



**Finance & Public Administration
Council Committee
Agenda
February 18, 2016
Auburn Hall – Council Chambers**

5:30 P.M.

- 1) Fiscal Year 2015-2016 Budget and Work Plan Review
- 2) Projects and Initiatives Review
- 3) Committee Appointment Process

City of Auburn

Boards and Committee Initiatives and Projects

Board 1: Public Safety and Community Services -

911 Board, Auburn Public Library Board, Cable TV Advisory Board, Health Committee, LA Arts, Firearms and Discharge Committee, Recreation and Special Events Advisory Board)

Departments - Fire, Police, Health & Social Services, Rec & Special Events

Projects/Initiatives

- Androscoggin County Dispatch – **(Police)** a resolve by the City Council to the Androscoggin County Commissioners was submitted March 2013 that the City of Auburn request inclusion into the commissioner’s dispatch proposal or the county commissioners adopt the proposal of the Lewiston Auburn 911 Center. The city attorney has corresponded with the county attorney but no response has been made.
- Mutual Aid Agreements – **(Police)** the police department has mutual aid agreements with the following agencies – Androscoggin County Sherriff’s Department, Lewiston Police Department, Lisbon Police Department, Mechanic Falls Police Department, Cumberland County Sheriff’s Department, Maine Game Wardens, and Maine State Police.
- Parking Program – **(Police)** at a council workshop in August 2013, the police department proposed the council consider future workshops to discuss a city-wide parking management plan. The police department submitted in the FY17 capital plan, four “Pay and Display” units with one lot gated for Hilton functions. Further discussions are needed to determine future parking changes.
- Neighborhood Revitalization Unit – **(Police)** in October 2015, Mayor LaBonte’ met with city administration to discuss the drug issue and what efforts could take place to focus on our CDBG targeted neighborhoods, from those meeting this unit was developed. Efforts are underway to create the unit consisting of members from police, fire, and code enforcement. This item will be on the January 25, 2016 workshop.
- Recreation and Special Events Committee formalizing changes - **(Rec & Special Events)** The current Recreation and Special Events Advisory Board has never been formalized in ordinance. In 2013 this committee took the place of the previous Parks and Recreation Advisory Board. The ordinance needs to be updated.
- LA Arts/Maine Arts Commission Planning Project – **(Rec & Special Events)** November 2, 2015 City Council approved \$5,000 for L/A Arts to use as a match for a grant from the Maine Arts Commission. The grant is intended to create a Cultural Plan for Auburn/Lewiston with a 30 member steering committee.

City of Auburn

Boards and Committee Initiatives and Projects

- Athletic Field Assessment Phase 1 Completion and Review – **(Rec & Special Events)**
In 2014 the City contracted with Wright-Pierce to develop a detailed inventory of ALL athletic facilities in Auburn and our surrounding communities. What is going on, who is using the facilities, fees, etc. A report was produced by Wright-Pierce in April 2014.
- Athletic Facility Assessment Phase 2 Review – **(Rec & Special Events)**
Phase 2 was intended to be a condition assessment of the same facilities reviewed in phase 1, but phase 2 was never implemented.
- Ingersoll Arena oversight – **(Rec & Special Events)**
Staff will provide periodic updates on the status on the Ingersoll Turf Facility.
- Fire Department Matrix Study review and implementation and prioritization of policies – **(Fire)** The Matrix Report was commissioned by Council in response to a request by the Fire Department in September of 2011. The report was completed and presented to the Council in March of 2012. This report was an operational and management review of the department against “best practices” in the industry at the time.

This report was developed using information from 2010 as this was the last full year for which a complete data set was available.

This report is a “snapshot in time” of the Auburn Fire Department as it was operated, configured, and staffed in 2011.

