This amendment will make a variety of changes to sections of the charter dealing with the city's financial procedures by:

1. Eliminating the reference to the City's Fiscal year as beginning on the first day of January and ending on the last day of December and empowering the city council to determine the dates of each fiscal year by resolution.
2. Relocating the section on the capital plan from 6.07 to 6.06 and renumbering the sections as appropriate.
3. Requiring that notice of the capital plan and budget be made available through the City's web sites or by means of other appropriate electronic technologies.
4. Specifying that five affirmative votes of the council, as opposed to a two-thirds vote of the Council, is required to override the Charter's budget appropriation limit.
5. Increasing the length of time the Council may appoint an accounting firm to conduct the annual postaudit from three (3) to five (5) years.
6. Authorizing the City to issue bond anticipation notes.
7. Requiring that the final council action on bond orders must take place no later than sixty (60) days following the public hearing on such order rather than within seven (7) to fifteen (15) days of publication of notice of public hearing on the issuance of bonds.
8. Clarifying that employees of the City may appeal actions of the Finance Committee to the city council.
9. Requiring the Finance Committee's rules of procedure to be consistent with the policies adopted by the city council.

ARTICLE VI. FINANCIAL PROCEDURES

Sec. 6.01. Fiscal year.

- (a) *Fiscal year.* The fiscal year of the city shall be established by ~~begin on the first day of January and end on the last day of December or be such other fiscal year as the council may~~ by resolution ~~adopt.~~

Sec. 6.067. Council action on capital program.

- (a) *Notice and hearing.* The city council shall publish in one (1) or more newspapers of general circulation in the city a general summary of the capital program and a notice stating:
- (1) The times and places where copies of the capital program are available for inspection by the public;

- (2) The time and place, no less than seven (7) nor more than fifteen (15) calendar days after such publication, for a public hearing on the capital program.
- (b) *Copy at public library.* A copy of the capital program shall be filed in the Lewiston Public Library.
- (c) *Notice in city building.* Notice shall also be posted in the city building.
- (d) *Electronic Availability.* Notice of the plan or the plan itself shall be made available through the city web site or other current technologies as the city council deems appropriate.
- (d) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and at least four (4) months prior to the end of the current fiscal year. Adoption as provided herein shall not constitute the appropriation of funds.

(Ord. No. C87-1, 11-3-87)

Sec. 6.067. Council action on budget.

- (d) *Electronic Availability.* Notice of the budget or the budget itself shall be made available through the city web site or other current technologies as the city council deems appropriate.
- (g) Exception: When deemed necessary by the city council, the provisions of subsection (f) of this section may be waived by five affirmative votes a two-thirds vote of the city council.

~~Sec. 6.07. Council action on capital program.~~

- ~~(a) *Notice and hearing.* The council shall publish in one (1) or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:~~
 - ~~(1) The times and places where copies of the capital program are available for inspection by the public;~~
 - ~~(2) The time and place, no less than seven (7) nor more than fifteen (15) calendar days after such publication, for a public hearing on the capital program.~~
- ~~(b) *Copy at public library.* A copy of the capital program shall be filed in the Lewiston Public Library.~~
- ~~(c) *Notice in city building.* Notice shall also be posted in the city building.~~
- ~~(d) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and at least four (4) months prior to the end of the current fiscal year. Adoption as provided herein shall not constitute the appropriation of funds.~~

~~(Ord. No. C87-1, 11-3-87)~~

Sec. 6.08. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available for inspection by the public at the Lewiston Public Library, and at such other places as

may be designated by the city council, and through appropriate electronic methods.

Sec. 6.12. Annual postaudit.

Council shall appoint an accounting firm, whose minimum qualification shall include certified public accountants on staff, for the purpose of conducting the annual postaudit of the current fiscal year's municipal finances, as required by law. The council may enter into multi-year contracts pursuant to the competitive bid process for terms not to exceed five ~~three~~ (35) consecutive fiscal years.

Sec. 6.13. Temporary borrowing.

Money may be borrowed temporarily in anticipation of taxes or of the issuance of bonds, in accordance with the provisions of 30-A M.R.S.A. § 5771, as amended.

Sec. 6.14. Bond issues.

