

# AGENDA JANUARY 2<sup>ND</sup>, 2014

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## 5:30 PM at Auburn City Hall Community Room

1. Election of Mayor Pro-tempore for next 2 years. (10 Minutes)
  - a. Sec. 2-55. Presiding officer in absence of mayor. In the temporary absence or disability of the mayor, any member of the city council may call the council to order at any duly called meeting to elect a chair **pro tempore** from among its number, and he shall exercise all the powers of the mayor during such temporary absence or disability of the mayor.
  - b. Within the definition of this ordinance I recommend that City Council elect a Mayor Pro Tempore to serve in the absence of the Mayor for the next 2 years. Per operation at Council meetings the absence of both the Mayor and the pro tempore will result in the senior most Councilor presiding.
2. Committee appointments and assignments. (MAYOR) (15 Minutes)
3. Council Code of Conduct (5 Minutes)
4. Memo on Mission Statements. (5 Minutes)

Charter Section. 7.1 General provisions.

*Creation of departments.* The city council may establish city departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies. No function assigned by this Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

5. Council Meeting and Workshop structure. (15 Minutes)
6. Budget Calendar. *Confirm School Validation Vote Date.* (5 Minutes)
7. Goal Setting (1.5 to 2 Hours) **Short Break half way through item.**
8. Council Office (10 Minutes)
9. Council Library on Network (3 Minutes)
10. Adjourn no later than 8:45 PM.

## COMMITTEES & BOARDS OF THE CITY OF AUBURN (Agenda Item #2)

### **Board Name**

911

ABDC

\* Airport - see notes

ATRC

Audit and Procurement

\*Board of Assessment Review

\*Cable TV Advisory

CDBG Community Advisory

\*CDBG Loan

Discharge

Energy

Ethics Advisory

Forestry

\*Auburn Housing

Investment Advisory

LA Public Health

LAEGC

\*LATC

LAWPC

Library

MMWAC

Neighborhood Stabilization

New Auburn Master Plan Implementation

\*Planning Board

Railroad

\*Recreation Advisory

Recycling

School

\*Sewerage District

USM

\*Water District

\*Zoning Board of Appeals

\*Council appointed

The Auburn-Lewiston Airport Board, one Auburn resident seat is Council appointed

**CITY COUNCIL CODE OF CONDUCT  
CITY OF AUBURN, MAINE  
(Agenda Item #3)**

**INTRODUCTION**

The City Council serves an essential role as the governing body of the City of Auburn. The City Council of the City of Auburn is committed to serving the public interest and common good of the City and its residents, and Councilors are expected to act accordingly. In order to foster reasonable, effective, and cooperative governance of the City, Councilors shall adhere to the following Code.

Council members are expected to support and demonstrate the following values:

- Respect for their fellow councilors, citizens of Auburn and City staff;
- Open mindedness;
- Careful consideration of all matters that come before the Council and participation in constructive debate and deliberations;
- Appropriate demeanor and polite oral and written communications;
- Integrity and commitment to the best interest of the City and its inhabitants;
- Acceptance and support for decisions and actions taken by the Council, whether or not an individual Councilor voted with the majority.

The City of Auburn Charter provides that the City Council is comprised of the Mayor and seven City Councilors. For purposes of this Code of Conduct, the terms “Council” and “Councilor” shall include the Mayor unless specified otherwise.

**INTERACTIONS WITH THE PUBLIC**

Councilors shall treat members of the public with courtesy, respect, and professionalism and shall not demonstrate bias against, nor favor, any member of the public.

To ensure clear and effective communication, Councilors shall:

- Clearly distinguish between their personal positions and the official position of the Council and City when dealing with members of the public;
- Defer to the City Manager or the Mayor to speak on behalf of the City or the Council when speaking as a body; and
- Not disclose information received, or statements made, in executive session.

**INTERACTIONS WITH CITY STAFF**

The Council’s role is to establish City policies, ordinances and priorities as the City’s governing body. It is City staff’s duty to provide relevant information to the Council and to implement the Council’s decisions. Actions by staff in providing information to the Council or in implementing Council decisions should not be construed as constituting disagreement with, or disparagement of, any Councilor who held a minority

position on a particular issue. Staff may not be instructed or influenced by any individual Councilor acting separate from the Council as a whole.

