



City Council Workshop

October 27, 2014

Agenda

6:00 P.M. Workshop

Ice Breaker to Begin Meeting (30) Minutes

- A. Policy Tracking – Clint Deschene (10-20 minutes)
- B. Governance – Clint Deschene (75-90 minutes)
- C. Executive Session (15-30 minutes)
 - Discussion regarding a personnel issue (Manager Transition), pursuant to 1 M.R.S.A. 405(6)(A).

After each workshop item is presented, the public will be given an opportunity to comment. A total of ten minutes will be allotted for public comment after each item is presented.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 10/27/2014

RESOLVE 11-10272014

Author: Clint Deschene, City Manager

Subject: Policy Tracking

Information:

1. Policy Tracking: Attached is a copy of template in Excel to track the list of policy matters as identified by the Mayor. I am also attaching an Order adopting the list as the official policy's to be tracked. Rules for policy tracking are as follows:
 - a. **This list may not be amended without a vote of the Council.**
 - b. **The City Manager shall provide a copy of the list every 2 weeks. Notes for any updates since the last time a list was shared will also be provided.**
 - c. **The City Manager may change the format of the spreadsheet as needed.**

Advantages: Keeps a consistent list of Council adopted projects. Keeps the Council informed on progress. Supports a Committee and Council lead format.

Disadvantages: Structured process may lead to more work for the Council. The list does not show the workload and capacity of staff so the Council must not amend this list with support of the City Manager for capacity. Also the Council should strive to requests updates without assuming that no progress has occurred.

City Budgetary Impacts: None

Staff Recommended Action: Adopt the Order.

Previous Meetings and History:

Attachments: Spreadsheet / template.

City Manager Signature

Date

10/22/14

City of Auburn, Maine

Project Index

Project #	Project Title	Status
0001	Creation of a City Council Finance Committee	
0002	City Committee reform	
0003	Minot Ave. and Washington Street/Downtown Gateway improvement (EDA/TIGER) - MSB/Downtown TIF for sidewalks/utilities	
0004	Recreation and Special Events Committee formalizing changes	
0005	Norway Savings Bank Arena Operational Assessment and economic impact to Mall Area	
0006	LAEGC restructuring/contract development	
0007	ABDC business park lot sales and future relationship to City of Auburn	
0008	Downtown development program recommendation and implementation	
0009	Joint Land Use Planning/Mt. Apatite	
0010	Great Falls Arts/Cultural Center/CLT/Private Development partner	
0011	HARTT TIF review approval	
0012	ABDC TIF review and approval	
0013	Community Forest Management Planning	
0014	Athletic Field Assessment Phase I - completion and review	
0015	Athletic Field Assessment Phase II - review, recommendation and implementation	
0016	Future of MMWAC	
0017	Snowmobile club grant process	
0018	Commuter service to Portland (bus planning and city policy)	
0019	Downtown passenger rail policies and implementation strategies	
0020	Passenger rail links Auburn to Montreal	
0021	Organizational assessment of LATC and Auburn transit needs for the future (study and management assessments/ATRC funds - outstanding resolve on WMTS breach of contract	
0022	Organizational assessment of ATRC and use of federal funds to meet Auburn transportation/economic needs	
0023	Matrix study review and implementation prioritization of policies	
0024	School Committee strategic planning (facilities/CIP and meeting EPS strategy)	
0025	Future of high school education/EL facilities/Whiting Farm/Lake Auburn	
0026	Canal legal matter	
0027	9-1-1 Dispatch/County dispatch issue resolution	
0028	City consolidation charter commission	
0029	LA Railroad master planning	
0030	AL Airport master planning	
0031	Use of \$20,000 in FY15 budget set aside for arts/cultural in Auburn	
0032	Use of \$20,000 in FY15 budget set aside for Auburn transit infrastructure	

City of Auburn, Maine

Policy-related Projects

Title

Creation of a City Council Finance Committee

ID #

0001

Category

- Finance and Administration
- Planning and Community and Economic Development
- Public Services
- Transportation
- Public Safety
- Education
- Intergovernmental

Description

Notes

Date Initiated:
Date Completed:

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 11-10272014

RESOLVED, that the City Council hereby directs the City Manager to utilize the proposed Policy Tracking format.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 10/27/2014

Order 91-10272014

Author: Clint Deschene, City Manager



Subject: Governance & Transition

Information:

Below I have summarized the items in the 9 page Governance Structure I have recommended as City Manager.