The city may issue general obligation and revenue obligation securities for funding or refunding all or any part of its debt or for any purpose for which it may raise money in accordance with Maine Statutes. Before passage of an order or orders providing for the issuance of bonds, the city council shall hold a public hearing, notice of which shall be advertised at least once in one (1) or more newspapers of general circulation in Lewiston, such publication to be made not less than seven (7) days and no more than fifteen (15) days before the public hearing. final action by the council. Final action on the order or orders must take place no later than sixty (60) calendar days following the public hearing. In addition to the public hearing required herein, where the amount of any single purpose bonds authorized for an individual project exceeds fifteen (15) percent of the property tax levy of the preceding fiscal year, such authorization must be approved by the voters at a regular or special election prior to issuance.

Sec. 6.15. Finance committee.

- (a) *Appointment.* There shall be a finance committee composed of five (5) members, who shall be appointed as follows: The president of the city council shall appoint two (2) members of the city council to serve two-year terms; the mayor shall appoint three (3) qualified voters of Lewiston to serve staggered three-year terms. ~~Following the adoption of this Charter, the mayor shall appoint one (1) member to serve one (1) year, one (1) member to serve two (2) years, one (1) member to serve three (3) years. Thereafter a~~ All terms shall be for three (3) years. No non-city-council member shall serve on the finance committee for more than six (6) consecutive years.
- (d) *Appeal.* Any party, including employees of the city, aggrieved by action of the finance committee taken under section 6.15(c), may appeal such action to the council within seven (7) days from the date of the action which is the subject of the appeal.
- (f) *Rules of procedure.* The finance committee shall adopt appropriate rules of procedure consistent with the provisions of this Charter and policies adopted by the city council, to enable it to carry out its functions.

Deletions of the existing Charter provisions are ~~struck through~~, additions are underlined.



City of Lewiston Maine
City Council Order

2012

Order, Proposing Amendments to Article VIII General Provisions, Section 8.01 Term; Section 8.02 First Council Meeting and Adding a New Section -- Periodic Charter Review.

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Lewiston;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Lewiston City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Shall the municipality approve charter modifications that clarify the starting date of newly elected officials and require the Mayor to appoint a charter review committee once every ten years to recommend amendments to it?

Summary:

This proposed amendment will:

- Specify that the terms of newly elected officials will begin on the first Tuesday in January if the first Monday falls on a holiday or the day after a holiday
- Establish a new Section 8.09 requiring the Mayor to appoint a charter review committee in every calendar year ending in 1 to undertake a comprehensive review of the charter and recommend amendments.

ARTICLE VIII. GENERAL PROVISIONS

Sec. 8.01. Terms of officers and employees.

- (a) *Elected officers.* The term of any elected officer shall date from the first Monday in January next following his election, except that in the event the first Monday shall fall on a holiday or the day following a holiday, then on the following Tuesday., ~~then on the next day following.~~ If a person is elected to fill a vacancy in office, ~~his~~ that person's term shall begin immediately upon taking the oath of office.

Sec. 8.02. First council meeting.

The city council shall convene on the first Monday in January next following its election; except that in the event the first Monday shall fall on a holiday or the day following a holiday, then on the following Tuesday., ~~the city council shall convene the next day following.~~

Sec. 8.09. Periodic Charter Review.

In calendar years ending in 1, the Mayor shall appoint a charter review committee composed of seven members who shall be residents of the city and who the Mayor determines to have a background in or understanding of city government and its operations. The committee shall undertake a comprehensive review of this charter and shall recommend to the city council amendments to the charter designed to improve the operations of city government, such recommendations to be made no later than the date established by the Mayor at the time the committee is established.

Deletions of the existing Charter provisions are ~~struck through~~, additions are underlined.



City of Lewiston Maine
City Council Order

2012

Order, Proposing an Amendment to the Lewiston City Charter—Nominations, Elections, Vacancies in Office -- Article II City Council – Prohibitions , Council Vacancies; Article V School Administration – School Committee Vacancies; Article VII Nominations and Elections -- Write-In Candidates

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Bangor;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Bangor City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Shall the municipality approve charter modifications that will allow an individual who holds an appointive office to become a candidate for elective office without resigning the appointed position; authorize the city council to appoint an individual to a vacant council position as a result of failure to elect someone at a regular election; authorize the mayor to nominate and the Council to appoint an eligible individual to fill vacancies on the school committee; require a write-in candidate to register his or her candidacy with the City Clerk at least 30 days prior to the date of the election and to receive at

least the same number of votes as are required for nomination for the position sought to be elected?

