

# LEWISTON CITY COUNCIL WORKSHOP AGENDA

## CITY COUNCIL CHAMBERS

**Tuesday, October 13, 2015**

### **6:00 p.m. Workshop**

Pledge of Allegiance to the Flag.  
Moment of Silence.

1. Review of Draft Service Animals/Pet Policy - 15 minutes
  2. Discussion of City Position on County Charter Amendment - 15 minutes
  3. Discussion of City Charter Issues - 30 minutes
- ES-1. Executive Session to discuss labor union negotiations regarding the city's six employee unions.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, October 13, 2015  
6:00 P.M  
CITY COUNCIL CHAMBERS, LEWISTON CITY HALL

1. Review of Draft Service Animals/Pet Policy – 15 minutes

With the increasing use of service animals and the various statutes and regulations surrounding the issue, several staff members have suggested that the City adopt a Service Animal policy to provide guidance to staff. A draft of such a policy is attached for your review.

2. City Position on County Charter Amendment – 15 minutes

The County Commissioners have placed a County Charter amendment on the November ballot. That amendment would, in the opinion of the municipal community, weaken the current provision of the County Charter that clearly states that the salaries and benefits of county elected officials must be approved by the County Budget Committee and substitute a provision simply requiring County Budget Committee approval of any increase in salaries or extension of benefits. Given the on-going legal action involved, the Council may wish to take a position on this Charter amendment. The attached resolve is presented for your review should you wish to oppose it.

3. City Charter Issues – Attendance and Terms – 30 minutes

There has been considerable recent discussion regarding the Charter provision outlining reasons for forfeiture of office related to attendance. Councilor Cloutier has requested a workshop on this issue as well as issues surrounding the terms of various charter created elected and appointed officials.

4. Executive Session

To discuss Labor Union Negotiations regarding the City's six Employee Unions.

**City of Lewiston  
Service Animal and Pets Policy**

**1. PURPOSE**

- A. To ensure compliance with the Americans with Disabilities Act (ADA) and Maine State law regarding the presence of service or assistance animals in City of Lewiston buildings and facilities.
- B. To clearly define various types of service/assistance animals and provide guidelines for City employees regarding the rights of citizens and fellow employees who employ service animals.
- C. To set behavioral guidelines for service animals and those they serve while present in City buildings and facilities in order to protect residents, visitors, and City staff from injury and to prevent damage to public.
- D. To prohibit pets from being present in most City facilities unless otherwise allowed by policy, departmental rules, or City ordinance.<sup>1</sup>

**2. SCOPE – AREAS OF PUBLIC ACCESS**

This policy applies to all elected officials, employees, and volunteers of and visitors to City of Lewiston owned indoor and outdoor facilities.

In accordance with Federal regulations [(28 CFR, Section 35.136.(g)], “Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of (City) facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.”

**3. DEFINITIONS**

**A. Under Control**

The ADA requires that service animals be under the control of the handler at all times. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal’s work or the person’s disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. As an example, under control also means that a service dog should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

**B. Partner/Handler**

A person with a service animal where a partner /handler is a person with a disability and a person without a disability is a handler.

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<sup>1</sup> See Lewiston Code, Chapter 14, Article IX which addresses Domestic Animals on Public Lands, Parks, and Playgrounds and sets out requirements and limitations on domestic animal presence at such locations.

C. Pet

A domestic animal kept for pleasure or companionship.

D. ADA

Under Title III of the American with Disabilities Act (ADA), public accommodations are allowed to ask the person who has the animal if the service animal is required because of the person's disability, but are not permitted to require proof of training or certification of status to be shown before allowing access. The ADA provides greater protection for people with disabilities than state law and takes priority over state laws and regulations.

E. Service Animals (28 CFR, Section 35.104)

"Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability."

[[28 CFR. Section 35.136.(C)] "Other requirements. Paragraphs 35.136(c) through (h) of this section, which apply to service animals, shall also apply to miniature horses."