Administering the day-to-day functions of the City is the responsibility of the City Manager. Councilors must respect the distinction between their role in voting to establish policies and ordinances, and the City Manager's role in executing those policies and ordinances, administering the operation of City departments, and overseeing the work of City employees. As such, Councilors shall:

- Not issue directives to City staff;
- Make all requests for information through the City Manager;
- In their official capacity, interact with City staff solely through the City Manager, as required by Section 7.1(B) of the City Charter, which states that “[t]he Mayor and Councilors shall direct administrative functions of the City solely through the City Manager.”
- Avoid confusion over whether a Councilor is acting in an official or private capacity when interacting with City staff, and acknowledge the impropriety of dealing with staff members outside of the prescribed role of the Council.

It is important for all Councilors to recognize that any conduct or behavior that intrudes on the direction and supervision responsibilities of the City Manager relative to City employees interferes with the efficient operation of City government and must be avoided.

#### **INTERACTIONS WITH FELLOW COUNCILORS**

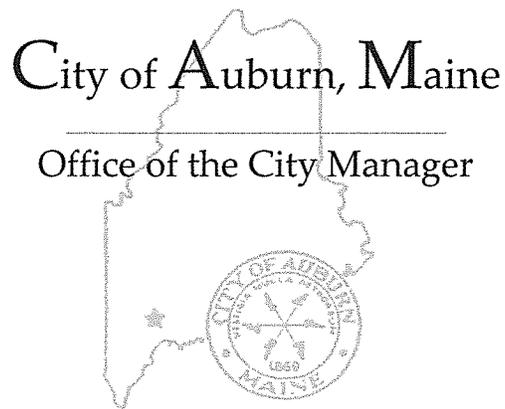
The Council's role is as a governing body. With the exception of the Mayor's specific duties under Section 3.3 of the City Charter, no Councilor has any individual authority outside of the governing process by which the Council acts as a whole in its official capacity. As individuals, when not acting in their corporate collective capacity as the City Council, individual Councilors may exercise and are limited to the same rights as other citizens. Although Councilors are free to advocate for their position during the decision-making process, the decisions of the Council are binding on the City. Councilors must put aside disagreements and accept the will of the Council once a decision is made.

Councilors' communications with each other shall:

- Be civil;
- Not contain personal attacks or criticism; and
- Not discourage free and open debate and exchange of ideas.

#### **CONCLUSION**

Councilors must recognize the trust and responsibility granted to them by the City of Auburn, and shall endeavor to repay that trust through earnest contribution to effective City governance. To effectively achieve this goal, Councilors must abide by this Code of Conduct and, above all, be guided by the overarching principle of respect for others. Repeated or serious failure to comply with this Code of Conduct may be met with official reprimand or censure as approved by a majority of the Council.



**TO:** Mayor Jonathan LaBonté & City Council  
**FROM:** Clinton Deschene, City Manager  
**RE:** Mission Statements  
**DATE:** January 2, 2014

**(Agenda Item #4)**

The City of Auburn has evolved various mission statements for the departments of the City. The first step is to understand what a mission statement is and what the purpose is. In simple terms it is, “a formal summary of the aims and values of a company, organization, or individual.” More broadly it helps set the strategy and direction.

For the City of Auburn there have been different uses in years past. The City Charter Preamble states, “We the people of the City of Auburn, under the constitution and laws of the State of Maine, in order to secure the benefits of local self-government and to provide an open and accountable council-manager government, do adopt this Charter, conferring on the city certain powers, subject to certain restrictions and following certain procedures. By this action we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and intergovernmental cooperation.” I like this as a framework to departmental mission statements because it outlines some goals, explain who we are, why and how we exist, and the importance of our Charter.

Using this foundation I want to solidify the commitment to this and our departmental mission statements. Operationally the budgets presented to the Council will also include mission statements. For departments that potentially don’t have one should be viewed as utilizing the more broad statement of the Charter Preamble.

If during the budget the Council by majority vote feels a mission statement needs revision, management will work with the department and Council to present a new statement. It must be understood that these processes can take considerable time.

**COUNCIL MEETING FORMAT**  
**(Agenda Item #5)**

The Council of the City of Auburn hereby adheres to this format for Council Meetings based upon the necessity of conducting business while aspiring to help build consensus in the community.