These recommendations were important and represent much of what I have learned and observed during my tenure as City Manager. As the Council is about to embark on a Manager transition I must state that I feel these are even more important now.

The Council of Auburn must take action to memorialize and endorse the stability that has been built over the past 2 ½ years. These items will show the public the growth the City has made in governance and operations and the signal clearly the Council's intent to sustain it and build from it. Adoption of these items will send the message that Auburn is a City dedicated to good governance and operations.

In addition the packet includes a second information sheet and document labeled "Agenda and Committee Procedure." This is a shortened version only highlighting agendas and committees and recommended by the Mayor. I think this a great recommendation and have incorporated them into my recommendations. However, if the Council prefers a reduced list this would be another option.

Governance Summary List

GENERAL ITEMS

1. Sets the dates of meetings and creates a meeting once a month for just workshops.
2. Endorses the principles of the Council-Manager Covenant.
3. Outlines communications from the Council to the manager to sustain transparency and keep all elected officials on the same level of knowledge.
4. Creates a specific Agenda process that incorporates the Mayor's suggestions.
5. Creates a regular Manager-Mayor in-person meeting schedule.
6. Reinforces how the Council sets policy that put in motion the Manager to act with staff.
7. Creates a policy position of the Council to adopt a formal evaluation process of the City Manager.

PROTOCOLS

1. Clarifies how to respect the position of City Manager and how Council directs questions for staff.
2. Clarifies how to respect the senior management of the City.
3. Reinforces that the Council must act by motion and approval of the whole.
4. Creates a clear transparency position for residents.
5. Strengthens the need for public input and defines the procedures and ground rules for public participation.
6. Clarifies the roles of agencies, boards, and committees and how the Council should best utilize them.
7. Creates decorum for meetings and outlines how it will be enforced by the Mayor.
8. Restates that need of a Council as a whole who represent the whole City, not smaller portions of the City and clearly states that information is shared equally.

9. Outlines how the Council should conduct themselves while on City property, how to interact with staff, and how to respect each other.
10. Explains Executive Session in a lay-person terms.
11. Council office rules to oversee the shared space.
12. Mayor's office rules for use of space.
13. Directs the Council on how the preferred method of reporting should occur.

POLICY ISSUES

Simply a reference document of what may constitute a policy matter.

COUNCIL COMMITTEE EXPECTATIONS

Bullets the expectations of Committees of the City, incorporating the Mayor's suggestions.

Advantages:

1. Memorializes policies on good governance
2. Sets a strong basis to recruit and clearly direct the next City Manager.
3. Represents "housekeeping" of outstanding issues that have lingered.

Disadvantages:


Although some will say that there must be disadvantages. However, as City Manager the only people that would get a disadvantage by adopting these procedures are ones that don't want to see the City of Auburn have good governance. **There is no possible disadvantage to reclaiming our dedication to governance.**

City Budgetary Impacts: None

Staff Recommended Action: Adopt the resolve with no amendments to the documents.

Previous Meetings and History:

Attachments: Governance Memo
Council-Manager Covenant
Ground Rules for Public Comment
Info Sheet and Procedure for Agendas and Committees.

City Manager Signature  Date 10/22/14

City Manager, Council, Mayor Governance Structure 2015

1. The Council will reserve all Monday's for meetings. The 1st and 3rd are per charter. The 4th Monday will be a workshop only. The Council workshops in January and in July will be dedicated to strategy, goals, and review of adopted policy status.
2. The Council, Mayor, and Manager agree to sign the Council/Manager Covenant.
3. The Council and Mayor will agree to these communication procedures:
 - a. The Council and Mayor will communicate through the Manager and Assistant City Manager.
 - i. The Council has a broad mandate of ensuring quality services for its residents. In order to accomplish that in the most effective way, the Councilors need to have access to information to assist them to make informed decisions. In this regard, the Councilors are mindful of their agreed principle of having one employee (i.e. the City Manager) and will ensure that all policy requests are made through that position. However, there may be instances wherein the Councilors need access to information which is likely to be held by others in subordinate positions to the City Manager. In such instances the Councilors are entitled to direct their requests to the appropriate direct report to the City Manager (i.e. department heads) who will direct the information to not only the Councilor requesting same. This information by agreement will also concurrently be forwarded to all other Councilors. The direct report of the City Manager will also provide the City Manager with a simultaneous copy of any information being distributed to Councilors.
 - ii. The City Manager will ensure that above description is developed into a Council Policy and any necessary procedures are developed to support this policy.
 - iii. Policy: A generalized statement of intent, based upon a body of principles, which describes what is to be done now and in the future.
 - iv. Procedure: A statement(s) arising from policy which sets out who does what, how, and in what sequence; the method of carrying out policy
 - b. All emails, texts, phone, calls, in-person communications, or any other interaction that is communication for the purpose of sharing information, which will require a response by the Manager, Assistant Manager, or staff member will be copied to all Councilors.
(Note: All communications to the Manager, Assistant Manager, or staff should be expected to be shared with the entire Council and Mayor. There are no confidential or private communications between the Manager, staff, Council, and Mayor; unless so protected under law. (IE. Executive Sessions.)
 - c. The City Manager will maintain a folder of all above referenced communications that will be available electronically and one hard copy will be maintained at the City Manager's Offices.
4. Agendas will be coordinated by the Clerk per Charter. As a direct report per charter the Clerk will follow the direction of the City Manager's office to make sure the priorities of the Council are being met.
 - a. The Manager will maintain a tentative schedule of the Council Meetings and topics. This schedule shall be shared each month in the Manager Report. The Manager and Clerk can make changes to topics and dates as needed pursuant to policy and charter.