At the core of the report are 47 recommendations made by the consultant. Of these 47 recommendations:

- 24 require substantial financial commitment from the City INCLUDING:
 - Additional staff and/or
 - Capital purchases
- 23 require direct and indirect costs to the City INCLUDING:
 - Staff time
 - Project development
 - Management overview
- EMS Operations/Financial Reporting – **(Fire)** Council authorized the AFD to begin full EMS transport services in October of 2014. Prior to this, the AFD responded in a first responder capacity providing initial care and treatment of patients with United Ambulance then transporting patients and billing those patients for that service. The AFD was not able to bill for those services. However, United Ambulance did pay the city of Auburn \$100,000.00 annually for the right to provide emergency ambulance transport within the city.

The AFD has stood up a full transport service with no additional personnel hired to do so. To make up for the need of personnel, a truck company and engine company were

Initiatives and Projects cont.

placed out of service and a Quint purchased to serve in the dual role of those companies placed out of service. The staffing assigned to the companies placed out of service was utilized to staff not only the Quint, but two ambulances.

In the first year of service the AFD responded to 3,438 EMS calls for service. This was an increase of 1,125 EMS calls for service over the same period the year prior. Patients were billed a total of \$2,203,915.23 for the cost of providing transport service of which \$1,152,595.90 was collected in that first year of service.

Auburn uses a third party billing system, and all revenue and monthly reporting is directed to and handled out of the Auburn Finance Department.

- Mutual Aid Agreements – **(Fire)** The Auburn Fire Department provides and receives mutual aid to surrounding communities for both fire and EMS service. In 2015, we provided 45 non-EMS mutual responses and received 24 non-EMS mutual aid responses of the same type. We provided 58 EMS mutual aid responses and received 60 EMS mutual aid responses of the same type.

By state law, we are obligated to provide EMS mutual aid should we have the available resources to do so. We provide fire mutual aid under a long standing practice of helping our neighboring communities as we are able given the particular incident. We benefit from the use of mutual aid in Auburn as much as those communities who request our services benefit from the response of the AFD.

Board 2: Community and Economic Development –

Auburn Business Development Corporation (ABDC), Lewiston and Auburn Economic Growth Council (LAEGC), Poland/Auburn Committee, Auburn Housing Authority, CDBG Loan Committee, CDBG Home/Community Advisory Committee, Planning Board, Zoning Board of Appeals

Departments - Economic Development, Planning & Permitting, Community Development

Projects/Initiatives

- Comprehensive Plan Implementation – **(Planning & Permitting)** We were on a schedule of providing overview/ updates in May of each year and that ended under the previous City Manager. Many of the items listed in the Community and Economic Development category are in fact implementation Items from the Comp Plan including the New Auburn/Riverway development, Minot Ave Gateway, Form Based Code, Joint Land Use Plan/ Mt. Apatite, Great Falls Art Center, Ag Zone Review and the Housing Initiative that was deferred by the Council last year. Implementation of the Comp Plan is an ongoing task that guides daily decisions and advice provided by staff to residents, business

Initiatives and Projects cont.

people and developers. Predictability is essential to attracting investment and staff relies on the Comp plan for direction. If there are things that the Council would like to change we would welcome that discussion to ensure that we are promoting the current Council's goals as laid out in the long range Comp Plan.