*MEETINGS / SCHEDULE*

1. The Council sets the schedule at the first meeting in July for the entire year including the first meeting of the next fiscal year. The Meeting Schedule shall follow the Charter and will be the 1<sup>st</sup> and 3<sup>rd</sup> Mondays except for holidays.
2. Meetings shall follow Auburn Charter and Ordinance. The meetings will begin at 6:00 pm with the possibility of executive sessions occurring during a workshop in advance.
3. Meetings will end at 10:00 pm unless a majority of the Council votes to extend. No discussion or action shall occur after 10:00 pm until a vote to extend has occurred.
4. The Mayor as presiding officer of meetings should always gain a sense of the Council to determine if a break is needed at 9:00 pm. At this time the Mayor and Manager can confer to determine if the agenda will be completed by 10:00 pm.
5. The City Council may meet in workshop from 6:00 to 7:00 on the regular meeting nights. The Council will reserve the second Monday of each month for workshops. (The Goal of the Council is not meet in workshop for the months on June, July, and August).
6. Special Meetings shall follow the Auburn Charter.

Sec. 2.4. Meetings.

The City council shall, at the call of the city clerk or deputy city clerk, first meet at Auburn Hall or such other public location within the city within 45 days after the regular municipal election to be sworn to the faithful discharge of their duties by the city clerk or deputy city clerk. The city council shall meet for subsequent meetings at such time and place as set by ordinance or resolution except that it shall meet regularly twice each month. All meetings of the city council, other than "executive sessions," shall be open to the public as required by state statute, and the city council shall promote effective 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 city clerk's office at least two business days prior to the meeting, as well as electronically through the city's website, if available. Special meetings

may be called by the mayor, or shall be called by the mayor or city manager on the written request of a majority of the voting members of the city council addressed to the mayor or the city manager.

## *ORDINANCE*

### Sec. 2-52. Actions.

The council shall act only by an oral motion, ordinance, order or resolve. All ordinances, orders, and resolves, except those pertaining to appropriations, shall be confined to one subject that is clearly stated in the title. When the city council expresses anything by way of command, the form of expression shall be "ordered." When it expresses opinions, principles, facts or propositions, the form shall be "resolved," with the exception of the appropriation resolve.

(Code 1967, § 1-3.1)

### Sec. 2-53. Attendance.

Every member shall attend all meetings of the council, unless prevented by illness or absence from the city, or unless excused by a vote of the council.

(Code 1967, § 1-3.2)

### Sec. 2-54. Duties of city clerk; journal of proceedings.

(a) The city clerk shall:

- (1) Give notice of city council meetings;
- (2) Attend all meetings of the council and keep the journal of its proceedings;
- (3) Authenticate by his signature and record in full all ordinances and resolutions;  
and
- (4) Perform such other duties as shall be required by law or as ordered by the Council.

(b) The recorded tapes of the meetings of the city council and a summary of council actions prepared by the city clerk shall constitute the official journal of its proceedings. In case of the temporary absence of the city clerk, the city council may appoint a clerk pro tempore, with all the powers, duties and obligations of the city clerk.

(Code 1967, § 1-3.3)

**State law reference**— Municipal clerks generally, 30-A M.R.S.A. § 2651 et seq.

Sec. 2-55. Presiding officer in absence of mayor.

In the temporary absence or disability of the mayor, any member of the city council may call the council to order at any duly called meeting to elect a chair pro tempore from among its number, and he shall exercise all the powers of the mayor during such temporary absence or disability of the mayor.

(Code 1967, § 1-3.4)

Sec. 2-56. Conduct of meeting by mayor.

The mayor shall:

- (1) Take the chair at the time appointed for a council meeting, call the members to order, and, if a quorum is present, proceed to business.
- (2) Preserve order, and decide all questions of order subject to any appeal to the council on motion regularly seconded.
- (3) Declare all votes; but if a vote is doubted he shall make a return of the members voting for and against the question, without debate, and declare the result.
- (4) Propound all questions in the order in which they were moved, unless the subsequent motion shall have precedence in its nature, except that in naming of sums or fixing of times, the largest sums and longest times shall be put first.
- (5) Name the member entitled to speak when more than one member addresses the chair at the same time.
- (6) Consider a motion to adjourn as always in order except on immediate repetition.
- (7) Present all petitions and other papers addressed to the council, or cause them to be presented, and they shall lie on the table and be taken up in the order in which they were presented, unless the council shall otherwise direct.