On the condition that the service animal meets all local and state licensing (not including any legal requirement for registration/licensing as a "service animal") and vaccination requirements, any animal meeting the above definitions are considered service animals regardless of whether it has been licensed or certified as a "service animal" by a state or local government or a training program. If there are questions about whether an animal is a service animal or questions regarding disabilities contact the City Human Resources Office. The ADA does not require service animals to wear a vest, service dog ID tag, or specific harness.

F. Miniature Horses

In the event that a miniature horse is identified as a service animal, staff may use the following size guidelines to determine if the horse is a "miniature horse": The size of a miniature horse is defined by the U.S. Department of Justice as horses that "...generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds." (U.S. Dept. of Justice, Civil Rights Division, Disability Rights Section document – "Service Animals" – July 2011)

G. Service Dog Tags & Vaccinations

Service animals are subject to local licensing and registration requirements (in the case of dogs, see U.S. Dept. of Justice, Civil Rights Division, Disability Rights Section – "Frequently Asked Questions about Service Animals and the ADA" – 7/20/15). For service dogs, 7 MRSA, Section 3923-B shall apply: "The municipal clerk or dog licensing agent shall provide with each new license issued under section 3923-A a tag indicating the year the license is issued and bearing other information prescribed by the department. The owner or keeper shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued.... An owner shall ensure that a rabies tag

obtained from a veterinarian for immunization against rabies is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the rabies tag was issued.”

#### H. Team

A person with a disability, or a handler, and his or her service animal is a team. The twosome works as a cohesive team in accomplishing the tasks of everyday living.

#### I. Trainee/Trainer

An animal undergoing training to become a service animal is a trainee. A trainer is the individual(s) providing training to the trainee. The ADA does not give public access rights to trainers or trainees. That means that unless the partner/handler can provide documentation that they are certified as a trainer for a recognized program, the trainer must ask permission to enter any City facility with a service-dog-in-training for training.

#### J. Service Animals in Training

Under the ADA, the animal must already be trained before it can be taken into public places.

### **4. GENERAL SERVICE ANIMAL AND PETS POLICY**

A. The City allows service animals to accompany persons with disabilities in its facilities and areas accessible to the public. Disabled employees may also have service animals in these facilities in places where the employee would have normal access in the performance of his/her duties, provided the safety of the team or other employees is not jeopardized. Employees who require a service animal must notify their supervisor and register the animal with the Human Resources Department. Human Resources may require that the employee submit a prescription/statement from a physician if the need for the service animal is not obvious. Employee service animals are subject to the behavior standards required of a service animal belonging to a facility visitor.

B. Pets are prohibited in City facilities except as may be allowed by other City policy approved by the City Council or rules established by the Public Works Director or his/her designee. The City Administrator or his/her designee may grant permission for a pet to be in a City facility for a specific reason at a specific time (e.g., a pet dog used for a demonstration in an aggressive dog training class).

### **5. SOME TYPES OF SERVICE ANIMALS**

#### A. Guide Dog

A carefully trained dog that serves as a travel tool to persons with severe visual impairment or who are blind.

#### B. Hearing Dog

A dog who has been trained to alert a person with significant hearing loss or who is deaf when a sound, e.g., knock on the door, occurs.

C. Service Dog

A dog that has been trained to assist a disabled person who has a mobility or health impairment. Types of duties the dog may perform include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, etc.

D. SSigDog

A dog trained to assist a person with autism. The dog alerts the partner/handler to distracting repetitive movements common among those with autism, allowing the person to stop the movement (e.g. hand flapping).

E. A Seizure Response Dog

A dog trained to assist a person with a seizure disorder; how the dog serves depends on the person's needs.

F. Miniature Horses

Miniature horses are said to have a calm nature and great memory, which allows them to remember dangerous situations and remain calm. Miniature horses are well-suited to be guide animals for the blind because they have a 350 degree range of vision. Miniature horses are sometimes used as a more long-term service option given that some of these service animals can provide such services for up to thirty years compared to an average of about twelve years for service dogs. Some individuals that desire a service animal may choose these animals given certain religious restrictions or prohibitions.