Summary:

This proposed amendment would make the following changes to the charter in regard to Nominations, Elections, and Appointments:

1. An individual who holds an appointive office in city government would be permitted to run for an elective office without resigning the appointed position until that individual assumes the elective office.
2. If a council vacancy results from failure to elect someone at a regular election, the remaining councilors may appoint an eligible person to fill the term. If the council fails to do so within thirty days. If they fail to do so, the mayor shall appoint an eligible person.
3. If a school committee vacancy results from failure to elect someone at a regular election, the mayor shall nominate an eligible individual who shall be appointed by the city council.
4. Currently, school committee vacancies of greater than one year are filled through a special election. This amendment would eliminate the need for an election and authorize the mayor to nominate an eligible person and the council to appoint that person.
5. In order for ballots for a write-in candidate to be counted, such candidate must register with the City Clerk at least 30 calendar days prior to the date of the election.
6. To be elected, a write-in candidate must receive at least the same number of votes as are required for nomination for the position for which the write-in candidate is competing.

ARTICLE II. CITY COUNCIL

Sec. 2.05. Prohibition.

Except as otherwise provided by law, no person who holds an appointive office in the city government or is an employee of the city shall ~~be eligible to be a candidate for or~~ hold an elective office in the city government. However, a person holding an elective office shall be eligible, during his term of office, to become a candidate for the same or another elective office. In the event such person is elected to the second office, a vacancy shall exist in the first office when such person qualifies for the second office. No person shall be a candidate for more than one (1) city elective office in the same city election.

Sec. 2.06. Forfeiture of office of councilor.

- (b) In the event that a vacancy in the office occurs as a result of the failure to elect a candidate at the regular city election, the remaining members of the council may appoint an eligible person to fill the term within thirty calendar (30) days after the vacancy exists. If the Council fails to make such appointment within said thirty (30) calendar days, the mayor shall appoint an eligible person to fill the unexpired term within ten (10) calendar days thereafter.
- (bc) If a vacancy in the office occurs one (1) year or more prior to the next regular municipal election for reasons other than that set forth in section 2.06.b, the vacancy for the unexpired term shall be filled by a special election. Such election shall be called and held and nominations made as in other elections.

ARTICLE V. SCHOOL ADMINISTRATION

Sec. 5.01. School committee.

(a.) Election and appointment.

If an elective position on the school committee is not filled at a regular municipal election, the mayor shall nominate, subject to the consent of the city council, an eligible individual who shall be appointed by the city council to assume the vacant position.

If any vacancy in office of any elected member occurs ~~less than one (1) year prior to the next regular municipal election,~~ the vacancy shall be filled from the same ward for the remainder of the unexpired term by nomination of the mayor, subject to the consent of the and appointment by the city council except that the at-large school committee member may be from any ward. ~~If any vacancy in the office of any elected member occurs one (1) year or more prior to the next regular municipal election, the vacancy for the unexpired term shall be filled by a special election. Such election shall be called and held and nominations made as in other elections.~~ If there is any vacancy in the office of the city council member, it shall be filled by nomination of a councilor by the mayor subject to consent and appointment by the city council.

ARTICLE VII. NOMINATIONS AND ELECTIONS

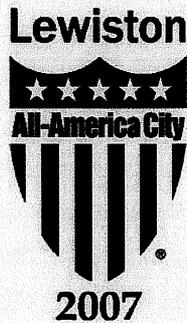
Sec. 7.05 Write-In Candidates.

In order for ballots cast for a write-in candidate to be counted, such candidate must (a) register his or her candidacy with the City Clerk at least 30 calendar days prior to the date of the election and (b) be eligible for the office for which he or she wishes to become a candidate.

Sec. 7.07. Determination of election results.

(e) Write-In Candidates. In order to be eligible to be elected, a write-in candidate must receive at least the same number of votes as are required for nomination for the position for which the write-in candidate is competing.

Deletions of the existing Charter provisions are ~~struck through~~, additions are underlined.



