

ORDER: 69-06212021 (ATTACHEMENT)

**CITY OF AUBURN
BOARD AND COMMITTEE APPOINTMENT POLICY**

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 notification from the Clerk reminding 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.

Within two business days 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, the Clerk shall notify applicants who are being nominated. Nominees shall be told when their appointment is going to the full Council agenda. Appointments will appear under the consent agenda and enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda under new business with possible Executive Session if needed. 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.

Within two business days, after the Council appointments are passed, the Clerk shall notify 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 the notification 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.

Boards & Committees of the City of Auburn – see Appendix

COMMITTEES & BOARDS OF THE CITY OF AUBURN

APPENDIX

COMMITTEES & BOARDS OF THE CITY OF AUBURN

Board Name

911 Committee
Age-Friendly Community Committee
Agriculture Committee
Androscoggin County Budget Committee
Androscoggin Transportation Resource Center
(ATRC)
Androscoggin Valley Council of Governments
(AVCOG)
Appointment Committee
Auburn Business Development Corp (ABDC)
Auburn Housing Authority
Auburn & Lewiston Municipal Airport
Auburn Public Library Board of Trustees
Auburn Sewer District Board of Trustees
Auburn Water District Board of Trustees
Audit Committee
Cable TV Advisory Board
Citizen's Advisory Committee (CAC)
City Council
Community Development Block Grant (CDBG) Loan
Committee
Complete Streets Committee
Conservation Commission

- Community Forest Subcommittee
- Parks Subcommittee

Ethics Panel
Lewiston-Auburn Railroad Company (LARC)
L/A Transit Committee (LATC)
L/A Water pollution Control Authority
Maine Waste-to-Energy
Parks & Recreation Advisory Board
Planning Board
Registration Appeals Board
Regulatory Advisory Board
School Committee