- New Auburn Greenway/Riverway Development (Comprehensive Plan Implementation Item) – **(Planning & Permitting)** The 2009 New Auburn Master Plan was incorporated into the 2010 Comprehensive Plan, laid out a vision for the New Auburn Business District and called for a New Auburn Village Center District Revitalization Plan to support growth and development in the area. The plan also called for expansion of the TIF District so funds from the larger downtown could be used for improvement of New Auburn and both of those were completed in 2014. The current effort is to design and permit the place called for in the earlier studies and plans and work out the details through a public process. See page 9-13 of the New Auburn Master Plan for details.
- Minot Ave/Downtown Gateway Improvement (JDA with Miracle Enterprises) (Comprehensive Plan Implementation Item) – **(Planning and Permitting)** Mechanics Savings bank started the gateway improvements along their frontage on Minot and Elm and will be reimbursed for that cost through TIF revenues from their project. Miracle Enterprises desires similar improvements along their frontage and improves access as part of the project. Staff proposed purchasing the gas station on the corner of Minot and High Streets to implement the Gateway Transition District plans but it was determined by the Council to be too costly in 2015. See Future Land Use Plan and Gateway Transition District Pages numbered 81 and 107 of the Comprehensive Plan for details.
- Norway Savings Bank Arena retail market study for mall area – **(Economic Development)** Increased economic activity was a major goal of constructing the arena. We have heard anecdotal evidence of increased sales at retailers and restaurants and higher occupancy rates at lodging facilities during major events at the arena. The previous council wanted to quantify that increase in sales. Quantifying that increase would be interesting information but will require funding a study and staff is not sure how that information would be used to create returns. One option might be to quantify the number of people and collect demographic information on the users of the facility that could be used in addition to existing demographic information to market the mall area to additional retailers.
- CDBG 5 Year Plan update and committee oversight – **(Community Development)** The 5 Year Consolidated Plan document also includes the Action Plan. The Action Plan is a document that describes the activities that will be undertaken, goals and objectives that will be pursued, and a spending plan for Community Development and HOME funds each year.

Initiatives and Projects cont.

- Community Development Budget – (Community Development) Establish a budget for FFY2016 Community Development and HOME Investment Partnerships Programs. Budget process controlled by funder, Department of Housing and Urban Development. Required citizen participation by Citizens Advisory Committee; 30 day comment period; public hearing.
- Auburn-Lewiston Consortium Agreement – (Community Development) Adoption of Mutual Cooperation Agreement to continue receiving HOME Investment Partnerships Program funds.
- Program Amendment – (Community Development) Revision to Consolidated Plan budget/outcomes to accommodate Neighborhood Revitalization Unite proposed by Police Department
- Program Guidelines - (Community Development) Revisions to Homebuyer, Homeowner Rehab, Residential and Small Business Program guidelines. Some updates are required to comply with HUD requirements. Also a new approach to Small Business and Homebuyer Programs
- LAEGC contract oversight – (Economic Development) Ongoing. Council order 52-06162014 authorized a 2 year MOU for LAEGC services. Work with Committee to review progress and ensure deliverables are on time.
- ABDC business park lot sales and future relationship with City of Auburn - (Economic Development) Review LAEGC marketing efforts to date and work with LAEGC to promote sales.
- Downtown Development program recommendation and implementation (Comprehensive Plan Implementation Item) - (Planning & Permitting) Previous Economic Development Staff had proposed a downtown development strategy as part of the budget that received mixed reviews from the previous council and we now have 5 out of 7 new Councilors. This report is due on the day that our new director starts. It is recommended that we revisit the previously set goals and modify the strategy.
- Form-based Code (Comprehensive Plan Implementation Item) – (Planning & Permitting) The Comprehensive Plan identifies the goal of encouraging new development that occurs in manner that reflects of a traditional downtown development pattern. The Form Based Code was determined to be the best way to do that and allows for reduced setbacks, more specificity on building placement and less focus on uses

within buildings. The Planning Board worked through nearly 2 years of workshops and public meetings to draft a proposal for the Council to consider. That proposal is ready for the Council as soon as we can get a spot on a workshop agenda.