(Code 1967, § 1-3.5)

Sec. 2-57. Agenda.

The agenda for each meeting of the city council shall be prepared by the city clerk. Such agenda shall be distributed by the city clerk to the city manager, the mayor and each member of the council at least two business days prior to the meeting.

(Code 1967, § 1-3.6)

Sec. 2-58. Time and place of regular meetings.

The dates and time of the regular meetings of the city council shall be the first and third Mondays of each calendar month at 7:00 p.m. If a regular meeting night falls on a legal holiday or the night before a legal holiday, then the stated meeting shall be held on the following Tuesday at the same time and place unless the city council shall, at the meeting held next prior to the meeting falling on the holiday or the night before the holiday, fix a different alternate meeting date. The place of such meetings shall be the city council chamber in the city building, hereby designated to be the regular meeting place, unless the council designates another meeting place. All meetings of the city council shall be open to the public, and may be continued to another location.

(Code 1967, § 1-3.7; Ord. of 1-12-1998)

Sec. 2-59. Order of business.

At every meeting of the city council, the order of business shall be as follows:

- (1) Consent agenda. All items listed with an asterisk (\*) are considered to be routine by the city council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.
- (2) Minutes not previously read and approved, of all preceding meetings.
- (3) Reports of the mayor.
- (4) Reports of the city councilors.
- (5) Reports of the city manager.
- (6) Communications and recognition.
- (7) Open session.
- (8) Unfinished business.
- (9) New business.
- (10) Open session.
- (11) Adjournment.

(Code 1967, § 1-3.16; Ord. of 3-16-1998; Ord. of 1-16-2007; Ord. of 1-28-2008(01))

Sec. 2-60. Enacting clause of ordinances.

The enacting clause of ordinances shall be "Be it ordained by the Auburn City Council, that:...."

(Code 1967, § 1-3.17)

**State law reference**— Ordinance authority of municipalities, 30-A M.R.S.A. § 2801; procedure for enactment of ordinances, 30-A M.R.S.A. § 2802.

Sec. 2-61. Ordinances to be in writing; recording.

All ordinances shall be written out, without interlineations or erasure, before their passage. The city clerk, or someone under his direction, after their passage, shall cause them to be recorded in a book kept for that purpose, with proper margins and index, which book shall be preserved in the office of the city clerk and shall be subject to the inspection of any citizen.

(Code 1967, § 1-3.18)

Sec. 2-62. Applicability of Robert's Rules of Order.

In all cases where the parliamentary proceedings for council meetings are not determined in this article, Robert's Rules of Order, Newly Revised, shall be taken as authority to decide the course of proceedings.

(Code 1967, § 1-3.19)

Sec. 2-63. Suspension of rules.

The city council rules and order of business shall be observed in all cases unless suspended temporarily for a special purpose by a vote of the city council.

(Code 1967, § 1-3.20)

Sec. 2-64. Violation of rules.

If any member of the council, in speaking or otherwise, transgresses the rules of the city council, the presiding officer shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down unless permitted by the mayor to explain, and the city council shall decide the question without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the council to proceed in order.

(Code 1967, § 1-3.21)

Sec. 2-65. Subject matter and decorum when addressing council.

Every member of the council, while speaking:

- (1) Shall confine himself to the subject under debate;
- (2) Shall refrain from personalities; and
- (3) Shall not refer to any other member of the council except in a respectful manner.

(Code 1967, § 1-3.22)

Sec. 2-66. Recognition of members desiring to speak.

A councilmember about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the presiding officer.