- b. The Council shall adopt by resolve a calendar of Council Meeting dates every year. Changes to this calendar should be approved by the Council on the consent calendar or pursuant to the Charter. The City Manager is authorized and urged to recommend changes to this Calendar as he feels appropriate for the operation of the City.
 - i. The Charter allows the Mayor or four (4) Councilors to call special meetings. If these are called the Council and Mayor should make all efforts to attend. In addition these should have as much advance notice as possible.
 - c. The City Manager and staff shall update the Calendar on the City website to coincide with Council Meeting Dates.
 - i. The Calendar on the City website is for City Government events, not all events of the City. (In general this means meetings of the Council and its committees and boards. This is not a School Calendar or Recreation Calendar although some events of these groups will be posted.)
 - d. The City Manager shall send a draft agenda to the entire Council and Mayor when it is prepared. The Mayor and Council may provide comments and staff will respond to the comments. The Mayor and Council agree that there are many components to managing a staff pursuant to Council policies and direction. The City Manager, as the chief appointed official, must balance their time and the ability to advance projects.
 - e. The Mayor will attend agenda setting meetings held twice a month. If unable to attend, another copy of the proposed agenda will be emailed after the meeting.
 - f. All Agendas will include at the end of every meeting the following two items:
 - i. A summary, by the Assistant City Manager, of all decisions or action items to be implemented as result of that evening's Council Meeting.
 - ii. A summary of the workshop items scheduled for the next Council Meeting.
5. The Mayor will meet with the manager on a regular schedule, at least twice a month. The meeting should be in-person for no less than one hour. The purpose of this meeting is to review agendas, policy matters, and staff workload. If any information must be communicated from this meeting it will be shared with the entire Council by the Mayor and/or Manager.
6. The City Manager will act based upon the job description and votes of the Council (Order, Resolve, or Ordinance). Consensus or direction that requires specific action will be presented in order, resolve, or ordinance. A vote of the majority of the Council shall direct the action of the Manager.
7. The Council will adopt a City Manager review policy that adopts a periodic schedule of meetings and is linked to performance of goals and programs.

Council Protocols

1 Treatment of the City Manager

We agree to respect the apolitical nature of the office of the City Manager and to receive his/her advice as being in the best interests of the City. We will respectfully listen to comments in response to questions posed at Council meetings and will ensure that the City Manager is accorded a respectful audience. We will not bypass the City Manager in our search for information and will coordinate any questions/concerns relative to the jurisdiction of the administration through the office of the City Manager.

2 Treatment of the senior administration

We agree to respect the apolitical nature of our senior staff and will treat their advice and reports with respect. We will not knowingly or wilfully interfere with their work but will coordinate any of our concerns as a Council through the office of the City Manager.

3 Access to staff information

We will agree to access information developed and or possessed by our administration by accessing such information through a motion of Council or by direct request to the office of the City Manager. We agree that we will not demand reports from individual staff nor expect that any report being sent to us is being sent in confidence (i.e. to one member of Council and not to all others).

4 Role of citizens to request information

We respect the right of all citizens to have access to public information. Wherever possible and not in violation of the law, we will make agenda information available to citizens in advance of meetings and minutes (even if still noted as “unaccepted or draft”) available as soon as practical following a meeting.