- Joint Land Use Planning/Mt. Apatite (Comprehensive Plan Implementation Item) – (Planning & Permitting) We received a grant from the Office of Economic Adjustment to review the National Guard Use, Mt. Apatite and surrounding areas to improve how the recreational, residential and National Guard uses interact with each other. The goal was to identify existing and potential concerns or conflicts and recommend solutions and actions moving forward. We developed the 2014 Joint Land Use Study to summarize the issues and findings. One of the recommendations that was most controversial was a potential lane swap between the City and Maine Army National Guard because the ball fields are on Federal Property. The Army Corp of Engineers proposed a land swap that favored the Federal Government and the City responded with questions about assumed land values. The ACOE informed the Guard and the City that they had not budgeted to respond to questions and we could resume the discussion when the budget issue was resolved and they could provide some answers. It has been approximately a year now and they have not provided a response. Copies of the correspondence are available for additional details.
- Property Maintenance Ordinance/Dangerous Building (Comprehensive Plan Implementation Item) – (Planning & Permitting) The City has considered a property maintenance ordinance approximately every 10 years since the 1980's. Considerable staff time goes into drafting an ordinance each time and it has always been rejected by the Council. We have a very outdated housing code and staff has drafted updates to address the most common housing maintenance issues related to housing. As a compromise staff recommends considering those housing code updates to address current issues, which may receive less public opposition than a full maintenance code, as an important step in the right direction. If desired by the Council we could then reopen a property maintenance code discussion with some needed updates already in place.
- TIF Budgets and Work plans – (Economic Development) Staff review of current status and projected revenues and then work with Committee to determine work plans and future programs.
- Great Falls Art Center – (Planning & Permitting) Over the past few years staff has discussed the redevelopment potential of this site with CLT and developers. CLT cannot effectively maintain and improve the historic structure that they occupy due to funding constraints. A tax credit redevelopment is seen as the best opportunity to establish a center for the arts at this location that includes other commercial space and residential units to fund the rehabilitation and construction of additional structures. This will also increase taxable value on a currently exempt site and provide an arts anchor in Auburn. We are currently reopening conversations with CLT to regain site control.

Initiatives and Projects cont.

- Recreational Planned Use Development - (Planning & Permitting) The Comprehensive plan identifies commercial recreation facilities as an opportunity for Auburn to capitalize on, but also allowing housing or other related uses to generate revenue and preserve the existing recreational assets if they are not highly profitable. We received a citizen petition in 2012 from the owner of a golf course to make changes to the zoning that would allow housing, hotels or other uses in concert with recreational uses. While the draft was vetted by staff and the Planning Board through a lengthy public process, the Council chose not to approve it.
- Agricultural Zone review (Comprehensive Plan Implementation Item) – (Planning & Permitting) Auburn has some of the most restrictive Ag zoning (as it relates to housing) in the country and the zone covers approximately 40% of the land in our City. This has been an essential growth control to minimize costs of servicing the hinterlands of Auburn and preserving land for higher value industrial uses, open space and recreation. According to recent agricultural news, Maine has seen the largest growth in small farms of any state in the country but we are not seeing that in Auburn. The Comp Plan calls for reviewing our Agricultural Standards to see if we can promote additional agriculture in Auburn while still controlling increased service costs. The Council asked staff to work on this discussion in lieu of acting on an individual change to the zoning and then asked us to obtain a grant to fund the project. We were unsuccessful in obtaining the large grant but have started the baseline mapping and inventory to move the discussion forward if it is still a priority for the new Council. See page 108-109 of the Comp Plan for additional details.
- Housing zone change that was deferred by last City Council – (Planning & Permitting) We received a petition from 25 registered voters to allow flexibility in home locations on parcels that are split between residential and agricultural zoning districts. See page 109, last paragraph- 110 of the Comp Plan for details. The change was debated, modified and recommended for approval by the Planning Board, however, the Council deferred action until we could complete a larger discussion about the Agricultural Zone noted above.
- City Marketing Plan – (Economic Development) There have been numerous regional marketing efforts that brand and market “LA” or Androscoggin County. While these are useful, Auburn may have a unique “product” to offer within the regional market. The committee should consider this possibility and review options.
- Downtown Transportation Center construction and bus operations plan – (Planning & Permitting) The Planning and Development Office is assisting Lewiston Auburn Transit Committee and ATRC in the construction plan development and review, and providing utilities to the site (Great Falls Plaza) and taking the lead role in coordinating utility installation to the greater Great Falls Plaza area. Providing water, sewer and electric to the Great Fall Plaza area will allow the future development of the Great Falls area to

proceed. The DATC has been located to allow for the planned new streets and development sites in Great Falls Plaza including a potential city owned parking garage.