## 6. GUIDELINES FOR CITY EMPLOYEE

A. Allow a service animal to accompany the partner/handler at all times and everywhere within City facilities except where service animals are specifically prohibited, such as non-public areas when the partner/handler is not a City employee.

B. When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the service animal required because of a disability, and (2) what work or task has the service animal been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require the presentation of a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task. Generally, staff may not make even these limited inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

C. Allergies and fear of service animals are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a library

area or at a public meeting, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

D. Miniature Horses (2828 CFR 35.136)

“(1) (City) shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

(2) Assessment factors. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider

- (i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- (ii) Whether the handler has sufficient control of the miniature horse;
- (iii) Whether the miniature horse is housebroken; and
- (iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.”

E. Do not pet a service animal without permission of the partner/handler; petting a service animal when the animal is working distracts the animal from the animal's duties.

F. Do not feed a service animal. The service animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.

G. Do not deliberately startle a service animal, or attempt to separate a partner/handler from his or her service animal.

**7. REQUIREMENTS OF SERVICE ANIMALS, TRAINEES AND THEIR PARTNERS/HANDLERS**

A. Vaccination

The animal must have current immunizations against diseases common to that type of animal. Service dogs must wear a rabies vaccination tag along with a licensing tag as required by applicable City codes and state law.

B. Health

The animal must be in good health with good hygiene. Partners/handlers are responsible to maintain a clean service animal at all times.

C. Leash

While applicable City codes require dogs to be on a leash at all times while in public places, federal regulations supersede this requirement in the case of service animals. However, the service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.

D. Under Control of Partner/Handler

The partner/handler must be in full control of the animal at all times. The care and supervision of a service animal is solely the responsibility of its partner/handler.

**8. WHEN A SERVICE ANIMAL CAN BE ASKED TO LEAVE**

A. Disruption

The partner/handler of an animal that is not under control may be asked to remove the animal from city facilities. If the improper behavior happens repeatedly, the partner/handler may be prohibited from bringing the animal into any facility until the partner/handler takes significant steps to mitigate the behavior. Mitigation can include muzzling a barking animal or refresher training for both the animal and the partner/handler.

B. Health

Ill or unhealthy service animals are not allowed in public areas. A partner/handler with an ill or unhealthy animal may be asked to leave city facilities.

C. Poor Hygiene/Unclean Animals

Partners/handlers with animals that are unclean may be asked to leave city facilities. Partners/handlers shall be responsible to keep the service animals clean and well-groomed even during inclement weather.

Service animals that become wet from walking in the rain or muddy from being splashed by a passing automobile, but are otherwise clean, should be considered a clean animal. Animals that shed in the spring shall be groomed to maintain a public/work environment that, to the greatest extent possible, is hair free.

**9. PROHIBITED ACCESS FOR SERVICE ANIMALS**

A. Mechanical Rooms/Custodial Closets

Mechanical rooms, such as boiler rooms, facility equipment rooms, electric closets, elevator control rooms and custodial closets, are off-limits to service animals. The machinery and/or chemicals in these rooms may be harmful to animals.

B. Areas where Protective Clothing is Necessary

Any room where protective clothing is necessary is off-limits to service animals. Examples include, chemical laboratories, wood shops, and metal/machine shops.

C. Areas where there is Danger to the Service Animal

Any room where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface; where there are hot materials on the floor; where there is a high level of dust; or where there is moving machinery is off-limits to service animals.

#### D. Restricted Public Area

Excepting employees with service animals, any area where public access is restricted or not permitted, such as all Auditing, Treasurer's Office, Management Information Systems data center, and the fleet maintenance garage, is off limits to service animals. In any instance where restricted access allows for closely monitored public entry, all provisions of this Service Animal Policy shall apply.