(Code 1967, § 1-3.23)

### *WORKSHOPS*

1. Workshops can be scheduled as needed but the second Monday of each month will be dedicated solely to workshop matters. No action will occur during these meetings unless deemed an emergency or time sensitive. Workshops shall be limited to policy matters of the Council and shall not be used for routine business of the City. Routine business should be understood to include actions in response to existing policies, ordinances, laws, or those deemed incidental to City operations by the City Manager.
  - a. The Workshop will still be led by the Mayor in cooperation with the City Manager. The purpose of the collaborative facilitation of the meeting is to keep the flow of the discussion and assure participation of all attendees. Workshops will not adhere to Robert's Rules; instead they will concentrate on Consensus Building as opposed to majority rule. Further all items placed on the Workshop agenda will not be acted upon but rather brought to consensus and a draft motion will be developed for the Council to act upon at the next meeting of the City Council. The Council will take a straw poll to confirm consensus or majority support.
  - b. Workshops are not limited to Council members and are intended to foster an environment of open discussion. In order to help develop this atmosphere interested parties will be invited to formally participate in the workshop process. In order to effectively oversee these meetings the Council adopts guidelines for behavior and procedure. An environment

shall be fostered where interested parties are asked to share opinions and insight in the determination of consensus.

- c. Motions that are returned from a workshop shall be open to debate by the Council and public input. The Council should strive not to amend a motion recommended from a workshop; but the Council may refer an item back to workshop for further review. After one referral back to a workshop the Council will act on the item with or without amendment. (Note it is the intent of the City of Auburn to develop consensus and support credible practices to implement motions as they are created in workshop. However, the Council, as the elected body of the City, must conduct business and has the final responsibility to the community to make sound judgments. For those purposes the Council by majority vote may amend a motion as presented from a workshop.)
  - d. Items scheduled for workshop must meet all of the following criteria:
    - i. A workshop request form, filled out by a Councilor and referred by staff with support by the Mayor, or by the City Manager.
    - ii. Appeared on a Council agenda as New Business to refer to a workshop with a majority vote of the Council. Discussion during the referral process shall be very limited, this step is solely to determine majority support of the Council to workshop the requested item.
    - iii. Be consideration of policy matter of the city and are not part of the routine operations of the City.
  - e. A resident requesting a workshop item should present to a Councilor or City Manager. The Councilor then may choose to present on a Council workshop request form.
  - f. The months of February to May of each year shall prioritize workshops to discussion of the annual budget.
2. The City Manager shall maintain a list of potential workshops items that will be circulated once a month.
  3. Agendas for Workshops shall include the list of items approved and intended to be work shopped at that meeting. The posting requirements for a regular council meeting shall also be followed for workshops. The Manager may also list other items that are prepared for discussion in the event that time would allow the Council to consider more items than originally planned. However, in no circumstance should an item be work shopped if not prepared or listed for potential discussion. This allows for all interested persons to participate in the process.

## *GENERAL PROVISIONS*

Please note that the Council always appreciates and invites public comment. Inviting public participation at Workshops is designed to make the oversight of the community more efficient and promote more open discussion to bring matters to consensus rather than majority rule. Part of this is the understanding that items can not and should not be repeatedly discussed. The Mayor must maintain decorum in all meetings, as required in charter. Persons not adhering to the Ground Rules should expect to have their participation limited or removed from the meeting.

The above items are an outline for the format for Workshops and Council Meetings. None of the above items change the Charter requirements for the City of Auburn. These guidelines, Workshop Ground Rules, Workshop Request Forms, the Charter, and State/Federal Laws should all be used in cooperation for the effective management of City of Auburn.

## WORKSHOP GROUND RULES

### Behavior of Participants:

1. **Only one person speaks at a time** and no one will interrupt when another person is speaking.
2. **Each person should identify themselves** and the constituency they represent. Disclose any interests that may influence your perceptions. (IE. Board Memberships, Career Interests, etc).
3. **Express your own views**, rather than speaking for others or assigning motives to others.
4. **No one will make personal attacks.** Challenge ideas not people. If an attack is made the facilitator will ask the participants to refrain. If attacks continue the facilitator may ask the group to take a break to cool off.
5. **No grandstanding.** Please avoid prolonged speeches, extended comments, or repeating the same question, so that everyone has a fair chance to speak and contribute.
6. Everyone will make every effort to **stay on track.** The overall intent is to move forward.
7. **Focus on the merits of what is being said;** make a good faith effort to understand the concerns of others. Clarifying questions are encouraged, but disparaging comments and rhetorical questions are discouraged.
8. **No surprises!** Questions and concerns will be brought up when they arise, not held to later in discussions so as to confuse the progress made earlier.
9. All participants will seek to **identify options or proposals that represent common ground**, without minimizing legitimate disagreements. Each participant will do his best to take account of the interests of the group as a whole.
10. Each person **reserves the right to disagree** with any proposal and in doing so **accepts the responsibility for offering alternatives** that accommodate her interests as well as others interests.
11. Each person agrees to **keep the community and their constituencies informed** about issues or options being considered by the group. Input and advice from the constituencies needs to be brought back to the group as they emerge.
12. In the event that anyone speaks to the media **the comments must be limited to his own views.** No member should speak on behalf of other participants. The City Council stresses the importance that the City Manager must keep the media apprised of the process but he too should refrain from speaking on the behalf of other participants.