5 Right of citizens to appear before Council

Our citizens are entitled to appear before Council on issues that are within the jurisdiction of the City according to the Charter. Any such presentations that follow must be communicated to the City office in advance by way of a letter requesting an appearance before Council and where possible should contain at least a summary of the matter to be presented. Council will listen attentively to such presentations and may, through the Mayor, ask questions of the delegation. Council will not (unless in the case of a perceived emergency) provide any definitive response to the delegation until the next regular meeting of Council. All persons shall follow the “Ground Rules for Public Participation”.

6 Treatment of ABCs

Council is appreciative of the willingness of citizens to volunteer their time and talents to serve on various local organizations (referred to as ABCs—agencies, boards and committees). These agencies, when established by Mayor/Council, are considered as a part of Council’s decision-making process and thus will have matters referred to them for their advice. The ABCs will in turn advise Council of their recommendation on matters that they have considered. Council may or may not accept the advice of any ABC on matters within their terms of reference.

7 Respect for each other in Chambers

Council members will treat each other with respect in Council Chambers. During the course of meetings, proper titles will be used such that Councillors will refer to the Mayor as “Mayor, _____”; and to each other as “Councillor Smith (i.e. whatever the appropriate last name is). When another member of Council is speaking, respect will be shown by the other members of Council who will not interrupt the member speaking.

If a member of Council speaks in an unbecoming manner or is derogatory to members of Council, the administration or the public, the Mayor shall:

- Advise the member that such language is not tolerated
- Ask the member to apologize

- Request the member to meet in the Mayor's office after the meeting
- Remind the Council member of the Council's commitment to improved behavior both publicly as well as in private conversations
- Advise all members of Council if the action is repeated and seek a motion of censure against the offending member.

8 Obligation to inform

Council members respect the fact that they represent the citizens as a whole and not small groups or sectors of citizens. As a result, the messages of Council will be communicated through official channels to all of the public following a meeting and will not be sent in advance to groups/organizations/friends of Council members.

Any request to staff for information by a member of Council will be responded to according to the City's policies. In every instance where information is being sent to one member of Council that same information will be sent concurrently to all.

#9 Attendances in City Office

All members of Council are welcome to attend the City office. Given the prominent position which such members hold, the Council members are encouraged to alert the City Manager or his secretary to their visit and to request from the City Manager any information they may be seeking. If the matter is one of an existing policy, the City Manager may refer the member to a department head. The Council member ought to limit their visit and comments to the City Manager, if the matter is a pending or yet to be drafted policy. When in attendance in the City office, members of Council will refer from making any derogatory comments about other members of Council or senior staff. Any such comment will be referred by staff who may overhear such comments to the City Manager who will take that up with Council or the Mayor depending upon its significance.

10 Executive Sessions

Council has the right under certain circumstances as defined by the Charter and by FOAA Law to go into "Executive Session". The matters to be discussed should be

generally identified (e.g. personnel matter) and the only motions permitted would be a motion to go into executive session and a subsequent motion to come out. Any decisions to be made as a result of an executive session discussion need to be made in public. Going into executive session is not a matter to be taken lightly nor should it be used to discuss other matters which are not allowed. Further, Council members need to be as respectful towards each other and any member of staff during the session as if in a public meeting. Such meetings should never be used as a session to personally attack one another and any attempt to do so should be immediately halted by the Mayor.

If a matter of Councilor conflict with another member of Council arises, that matter should be carefully addressed by the Mayor and resolution sought. (An apology is always helpful). This “personnel” matter should not be conducted in public but nor should it be an opportunity for one Councilor to attack another.

11 Council Office

The City Hall for Auburn is privileged to have shared space of a City Council office. This office is for the shared use of all Councilors and is a convenience to them in office. The function of this space is provide space for the entire Council to conduct constituent meetings, store minimal amounts of materials related to the office, a resource library, access to a City phone, at least one workstation (computer), and other uses deemed appropriate by the Council, so long as consistent with City policy and law.

The two most senior City Councilors shall preside over the decisions, operations, use, and budget of the office. The Duties shall include:

1. Drafting a budget for submission to the City Manager.
2. Adoption of any policies for the use of the area.
3. Settling disputes regarding use.

The City Council Office may not be repurposed for other uses without a majority vote of the Council.

12 Mayor's Office

The City Hall for Auburn is privileged to have space for a Mayor's Office. This office is for the use of the Mayor. The function of this space is provide space for the Mayor to conduct constituent meetings, store materials related to the office, a resource library, access to a City phone, at least one workstation (computer), and other uses, so long as consistent with City policy and law.