**City of Lewiston Maine
City Council Order
2012**



Order, Proposing an Amendment to the Charter of the City of Lewiston – Compensation and Forfeiture of Office – Section 2.02 Compensation, Expenses; Section 2.06 Forfeiture of office of councilor; Section 2.07 Forfeiture of office of mayor; Section 4.05 (b) Planning Board Compensation; Section 4.06 (b) Board of Appeals Compensation; Section 4.08 Forfeiture of Office, Planning Board and Board of Appeals; Section 5.01 (b) School Committee Compensation; Section 5.01 (c) School Committee Forfeiture of Office; Section 6.15 (b) Finance Committee Compensation; Section 6.15 (g) (1) and (2) Finance Committee Forfeiture of Office.

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Bangor;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Bangor City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Summary:

This amendment would:

- Replace the dollar amounts specified as compensation for the Mayor, Council, School Committee, Finance Committee, Planning Board, and Board of Appeals with compensation set by city council ordinance;

- Authorize compensation on a per diem basis to councilors appointed to represent the city on governing bodies of various organizations and agencies;
- Specify that the Mayor, councilors, school committee, finance committee, planning board, and board of appeals members shall forfeit their office if convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement regardless of the punishment.

Sec. 2.02. Compensation, expenses.

~~The mayor shall receive an annual salary of three thousand six hundred dollars (\$3,600.00), payable monthly. and Each of the councilors shall receive an annual salary as set by ordinance of one thousand eight hundred dollars (\$1,800.00), payable monthly. the council may also, by ordinance, provide for compensation for elected officials who are appointed by the council, the mayor, or the council president to represent the city on the governing bodies of any joint agency, quasi-governmental organization or non-profit organization. Such compensation shall be on a per diem basis for any day on which the elected official attends a meeting of such governing body. No ordinance increasing such salaries shall take effect during the term for which the mayor or the councilors were elected. The mayor and members of the council shall receive their actual and necessary expenses incurred in the performance of their duties of office. During the term of office for which they have been elected, neither the mayor nor any councilor shall hold the office of city administrator, acting city administrator or any other office or employment, compensation for which is payable by the city. No former mayor or councilor shall hold employment in any position created during his term or terms of office until one (1) year after the termination of his last term of office. The city council may, by ordinance, establish the amount that the mayor and members of the council shall be entitled to receive as salary, but no such ordinance increasing such salaries shall take effect during the term for which the mayor or the councilors were elected. Nothing herein shall prevent a councilor serving on the finance committee from receiving as additional compensation the salary authorized by section 6.15(b) or a councilor serving on the school committee from receiving as additional compensation the salary authorized by section 5.01(b).~~

Sec. 2.06. Forfeiture of office of councilor.

- (a) A vacancy in the office of councilor shall exist if he:
- (1) Dies;
 - (2) Resigns;
 - (3) Moves from the ward from which he was elected or appointed;
 - (4) Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment or offense involving moral turpitude while in office; or
 - (5) Is found in violation of section 8.04 of this Charter.
 - (6) Fails to attend three consecutive regular meetings of the city council without being excused by the mayor or president of the council, such excuse to be documented with the city clerk.

Sec. 2.07. Forfeiture of office of mayor.

- (a) A vacancy in the office of mayor shall exist if he:
- (1) Dies;
 - (2) Resigns;
 - (3) Moves from the city;
 - (4) Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment or offense involving moral turpitude while in office; or
 - (5) Is found to be in violation of section 8.04 of this Charter.
 - (6) Fails to attend three consecutive regular meetings of the city council without being excused by the city council.

Sec. 4.05. Planning board.

- (b) *Compensation.* Each member shall receive compensation salary at the rate established by ordinance by the city council of three hundred sixty dollars (\$360.00) per year, payable monthly.

Sec. 4.06. Board of appeals.

- (b) *Compensation.* Each member shall receive compensation salary at the rate established by ordinance by the city council of three hundred sixty dollars (\$360.00) per year, payable monthly.

Sec. 4.07. Compensation.

~~Compensation paid to members of the planning board and board of appeals may be changed by ordinance.~~

(Amend. eff. 1-1-07)

Sec. 4.078. Forfeiture of office.

A member of the planning board or board of appeals shall forfeit his office and a vacancy therein shall exist, if he:

- (1) Dies;
- (2) Resigns;
- (3) Moves from the city;
- (4) In the case of the planning board and board of appeals if he moves from his ward into a ward in which there are currently two (2) members of the same board;
- (5) Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment or offense involving moral turpitude while in office;
- (6) Is found to be in violation of section 8.04 of this Charter; or
- (7) Exceeds the tenure authorized for the office.