- Downtown Passenger rail policies and state study – **(Planning & Permitting)** The City appropriated \$50,000 towards a passenger rail study after the legislature mandated that the City do so. We need to get an update on the report from MDOT and review progress with the committee. Eventually this will likely result in some recommendations to the entire Council.
- Complete Street implementation/Bike-Ped ordinances – **(Planning & Permitting)** Study was put on hold last summer; recently got the consultant team back on track with coordination of staff from Auburn, Lewiston, ATRC, Maine DOT, and FHWA. Three tasks of study are: 1) Recommendations for select arterial streets, 2) Best Practices Manual/Design Guide, and 3) Recommendations for connections across Main St, Lewiston, for Riverside Greenway to Simard-Payne Park. Anticipating a public workshop late Spring, with completion in June 2016.
- Lower Barker FERC Relicensing – **(Planning & Permitting)** The Lower Barker Dam is operated by Kruger Energy Inc. and generates hydroelectric power on the Little Androscoggin River. Its Federal Energy Regulatory Commission (FERC) license is up for renewal in 2019 and the process to review the renewal has already started. The City is a stakeholder, mainly advocating for recreational improvements in the project area. To date, staff time has been the only cost incurred by the City in this process.

Board 3: Transportation and the Environment -

Auburn and Lewiston Airport, Androscoggin Transportation Resource Center, Lewiston and Auburn Bike-Pedestrian Committee, Lewiston and Auburn Transit Committee, Lewiston and Auburn Railroad Corporation, Lewiston and Auburn Community Forest Board, Lake Auburn Watershed Protection Commission (LAWPC), Lewiston and Auburn Water Pollution Control Authority (LAWPCA), MidMaine Waste Action Corp., Auburn Sewerage District, Auburn Water District, Conservation Commission

Departments – Public Services (Works and Parks)

Projects/Initiatives

- Community Forest Management Planning as follow-up to moratorium – **(Public Services)** Conservation Commission is currently working with the forest board on an ordinance update. An updated ordinance is expected in early spring.

Initiatives and Projects cont.

- Solid Waste and Recycling Contract – **(Public Services)** Time sensitive. Current contract expires at the end of June. The City needs to decide on direction with regards to same program we have now, change curbside program or automated program
- Future of MMWAC – **(Public Services)** Current Director is retiring. What are the City's options if MMWAC were to close? Where will municipal solid waste go and what are the cost implications.
- Route 4 Engineering from East Auburn to Lake Shore Drive – **(Public Services)** Maine DOT is preparing a presentation outlining several options with regards to traffic patterns. These will be presented at a public meeting in the spring.

Board 4: Finance and Administration -

Androscoggin County Budget Committee, Androscoggin Valley Council of Governments (AVCOG), Lewiston and Auburn Joint Council Committee, Appointment Committee, Audit and Procurement Committee, Board of Assessment Review, Ethics Committee, Registration Appeals Board

Departments – City Clerk, City Manager, Finance, Assessing, Human Resources, Information Technology, Legal Services, Mayor & Council

Projects/Initiatives

- Commuter Service to Portland (bus planning and city policy) – **(City Manager)**
The City of Lewiston and Auburn are currently working with Metro/Greater Portland Transit to review three options for regular commuter service between Auburn and Portland. We are still waiting for the final results on that investigation from Metro/Greater Portland Transit.
- LATC Route Study – **(City Manager)**
The Lewiston/Auburn Transit Committee (LATC) is currently under contract with a firm out of New York to review the effectiveness of the Auburn-Lewiston bus system.
- Intermodal/Port of Auburn lease negotiation – **(City Manager)**
The Lewiston/Auburn Economic Growth Council has taken the lead on these negotiations. With the recent hire of our new Economic and Community Development Director we will bring that responsibility back indefinitely.
- Draft of the CIP and Budget – **(Finance)** The CIP and budget are governed by the City Charter, Article 8. This section lays out the timeline and what is to be included in these documents.

Initiatives and Projects cont.