The Mayor's Office may not be repurposed for other uses without a majority vote of the Council.

13 Council Reports

A necessary part of transparency and effective governance is the sharing of information by Councilor's during an open meeting of the Council. The Mayor shall acknowledge all Councilor's and afford them time to update the Community during the meeting. Councilor's shall be respectful of the City Council meeting and not use this time for sharing personal information, information not relevant to the operation and/or governance of the City, and limit their time to a reasonable amount. The Mayor in the operation of the City is authorized to delay a report until the end of the agenda so as to allow the City to conduct the business meeting. (At no time should reports be used as a tactic to delay the agenda of the Council.)

Councilor's should attempt to put reports in writing if there is a significant amount of information and summarize that information during the report rather than reading it into the record. The City Manager will direct the Clerk to put all written reports in the final minutes.

Sample Policy Issues for a Council

We see the following as matters on which Council should be expected to provide policy leadership to:

- A statement of the Council's vision and values
- A statement of Council priorities based on its sense of the welfare of the citizens as a whole
- The development and evaluation of the policies and programs of the municipality
- The corporate Business Plan
- The need for and timing of any new Council orientation
- The Council's own performance assessment
- The recruitment process and selection of the CITY MANAGER
- The contract, agreement and bylaw of appointment for the chief administrative officer
- The manner, mechanism and timing of a performance review of the Chief Administrative Officer
- The compensation authorized for the CITY MANAGER
- Approval of the organization structure and any changes thereto
- Approval of any new positions created
- Approval of the annual budgets
- Approval of variances to budget, pursuant to Charter
- Approval of capital projects and any recommended changes thereto
- Approval of funding to community groups
- Approval of bylaws and plans as required by the legislation
- Approval of any matter imposed on Council by the legislation, by bylaws or other enactments not delegated to the CITY MANAGER by bylaw and/or not otherwise authorized within any current policy or bylaw.

These are not the only issues that ought to be the subject of policy but will certainly provide a good base on which to build.

Council Committee Expectations

- These shall apply to all agencies, boards, or committees (“ABC’s”) approved or authorized by the Auburn City Council.
- Shall consider all matters referred to them by the Council. (Specifically policy requests of the City Council shall be referred to the appropriate ABC.
- Policy Members should be volunteers, not municipal or organization staff.
- Shall set agendas and post them according to the rules of the City Council.
- All ABC’s must allow time for public comment.
- All meetings must be posted publically.
- All materials for a meeting must be posted with the agenda.
- Staff assigned to an ABC shall have a defined role.
- Present a report every month on activities and progress on policy matters or projects.
- Appear twice a year at a Council meeting and give a presentation on progress and take feedback from the Council.

Council-MANAGER Covenant

WE, as Members of the Municipality of Auburn Will:

- ❖ *carry out our responsibilities as set out in the applicable legislation to the best of our abilities*
- ❖ *make decisions which we believe to be in the best interests of the citizens of Auburn*
- ❖ *review the background information and advice made available to us by the administration prior to rendering a decision*
- ❖ *seek further input from our Manager when we are unsure of the issues or uncertain as to the preferred course of action*
- ❖ *refer any complaints, either written or verbal, about the decisions of the Council or the actions of administration, to the Manager for review, comment and follow-up (as appropriate)*
- ❖ *refrain from making any commitments on behalf of the Council to individual citizens or groups other than to take the request up with the Council or Manager and to respond appropriately*
- ❖ *seek to participate actively in the decision-making process as it occurs at the Council table; make decisions at the table and not away from the table*
- ❖ *refrain from any public or private criticism of our administration wherein individual employees are identified*
- ❖ *act as good stewards of the Municipality and as public servants of our citizens through ethical conduct*
- ❖ *provide effective leadership through guiding the corporation of the Municipality through annual or longer term goals and priorities (the Council's Business Plan), through the budget approval process and by agreeing to reasonable policies which reflect, in our views, the best interests of a majority of our citizens*
- ❖ *ensure that we formally evaluate the performance of the Manager at least once annually and involve the Manager in this process so as to ensure a full understanding of the Council's candid assessment.*

Signatures:

Mayor _____

Councilor _____ Councilor _____

Councilor _____ Councilor _____

Councilor _____ Councilor _____

Council-MANAGER Covenant

I, THE MANAGER WILL:

- ❖ *conduct myself as your chief policy advisor in an honest and ethical manner*
- ❖ *ensure that the Mayor and Councilors are accorded respect in all of my personal and public comments*
- ❖ *provide advice (on all issues) which is professionally sound, ethical, legal and in accordance to the policies and objectives of Council*
- ❖ *guide the actions of the administration so that they are in accordance with the policies and objectives of Council*
- ❖ *act only on the will of Council as a whole as established by the resolutions, policies and bylaws of Council*
- ❖ *forward any complaints or concerns of Council to the appropriate department and individual so that reasonable and prompt follow-up is assured*
- ❖ *ensure that Council is made aware of the full picture with regard to each issue at least to the extent that the administration is aware of such information and ensure that Council has access to the reasonable decision options as well as my recommendation as your Manager*
- ❖ *seek to ensure that Council is aware of any key issues as they arise and thus avoid the problems associated with surprises*
- ❖ *maintain a current understanding of the applicable legislation as well as relevant programs, policies and initiatives of other levels of government*
- ❖ *admit to any mistakes of substance made by myself or my staff and take corrective action*
- ❖ *listen carefully to the concerns of Council vis-à-vis my performance and seek to improve any deficiencies on an ongoing basis*
- ❖ *ensure that all major issues are tracked in sufficient detail so as to advise Council of any progress, anticipated problems or decision points.*

Signature:

MANAGER _____



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 10/27/2014 Order

Author: Clint Deschene, City Manager

Subject: Agendas and Committees (Governance)

Information:

The Mayor met with Assistant City Manager and me to share his thoughts on needs for governance with a focus on agendas and committees. Attached are a revised version of the notes he provided and an order adopting them.

First, these procedures outline the duties of the mayor in agendas, how the Council should request items, and a summary of the policy tracking process.

Second, they provide some general procedures on how committees should operate and what the Council, minimum, expectations are for all committees.

Advantages:

1. Provides clear directions on agenda setting.
2. Identifies the Council's role in policy requests and how to handle these requests.
3. Identifies the need to track policy matters.
4. Creates clear procedures for all committees.

Disadvantages:

1. Increases the demand on the Mayor to attend agenda and manager meetings.
 - a. Mayor participating in agenda setting meetings will be hard to schedule and may not be sustainable for future Mayors.
2. Will require consistent "guidance" from Councilors, Mayor, and City Manager for the procedures to be followed. Primary pressure will be on the Mayor to sustain compliance.
3. Only addresses agendas and committees. As City Manager I feel there are more governance matters that need to be considered.

City Budgetary Impacts: None

Staff Recommended Action: Adopt the Order.

Previous Meetings and History:

Attachments: Agenda and Committee Procedure

City Manager Signature

Date

10/22/14

AGENDA AND COMMITTEE PROCEDURES

AGENDA:

1. Agenda Setting Meetings will be held twice a month with City Manager, Mayor, and Staff
2. The City Manager and Mayor will meet twice a month in addition to agenda setting to review work plan progress and Council policy status / agenda requests.
3. The Council will use the approved agenda/workshop request process. (Form is attached)
 - a. Form will be submitted to the City Manager and Mayor.
 - i. Upon receipt it will be referred to a committee or a report written and placed in communications on the agenda when available.
 - ii. Forms will be reviewed at the twice monthly meetings of the City Manager and Mayor.
 - iii. This form is for policy matters and all non-policy matters the Council shall use the request it function as established on the City website.
4. Council Policy tracker will be provided to the Council twice a month and will include:
 - a. Date adopted, date updated, and date completed.
 - b. Committee referred
 - c. Council lead
 - d. Summary of the policy matter.
 - e. Notes field to provide updates.

AGENCIES, BOARDS, AND COMMITTEES ("ABC's"):

1. Council issue or agenda requests will be referred to an ABC.
2. Members of ABC's are preferred to be volunteers and not Municipal or organization staff.
3. All ABC's will set an agenda, post pursuant to Council agenda rules, and include all documents needed in the agenda posting.
4. All ABC's will allow a time for public comment all meetings.
5. Staff duties to committees will be defined.
6. All ABC's shall present a written report on activities, progress, work plan, etc every month.
7. At least twice a year all ABC's shall present progress and updates at a Council meeting for feedback.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

Order 91-10272014

ORDERED, that the City Council hereby adopts the attached Governance Policy.



City Council Information Sheet

City of Auburn

Council Meeting Date: 10/27/2014

Subject: Executive Session

Information: Discussion regarding a personnel matter, pursuant to 1 M.R.S.A. Section 405(6)(A).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.