#### D. Access Exceptions

##### 1) Machinery or other Mobile Equipment Areas

A manager of an operation/facility with machinery or mobile equipment may grant permission to a team to enter the area. Admission for each team will be granted or denied on a case-by- case basis. The final decision shall be made based on the nature of the machinery or equipment and in the best interests of safety for the team. Example: The machinery in a shop may have moving parts at a height such that the tail of a large dog could easily be caught in it; this is a valid reason for keeping large dogs out. However, a very small hearing dog may be shorter than any moving part and, therefore, considered for admission to the area.

##### 2) Case-By-Case

The Department Head/Supervisor may grant access to other designated off-limits areas on a case-by-cases basis, not withstanding conflicts to this policy.

##### 3) Approval for Exceptions

To be granted an exception, a visitor seeking admission for his or her animal to an off-limits area should contact the Department Head or Supervisor of the office or facility or the City Administrator's Office. An employee should submit a written request.

## 10. LIABILITY

Any property damage or destruction or personal injuries caused by or as a result of the service animal will be the sole responsibility of the service animal's owner/partner/handler. Service animal owners/partners/handlers will hold harmless the City, its elected officials, officers and employees from any and all claims, causes of actions, damages, costs, loss of service, expenses and compensation whatsoever, growing out of consequences from the presence of their service animal in or around City buildings or facilities.

## 11. EMERGENCY SITUATIONS

In the event of an emergency, City staff should understand that a service animal may become disoriented by the smell of smoke from a fire emergency, from sirens or wind noise, or from shaking and moving ground. The partner/handler and/or animal may be confused by such stressful situation. Staff should be aware that the animal is trying to be protective and, in its confusion, is not to be considered harmful. Staff should make every effort to keep the animal with its partner/handler.

However, staff's first effort should be toward the safety of the partner/handler; this may necessitate leaving an animal behind in certain emergency evacuation situations.

## **12. GRIEVANCE**

Any partner/handler dissatisfied with the decision made concerning a service animal should follow the applicable City Internal ADA Accommodation Request and/or Appeal/Grievance Procedures outlined in the City ADA-LEP Policy or within the applicable collective bargaining agreement.

DRAFT 9.25.15



COUNCIL RESOLVE

**Resolve, Stating the Opposition of the City Council to the County Charter Amendment Appearing on the November Election Ballot**

**Whereas, Section 3.7 of the County Charter clearly states that the salaries and benefits of county elected officials must be approved by the County Budget Committee; and**

**Whereas, the salaries and benefits currently being provided to the County Commissioners were set by the County Commission and did not receive the approval of the Budget Committee; and**

**Whereas, 13 of the 14 municipalities in Androscoggin County have taken legal action against the County in an effort to require the County to comply with section 3.7 of its charter as well as to comply with state law governing the County's overall budget process; and**

**Whereas, the County Commission has chosen to place an amendment on the November ballot that would reduce the authority of the Budget Committee over the salary and benefits of elected officials by limiting the Committee to simply approving or denying increases in salaries or expansions of benefits; and**

**Whereas, this effort to lessen the authority of the budget committee flies in the face of the clear intention of the County Charter Commission as expressed in its final report and against the wishes of the citizens who approved the County Charter through a referendum;**

**Now, therefore, be it resolved by the City Council of the City of Lewiston that we oppose the proposed county charter amendment regarding the Budget Committee's authority over elected official wages and benefits and urge the citizens of Lewiston to join with us in voting no on this question on November 3<sup>rd</sup>.**

## **Androscoggin County Charter Amendment**

Do you favor amending the Androscoggin County Charter, Article 3.7, Compensation, as follows:

Add the following: "Notwithstanding the final authority of the Board of Commissioners over the adoption of the County budget under Section 5.5.4., no increase in the salaries or expansion of benefits of elected officials is effective without the approval of a majority plus one vote of the full Budget Committee."