- Canal Legal Matter – **(City Manager)** The Cities of Lewiston and Auburn were competing for the location of the Monty Hydro facility when it was being planned in the early 1980's. The end result was that CMP, not Auburn or Lewiston, built and owned the hydro facility. The Cities agreed to share tax revenues, water rights and revenues and expenses associated with the small hydro facilities in the canals. Lewiston is working to obtain ownership of the canals from Brookfield and has considered trading away shared water rights without Auburns consent. Auburn believes trading those rights is shortsighted and may limit future recreational or power generating opportunities for the cities.
- City merger charter commission - **(City Manager)**
In June 2014 the Lewiston-Auburn Charter Commission was formed and since that time the citizens elected to the commission have been working through the details of a potential Lewiston-Auburn merger. In January 2016 a draft charter was released and interviews with staff and elected officials from both Lewiston and Auburn began in February 2016.
- City Audit - **(Finance)** The audit is governed by the City Charter, Article 8, Section 11.
- City-owned property strategy - **(Finance)** These are properties that become City assets due to nonpayment of property taxes. The City currently has an internal policy that lays out the steps that are taken after the property becomes tax acquired.
- Non-property tax revenues - **(Finance)** These are revenues collected by the City that are not property taxes. For example, fines, licenses, excise tax, state revenues, etc.

CITY OF AUBURN BOARD AND COMMITTEE APPOINTMENT PROCESS

The Mayor shall appoint a three member committee hereinafter called the “Appointment Committee”. The Appointment Committee shall review all applications to boards or committees assigned per attachment “Committees of the City of Auburn”; the Committees may interview applicants, including incumbents, for vacancies on all City boards, commissions and committees.

The Appointment Committee may review term expirations and propose appointments as frequently as necessary. The Clerk shall notify the various boards, commissions, and committees, the Mayor, the City Manager and the City Council members of the upcoming expirations and any current vacancies periodically, but not less than once per year.

Incumbents will receive a letter from the Clerk notifying them of the expiration of their term and letting them know they need to reapply. Additionally the Clerk shall post on the City website a notice of vacancy for at least 30 days. However, if a term becomes vacant due to a resignation, death, residency, disqualification, or other sudden vacancy, the committee may shorten or eliminate the 30 day posting. The Clerk will also notify all alternate members so that they may apply for full membership, if interested.

A notice shall be placed on the City’s website. The Clerk may create an email group of neighborhood group contacts, Chamber, contacts and other interested individuals to which the advertisement may be sent.

Applications shall only be accepted during the posted period and must be postmarked no later than the deadline. Emails are acceptable and must be time stamped in advance of the deadline. Incumbents must reapply each time. All applicants are required to send a completed application form and it is recommended that they also send a resume and a cover letter to apply.

The Clerk shall notify the staff person to the board, commission, or committee in question, so that he/she can also have a conversation with any incumbents to let them know their term is expiring.

All boards, commissions, and committees will be provided with a brief description of that board’s duties and the qualifications for appointment will be in the header, notebooks containing the ordinances/by-laws pertaining to each board, commission, or committee, and a list of the incumbents on all boards.

The Appointment Committee meetings are considered a Public Meeting. The date and time of the meeting will be posted on the City website at least 2 days prior to the meeting. All City Councilors will receive copies of the applications to review at least one week prior to the Appointment Committee meeting. During the Appointment Committee meetings, the Committee may enter into Executive Session to review applications.

The Appointment Committee may vote by hand or by consensus on the nominee for each vacancy. If the Appointment Committee does not agree on a nominee, a vacancy may be re-advertised or presented to the City Council.

The day after the nominations are completed, the Clerk shall notify the employees who staff the boards, commission, or committees, to let them know who is being nominated or that a position is being re-advertised. Also on that day, letters shall be sent to those applicants who are being nominated. Nominees shall be told when their appointment is going to the full Council agenda. Appointments will appear under New Business with possible Executive Session. Nominees will be asked to attend the meeting.

Except for legal retention purposes, resumes will not be kept for future vacancies, once interviews have been held. The process shall start fresh each time, ensuring that resumes are current and received from applicants qualified to fill the positions.