## BUDGET SCHEDULE 2014

(Agenda Item #6)

**Budget Dialogues:** A new approach to the budget to instill transparency and invite citizen participation. Each Budget Dialogue will begin with a public session for residents to comment only on departments on the agenda for the workshop that evening. Conversation in public comment should be limited to 30 minutes total. Residents and interested parties may still be provided time to speak during the workshop at the discretion of the City Manager in cooperation with the Mayor as parliamentarian. The Budget dialogues will start with departments on the workshop agenda for that meeting, but if time allows will open to the budget in general.

**Staff:** Presentation of staff at workshops will have full Council material but will be limited to Budget Drivers, Required components of the Budget that “must” be funded, the Bottom Line cost or impact, and questions from Council.

- January 2<sup>nd</sup>:**
1. Council Approves Budget Calendar.
  2. Council considers School Election Date Request.
- January 10<sup>th</sup>:**
1. City Staff finishes CIP in new format in books.
  2. City Staff submits budgets to Finance in new formats to put into books.
- January 15<sup>th</sup>:** Potential joint meeting with School Committee.
- February 3<sup>rd</sup>:** Assessing presents valuation in workshop. Council directs any potential action.
- February 10<sup>th</sup>:**
1. Joint Meeting with school on CIP. Not the Hearing for adoption by Council.
  2. Budget discussion City Council. Overview of format and information. Discussion of compliance with Performance Based Budgeting. Initial Draft Budget presented.
- February 24<sup>th</sup>:** Begin Budget Dialogues #1:
1. Administration and Planning and Development Budget Presentations (Assessing, City Clerk, City Manager, Planning and Development, County Tax, Finance, Fringe Benefits, Health & Social Services, Human Resources, ICT, Legal, Mayor & Council, Worker’s Compensation, Special Funds, & Enterprise Funds).
- March 3<sup>rd</sup>:** Budget Dialogue #2:
1. CDBG Budget Presentation.
- March 10<sup>th</sup>:**
1. Joint Budget Meeting with School. Presentation of School Budget.
- March 17<sup>th</sup>:**
1. CIP Budget Presented in Workshop for Publication of Hearing on April 7<sup>th</sup>:
  2. Budget Dialogue #3  
Joint Services, Library, Public Safety

**March 24<sup>th</sup>:**

1. Budget Dialogue #4 (Final)  
Facility and Transportation Budget Presentations (Public Services (Engineering, Public Works, & Parks), Recreation, Property, & Water and Sewer).
2. Public Hearing on CIP

**April 2<sup>nd</sup>:**

**This Item must be met to even consider a May School Validation Vote.**

School Committee Approves Budget to be presented to City Council on April 7<sup>th</sup>.

**April 7<sup>th</sup>:**

1. Council approves CIP.
  - a. 1<sup>st</sup> Reading Bonds
2. Workshop Proposed School Budget
3. Adopt School Budget for May 6<sup>th</sup> Vote. Absentee begins no later than April 21<sup>st</sup>.

**April 21<sup>st</sup>:**

1. 2<sup>nd</sup> Reading Bonds
2. Council Workshop on Full City Budget. Manager's Budget presented per Charter.

**May 5<sup>th</sup>:**

Public Hearing and Final Workshop of City Budget

**May 6<sup>th</sup>:**

Potential May Vote of School Budget.

**May 19<sup>th</sup>:**

Adoption of Final City Budget and CDBG Budget.

**June 10<sup>th</sup>:**

Primary and Either First or Second School Budget Validation Vote.