- (8) Fails to attend three consecutive regular meetings of the board without being excused by the chair or, in the case of the chair, by the board.

Sec. 5.01. School committee.

- (b) *Compensation.* Each member shall receive compensation salary at the rate set by ordinance by the city council of six hundred dollars (\$600.00) per year, payable monthly. ~~Such compensation may be changed by ordinance.~~
- (c) *Forfeiture of office.* A member of the school committee shall forfeit his office and a vacancy therein shall exist if he:
- (1) Dies;
 - (2) Resigns;
 - (3) For the seven (7) members elected by ward, moves from the ward in which he was elected;
 - (4) For the one (1) at-large member, moves from the city;
 - (5) Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment or offense involving moral turpitude while in office;
 - (6) Is found to be in violation of section 8.04 of this Charter; or
 - (7) For the councilor member, is no longer a member of the city council.
 - (8) Fails to attend three consecutive regular meetings of the school committee without being excused by the chair or, in the case of the chair, by the school committee. mayor or president of the council, such excuse to be documented with the city clerk.

Sec. 6.15. Finance committee.

- (b) *Compensation.* The members of the finance committee shall receive compensation salary at the rate established by ordinance by the city council of four hundred eighty dollars (\$480.00) per year, payable monthly. Compensation paid to members of the finance committee may be changed by ordinance, but no such ordinance increasing compensation for a member of the finance committee who is a member of the city council shall take effect during the term for which the councilor was elected.
- (g) *Forfeiture.*
- (1) A member of the finance committee appointed by the mayor shall forfeit his office and a vacancy therein shall exist if he:
 - a. Dies;
 - b. Resigns;
 - c. Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment

~~or offense involving moral turpitude while in office;~~

- d. Is found to be in violation of section 8.04 of this Charter; or
- e. Exceeds the tenure authorized for the office.

(2) A member of the finance committee who is a member of the city council shall forfeit his office and a vacancy therein shall exist if he:

a. ~~Dies;~~

b. ~~Resigns;~~

c. ~~Is convicted of a crime punishable by imprisonment of one year or more or a crime of dishonesty or false statement, regardless of the punishment or offense involving moral turpitude while in office;~~

d. ~~Is found to be in violation of section 8.04 of this Charter; or~~

e. ~~Is no longer a member of the city council.~~



**City of Lewiston Maine
City Council Order
2012**



Order, Proposing Amendments to Various Sections of the Lewiston City Charter for Technical Housekeeping Changes including Making the Charter Gender Neutral, Specifying that References to Days Means Calendar Days; Repealing Unnecessary Transitional Language, and Renumbering Sections as Appropriate.

Whereas, the Lewiston City Council authorized the formation of a Charter Review Committee on August 16, 2011; and

Whereas, the Charter Review Committee met on numerous occasions and carefully reviewed all provisions of the Lewiston City Charter; and

Whereas, the Charter Review Committee presented its final report with its recommendations for amendments to the Lewiston City Council on November 15, 2011; and

Whereas, any amendment to the Lewiston City Charter requires a vote of the citizens of the City of Lewiston;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the following amendments to various sections of the Lewiston City Charter be placed on the ballot of the 2012 election to be held on November 6, 2012 for approval by the qualified voters of the City of Lewiston in accordance with Title 30-A M.R.S.A. Sections 2104(1) and 2105:

Shall the municipality approve charter modifications that are technical changes, including making the charter gender neutral, correcting grammar and punctuation, specifying that references to days means calendar days, repealing transitional language that is no longer necessary, and renumbering sections as appropriate as summarized below?

Summary:

This amendment will make technical housekeeping changes to the charter including making the charter gender neutral, correcting punctuation and grammar, specifying that days means calendar days, repealing unnecessary transitional language, and renumbering sections as appropriate.

The following no longer necessary transitional provisions would be repealed:

- Section 2.01 (b) reference to ward lines as they exist as of the date of the adoption of this Charter
- Section 4.05 (a) specifying the terms of the members of the planning board initially appointed after the adoption of the Charter
- Section 4.06 (a) specifying the terms of the members of the board of appeals initially appointed after the adoption of the Charter
- Section 5.01 (a) specifying that members of the school committee and their successors continued in office until their respective terms expired but no later than the first Monday of January 1988.
- Section 5.01 (d) specifying that the terms of the school committee members shall terminate immediately upon the election, appointment, and qualification of members of the committee under the provisions of this Charter
- Section 6.15 (a) specifying the terms of members of the Finance Committee initially appointed after the adoption of the charter.
- Section 9.01 First Elections
- Section 9.02 Termination of office
- Section 9.03 Officers and Employees
- Section 9.04 Boards and commissions, transfer of power
- Section 9.05 Existing departments, offices and agencies
- Section 9.09 Property and records.