The Clerk shall prepare the order for the Council meeting, noting the names, board to which members are being appointed and the term expiration date. At the meeting, the Mayor shall ask the new board members to stand and introduce themselves, once the order has passed.

The next day, after the Council appointments are passed, the Clerk shall send a letter to each new member, congratulating them, advising them of the expiration date of their term, telling them who the staff person is and letting them know they must be sworn in before their first meeting. A copy of this letter shall be sent to the staff person for that committee along with the new member's resume.

The website shall provide a complete list of all the board and committee members currently serving, date of end of term, and date of original appointment.

All appointments in this policy are those subject to the approval of the City Council. Appointments of the Mayor as conferred in Charter are subject to this process or processes.

Alternate Member

An alternate member shall participate in all meetings with the same rights as a full member, except they shall not have the right to vote. The right to vote shall only be conferred by a vote of full members present to fill an absence, temporarily vacated seat, or to replace a member who has removed themselves due a conflict of interest. Alternate members shall be appointed to voting rights on a rotating basis, so as to preserve fairness. The purpose of alternate members is to sustain a full voting board and to educate new interested persons before becoming a full member. It is the intent but not mandate of the Council to promote Alternate Members to full membership before accepting new members to a board or committee.

Reports and Vacancies

A vacancy on any appointive board, commission, or committee of the city shall exist upon the occurrence of any of the following events:

- (a) Death of a member.
- (b) Resignation of a member.
- (c) Moving by a member of the member's place of residence from the City of Auburn. When a member moves from the City of Auburn, the vacancy shall occur immediately and the member shall not serve at any further meetings.
- (d) Failure of a member to attend more than three (3) consecutive meetings or absence from five (5) meetings during the preceding twelve-month period.

Reporting actions and vacancies.

The chairman of each board or commission of the city shall certify or cause the secretary of the board or commission to certify to the city council each month the actions of said board or commission, together with the record of absences of members. In such report, the chairman or secretary of each such board or commission shall notify the city council of any vacancy occurring on such board or commission. In the event that a vacancy occurs, the board or commission may, by majority vote of its membership, exclusive of the member affected, recommend to the city council that the attendance provision be waived for cause, in which case no vacancy shall exist until the city council disapproves the recommendation.

Removal from Office

An official or officials who are alleged to have caused grounds for removal from office are subject to the "Policy for Removal of Officials Appointed to Boards, Commissions and Committees" approved as part of this policy.

POLICY FOR REMOVAL OF OFFICIALS APPOINTED TO BOARDS, COMMISSIONS AND COMMITTEES

1. Purpose. The purpose of this policy is to have in place a process for the removal of officials appointed to boards, commissions and committees
 2. Authority. The City Council exercises its authority to remove officials under Title 30-A, section 2601 which allows the removal for cause after notice and hearing.
 3. Cause. All grounds constituting cause cannot be detailed. However, the following are examples of conduct which may result in removal for cause:
 - A. More than three consecutive absences or five absences within a calendar year, unexcused by the Board, Commission or Committee by majority vote. This subsection may not be used unless the records of the Board, Commission or Committee reflect the facts constituting grounds. Nothing in this subsection shall be interpreted to prevent an official from requesting a leave of absence from the Council for unusual circumstances. Unusual circumstances could include, but not be limited to, illness of the official or an immediate family member; temporary relocation for employment, military duty or educational reasons; and increased temporary child care responsibilities. In making the decision whether or not to grant a leave of absence, the Council shall balance the needs of the City and the Board, Commission or Committee with the needs of the official.
 - B. Inappropriate public conduct or conduct to other officials related to the office held. Examples include but are not limited to verbal abuse to other officials or members of the public, or obstruction of meetings of the Board, Commission or Committee.
 - C. Impairment by alcoholic beverages or drugs at Board, Commission or Committee functions.
 - D. Indictment or conviction (1) for a Class C or higher Crime, or (2) for a Class D or lower crime or a civil violation, directly or indirectly affecting the office held. Examples of Class D or lower crimes or civil violations affecting the office held would be shoplifting a compact disk where the office involved the handling of money; or violations of a protected resource where the Board, Commission or Committee deals with that resource. These provisions apply even when the conduct leading to the indictment or conviction has taken place outside the City of Auburn or State of Maine.
 - E. Other reasons related to the good of the Committee, the City or the office held.
1. Removal procedure.