## EXECUTIVE DEPARTMENT

Edward A. Barrett, City Administrator  
Phil Nadeau, Deputy City Administrator

October 8, 2015

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Discussion of Charter Issues

### ELECTED AND APPOINTED OFFICIAL ATTENDANCE REQUIREMENT

Over the past several months, there has been considerable discussion around the provisions of the Charter regarding forfeiture of office due to absences from meetings. The provision that applies to the City Council is:

(a) A vacancy in the office of councilor shall exist if a councilor:

- (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.

Similar provisions apply to the Mayor, School Committee, Planning Board, Board of Appeals, and Finance Committee. These provisions were first added to the Charter in 2012 after referendum approval of proposed changes recommended by the Charter Committee and approved by the City Council. Prior to that date, there was no required attendance provision covering these elected officials and appointed boards.

There is some concern that these provisions are not strict enough and that individuals, while not experiencing three consecutive unexcused absences, can still have a generally poor attendance record.

Councilor Cloutier has asked that some alternatives be prepared for Council consideration.

The following could be considered as ways of strengthening these provisions:

- Extend the requirement to both regular and special meetings.
- Eliminate excused absences and count all absences toward the allowable number or define the acceptable reasons for an excused absence so that they aren't granted without basis
- Requiring an actual vote of the body to accept a member's excuse for not being present or requiring the individual who is authorized to excuse a member to enter that an excused absence has been granted into the formal record at the meeting.
- Failure to attend a set number of regular or special meetings of the body within a set period of time. For example, the Town of Hampden uses the following provision: "fails to attend six (6) regular or special meetings in the prior twelve month period."
- Apply both the three unexcused absences rule and the Hampden provision.

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### Including Regular and Special Meetings

Special meetings are currently not included. In practice, special meetings are predominantly used by the School Committee (due to disciplinary hearings), less frequently used by the City Council, and rarely used by appointed bodies. By definition, they are difficult to plan for. Including special meetings, while shortening the timeline to address chronic absences, could be problematic in some instances where a series of unexpected meetings might be called during a period when a member planned to be away or was ill. I would not recommend this change.

### Excused Absences

The charter does not currently define what can be counted as an excused absence. The decision is left solely up to the group/individual authorized to grant such absences. Defining what would count as an acceptable absence might tighten this process; however, agreeing on what counts and doesn't might not be simple and is unlikely to cover all eventualities. While we might all agree that an illness should be excused, some might agree to accept a planned vacation as an excuse while others might argue that the member should have planned around the meeting schedule. Another option would be to remove the decision on whether to excuse an absence from an individual (where that individual currently has the sole authority) and require the full body to vote on whether to excuse the member. This would allow the full body to exercise its discretion, not just depend on the chair or mayor.

Similarly, eliminating excused absences and counting all absences could also be seen as unfair. For example, a serious illness or accident could easily result in an individual being absent for three consecutive meetings where the individual involved had previously had a good attendance record.

### Absences over a Period of Time

The Hampden example uses a set number of absences over a set period of time – 6 absences at regular or special meetings in the prior twelve months. This roughly corresponds to a 25 to 30% absentee rate. This approach seems to address the concern that an individual member might have a poor attendance record but avoid forfeiting the office because they manage to make it to one meeting every six weeks or so. Note that this provision counts all absences, whether excused or not.

### Mixed Absence System

Finally, the Council might consider a "mixed" system that would have two standards that would be applied separately – number of consecutive meetings missed as well as a Hampden like standard to measure overall attendance trends. Specifically, the Council might consider something along the following lines:

"Fails to attend three consecutive regular (or special?) 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, or fails to attend six (6) regular (or special?) meetings of the council over the prior twelve month period."

### Other Notes:

The attendance provision should be evaluated in light of the group to which it applies. While elected bodies tend to meet on a regular schedule, some appointed bodies do while others do not. Thus, the

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provision addressing the Council might vary from that applied to the Board of Appeals. If there is interest in making some changes, the situation of each body should be considered.