In addition, Section 8.09 Gender would be deleted as the Charter would be made gender neutral.

ARTICLE VIII. GENERAL PROVISIONS

~~Sec. 8.09. Gender.~~

~~Words of the masculine gender may include the feminine.~~

**CHARTER REVIEW COMMENTS
ARTICLE V – SCHOOL ADMINISTRATION
LEWISTON SCHOOL COMMITTEE
November 21, 2011**

Notes by Bill Webster, Superintendent

Reference Number	Section	Comment
1	Sec. 5.01(a) Election and appointment	Members of the school committee shall enjoy the title of Representative to the school committee.
2	Sec. 5.01(a) Election and appointment “.....the mayor shall nominate an eligible individual....”	The school committee shall be the appointing authority.
3	Sec. 5.01 (a) Election and appointment “....all of whom shall serve two (2) year terms...”	The complexities of school law, the importance of institutional memory and the learning curve required to be an effective school committee member support both longer and staggered terms. The School Committee supports three-year, staggered terms.all of whom shall serve three (3) year terms....” If the terms are to remain two years, the school committee supports staggered terms in this situation as well.
4	Sec. 5.01(c) “If any vacancy in office of any elected member occurs, the vacancy shall be filled from the same ward for the remainder of the unexpired term by nomination of the mayor....”	Should be nominations by the school committee chair and appointment by the school committee.
5	Sec. 5.03(a) Powers and duties – General powers and duties “The school committee shall submit to the city council at least three (3) months prior to the end of the current fiscal year...”	This may not be practical as the Maine Legislature may not have determined General Purpose Aid levels in that timeframe. An improvement would be “The school committee shall <i>generally</i> submit to the city council at least three (3) months prior to the end of the current fiscal year... <i>and in no case later than May 1st</i> ”

6	<p>Sec. 5.03(b) Powers and duties - Employees “The superintendent of schools need not be a resident of the city at the time of appointment, but shall be a resident of the city during tenure in office unless otherwise approved by the school committee.”</p>	<p>After discussion, the school committee found this language acceptable.</p>
7	<p>Sec. 5.05 Meetings “.....at least two business days prior to the meeting as well as electronically through the city’s or school’s website...”</p>	<p>The school committee asked the superintendent for more information. Maine law requires that “notice shall be given in ample time to allow public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served...” The meeting notice requirements here seem reasonable and are presently being met.</p>
8	<p>Sec. 5.06 Quorum “.....but a smaller number may adjourn to compel attendance of absent members.”</p>	<p>After discussion, the school committee agreed that a small number (but still a majority of those present) may adjourn a meeting that began with a quorum).</p>
9	<p>Sec. 5.08 Voting “A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least five affirmative votes.”</p>	<p>The school committee concluded that this was unnecessarily restrictive and could limit the school committee’s ability to function. The clause might read “Any action by the school committee shall require a majority vote of those present and voting except as provided in state law or Robert’s Rules of Order.”</p>
10	<p>Sec. 7.03(c) Names on ballots “Candidates for school committee.”</p>	<p>Representatives to the School Committee.</p>
11	<p>Sec. 705 Write-In Candidates “In order for ballots cast for write-in candidates to be counted, such candidates must (a) register their candidacy with the City clerk at least <u>30 days</u> prior to the date of the election and (b) be eligible for the office for which they wish to be candidate.”</p>	<p>The chair suggested that 30 days is too long. The School Committee feels this is unduly restrictive and suggested the word “must” could be changed to “are encouraged.”</p>

	<p>Sec.7.06(d) Determination of election results. “Write-In Candidates. In order to be eligible to be elected, a write-in candidate must receive at least the same number of votes as are required for nomination for the position for which the write-in candidate is competing.”</p>	<p>This requires 50 votes to be elected. The School Committee suggested the candidate should win the election by a majority vote plus one.</p>
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