- A. Separation of roles. While a City Councilor sitting in a removal proceeding may be aware of the facts and circumstances leading to the proceeding, the City Council recognizes that no individual Councilor may prejudge the proceedings. Therefore, in a proceeding to remove an appointed official, the facts and circumstances shall be investigated by the City Manager or the City Manager's designee (hereinafter "the City Manager"), rather than an individual Councilor. Should allegations be brought to an individual Councilor, which the individual Councilor believes may be cause for removal, the individual Councilor shall turn the facts and circumstances over to the City Manager, and refer further inquiries to the City Manager. Inquiries to other Councilors shall be turned over to the City Manager. No Councilor shall participate in any removal hearing if that Councilor has an interest, a conflict, or is disqualified, under the Rules of Order and Procedure for Auburn City Council.
- B. Investigation. The City Manager shall investigate the allegations as soon as reasonably possible. If the City Manager determines the allegations create probable grounds for removal, the City Manager shall notify the official in writing that the City Manager is contemplating a recommendation to the City Council that the official be removed, outlining the City Manager's reasons. The City Manager shall provide the official a reasonable amount of time to provide the official's position on the allegations, before the City Manager finalizes the recommendation to the City Council.
- C. Hearing. If the City Manager recommends removal, the City Council shall schedule a hearing on the official's removal. The hearing shall be scheduled at a time which will allow the City Manager and the official an adequate opportunity to prepare their presentations to the City Council. At the hearing, the City Manager shall present the City's case with the official's case following. The presentations may include witnesses and exhibits, including documents. The City Manager and the officials shall provide each other a list of witnesses and exhibits at least seven days before the hearing date unless another time is agreed upon. Each party shall be allowed to ask questions of the other party's witnesses. Evidence will be admissible if it is evidence which would be relied upon by persons in the conduct of serious affairs. This means, for example, that hearsay evidence will not be excluded, and that the procedure will be conducted according to the principles of fair play rather than of strict rules of evidence.
- D. Confidentiality. The hearing shall be conducted in open session unless the Council determines public discussion could reasonably be expected to cause damage to the official's reputation or the official's

right to privacy would be violated. If the Council makes that determination, all related materials will be confidential until a final, non-appealable decision. Regardless of the Council's decision on public discussion, the official may request in writing that the hearing be conducted in open session, and that all related materials be public.

Even if the hearing is conducted in open session, it is not a public hearing. Stated differently, the only persons presenting testimony or evidence will be those persons selected by the City Manager or official. The general public will not be invited to testify at the hearing.

- E. Decision. After the City Council hears the evidence, it shall issue a written decision of those present and voting. The written decision shall state the facts and conclusions upon which the City Council relies in making its decision. If the written decision removes the official from office, the written decision shall become public as soon as it is a final, non-appealable, decision. The vote on the written decision shall be by majority vote.

- 5. Resignation. If the official elects to resign at any stage of this process, the process shall terminate, and any pending investigation or hearing under this process shall cease.

COMMITTEES & BOARDS OF THE CITY OF AUBURN

Board Name

911

ABDC

* **Airport** - see notes

ATRC

Audit and Procurement

Bike-Ped Committee

***Board of Assessment Review**

***Cable TV Advisory**

CDBG Community Advisory

***CDBG Loan**

Ethics Panel

***Auburn Housing**

L-A Community Forest Program & Board

LA Public Health

LAEGC

***LATC**

Library

MMWAC

Neighborhood Stabilization

New Auburn Master Plan Implementation

***Planning Board**

Railroad

***Recreation & Special Events Advisory**

School

***Sewerage District**

***Water District**

***Zoning Board of Appeals**

*Council appointed

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