In addition, consideration should be given to the City Council representative to the School Committee. There are instances when both bodies meet at the same time, particularly during budget season or for special meetings for specific purposes. As a result, the Councilor on the School Committee must be absent from one of the two meetings. This would normally qualify as an excused absence; however, if the excused absence language is eliminated, some consideration should be provided for an exception for the Councilor on the School Committee.

#### Terms and Term Limits

There has also been discussion of terms and term limits. In these categories, the Charter varies by the nature of the position as follows:

- Mayor – Two year terms; a three term limit;
- Council – Two year terms; not staggered; no limit
- School Committee – Two year terms; not staggered; no limit
- Planning Board/Board of Appeals – Five year terms; staggered; no more than one 5 year term within a ten year period
- Finance Committee – two Councilors to serve two year terms; not staggered; no limit; three citizens with staggered three-year terms and limited to no more than six consecutive years.

#### Staggered School Committee/Council Terms

Discussion of staggered terms for these offices has been on-going for some time. The major issue is the potential for a significant change in either body in any election, eliminating “institutional” memory, lessening continuity, and weakening group norms of behavior.

This was discussed by the last Charter Committee. The following is a summary of its discussion and conclusions based on the Commission’s minutes of September 29, 2011:

**“Section 2.01 (c) – Two year coterminous terms for Mayor and Council.** The Committee discussed the potential to move to staggered terms for electing the Mayor and Council. The primary reason to consider such a change is the recent history of significant turnover in elections and a desire to maintain some continuity in Council membership. Concerns were expressed as to the effect of possible lower voter turnout if elections were held each year, particularly in “off-years.” It was also noted that turnover on Council has historically not been a major issue and the last two elections and the one scheduled for November may be anomalies, not a new pattern. The Committee tentatively decided to retain the current system for elections.”

In addition, moving to staggered terms poses certain other logistical/electoral issues. For example, two year staggered terms would require an election every year. Certain wards would vote where others, particularly if there was no Mayoral race, might not (although in non-mayoral years, the at large school committee position could be on the ballot). There is a fear that this might reduce interest and turnout in local elections. In addition, some elections would coincide with state or federal elections. Some have expressed fear that the local election would be lost given media and public attention going toward state and national races.

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The Committee also discussed the term limit that applies to the members of the Planning Board and Board of Appeals at its October 6, 2011 meeting:

**“Sec. 4.09 Limitation of terms.**

Members of the Planning Board and Board of appeals are limited to serving no more than a full five-year term on the same board within any ten-year period. The Committee discussed whether this was too strict a limitation. The argument in favor of retaining it is that it requires regular turnover on these boards ensuring that they do not become stagnant or potentially dominated for a long period by a small group. The argument for easing this restriction is that it forces good board members to leave office and that at times it is difficult to find qualified or interested applicants. The committee appeared to favor allowing an individual to serve on a board for no more than ten (10) consecutive years.”

At this point, the question is whether there is any interest in proposing or further exploring any changes to the terms and term limits established by the Charter.

**Charter Amendment Process**

State law sets out the procedure for amending a municipal charter. If the Council wishes to propose a charter change, the first step is to pass an order providing for a notice and hearing on any amendments. Notice of the hearing must be published at least 7 days before the public hearing. Within 7 days after the hearing, the Council may order the proposed amendment to be placed on a ballot at the next regular municipal election to be held at least 30 days after the order is passed or the Council may order a special election to be held at least 30 days from the date of the order to vote on the proposed amendments. Within that same 7 days, the Council must file with the clerk a report containing the final draft of the proposed amendment and a written opinion from an attorney that the proposed amendment does not conflict with general laws or the Constitutions of Maine and the United States.

**LEWISTON CITY COUNCIL**  
**MEETING OF OCTOBER 13, 2015**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. ES - 1**

**SUBJECT:**

Executive Session to discuss labor union negotiations regarding the city's six employee unions.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458.