



City Council Meeting and Workshop January 9, 2012 Agenda

5:30 p.m. Workshop

- A. L-A Public Health Committee by-law changes (Phil Nadeau, Dot Meagher)
- B. The Mayor and Council may continue workshop discussions on issues carried over from 1/5/2012 Council workshop

7:00 p.m. City Council Meeting *Pledge of Allegiance*

I. Consent Items – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

II. Minutes – January 3, 2011 *

III. Reports

Mayor's Report

Committee Reports

- Robert Hayes: Planning Bd, Water, Library, and Railroad,
- David Young: School Committee, Cable TV Adv Board
- Belinda Gerry: LA Transit, Neighborhood Stabilization Program, Auburn Housing
- Joshua Shea; L-A Economic Growth Council

Acting City Manager's Report

- Winter road response

IV. Communications, Presentations and Recognitions

V. Open Session Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Time limit for open sessions, by ordinance, is 45 minutes.

VI. Unfinished Business

VII. New Business

- 1-01092012 First reading amending the Code of Ordinances, Chapter 2-Administration, Article III-Officers and Employees, Division 4-City Clerk, Section 2-180-Duties, Item #6 and in Article V-Boards, Commissions and Committees, Division 2-Registration Voter Appeals Board, Section 2-406-Membership: chair.

VIII. Open Session Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Time limit for open sessions, by ordinance, is 45 minutes.

IX. Future Agenda/Workshop Items

Auburn City Council Meeting & Workshop
January 17, 2011

X. ADJOURNMENT

There will be a workshop at the end of the meeting if time allows.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: January 9, 2012

Item # A

Author: Susan Clements-Dallaire, Acting City Clerk

Subject: L-A Public Health Committee by-law changes

Information: On November 15th the Lewiston City council approved a resolve to amend the L-A Public Health Committee by-law changes and to support the LAPHC's recommended nomination list.

Financial:

Action Requested at this Meeting: Discussion

Previous Meetings and History: N/A

Attachments:

- ✓ Copy of email to Acting City Manager, Don Gerrish from Deputy City Administrator, Phil Nadeau
- ✓ Memo to the Auburn City Council from Deputy City Administrator, Phil Nadeau
- ✓ Copy of Lewiston City Council Resolve
- ✓ Copy of the marked up LAPHC by-laws

Susan Clements-Dallaire

From: City Manager
Sent: Monday, December 19, 2011 11:57 AM
To: Susan Clements-Dallaire
Cc: Karen Veilleux; Renee Bogart; Phil Crowell; Denis D'Auteuil
Subject: FW: L-A Public Health Committee
Attachments: Lew CityCouncil Resolve - LAPHC Amendments & Nomination List.doc; LAPHC By-Law amendments summary for Aub City Council Action.doc; LAPHC Interlocal amendment FINAL AMENDMENTS 10.4.11.pdf

Hi Sue,

Please place this item in the tickler file to be discussed by the Council in January.

Thanks

Don

From: Phil Nadeau [<mailto:PNadeau@lewistonmaine.gov>]
Sent: Monday, December 19, 2011 11:51 AM
To: Karen Veilleux
Cc: City Manager
Subject: L-A Public Health Committee

Karen,

On Nov 15th, the Lew City Council approved a resolve to amend the L-A Public Health Committee by law changes and to support the LAPHC's recommended nomination list. I have prepared a new memo for the Auburn City Council and have also included the resolve I prepared for the Lew City Council along with a copy of the marked up LAPHC by laws.

I am requesting that Don place this on one of the agendas in January if at all possible. I would also ask that a request be submitted to the new Council to fill the position as soon as possible. Any questions, feel free to call or email.

If I don't get the chance later, have a Merry Xmas and enjoy the holidays!

Phil Nadeau, B.P.A., M.P.P.
City of Lewiston, All-America City, 2007
Deputy City Administrator - Director, Human Resources Department
27 Pine Street
Lewiston, ME 04240
Tel: 207-513-3121, Ext. 3201
Email: pnadeau@lewistonmaine.gov
www.lewistonmaine.gov

From: Karen Veilleux [<mailto:KarenVeilleux@ci.auburn.me.us>]
Sent: Monday, December 19, 2011 10:33 AM
To: Phil Nadeau; Ed Barrett
Cc: Janet Labbe; Dot Perham-Whittier
Subject: FW: Don Gerrish

Hi All,



The Office of
Deputy City Administrator
Phil Nadeau
27 Pine Street • Lewiston, Maine • 04240
Tel. 207-513-3121, Ext. 3201 • Fax 207-795-5069
Email: pnadeau@lewistonmaine.gov



MEMORANDUM

TO:	City of Auburn Mayor and City Council
FROM:	Phil Nadeau, Deputy City Administrator
DATE:	December 19, 2011
RE:	L-A Public Health Committee By-Law Amendments

1. BACKGROUND

The Lewiston and Auburn City Councils approved the creation of the L-A Public Health Committee back in 2008. Since that time, the committee has given voice to a better coordinated public health effort in L-A which has assisted in organizing area flu clinics; launched a hand-washing campaign in area public schools; participated in the creation of a new public area smoking ordinance in Lewiston; provided health information on raising chickens in an urban area; hosted a major regional forum to help residents, business owners, and landlords better understand issues around bed bugs and what options exists to eradicate and prevent infestations; and is now planning another forum to educate the public about the dangers of "bath salts."

Over the years, the committee has also come to better understand how committed our members are and also how busy they are. Schedules often make it difficult to meet the quorum requirements under the current by-laws. Additionally, as members and organizations experience changing staffs, budgets, and downsizing, the need to replace members has become problematic given the method by which the by-laws currently address filling vacancies in unexpired terms. Though we have many members who have participated, we also have experienced several instances in which some committee representatives and other member organizations have not been represented at a number of meetings.

In order to create an organization that is more flexible and responsive to the quickly changing business and economic climate around us, the following is a summary of the substantive by-law changes that have been approved by the L-A Public Health Committee:

- The LAPHC will now act as the coordinating agency and actually submit all new nominee submissions
- Vacancies in the unexpired term of any Representative can now be filled by the LAPHC to fill the unexpired term of any Representative
- All LAPHC Representatives are now voting members of the Committee
- The By-Laws now clarify that the Mayors may be appointed by the City Councils to serve as a LAPHC Representative

- The quorum and affirmative vote requirements have been adjusted to 25% of the Representatives given high rates of turnover and busy work schedules
- Like several L-A boards and committees, proxy voting will now be authorized
- Mechanisms are now in place to address meeting absenteeism

There are vacancies which remain to be filled in the list below. In the near future, both Councils will be presented with nominees to fill those vacancies the LAPHC has been unable to fill to date.

2. RECOMMENDED ACTION

Approve the enclosed LAPHC by-law amendments and support the LAPHC nominees listed below to serve as LAPHC members:

- 1 Steve Johndro - Healthy Androscoggin – term expires 10/22/2013
- 2 Patrice Rossini - Lewiston Public Schools – term expires 10/22/2013
- 3 Pam Stinson - Auburn Public Schools – term expires 10/22/2014
- 4 Douglas Divello - Central Maine Medical Center-Admin – term expires 10/22/2014
- 5 Dr. Edmund Claxton - Central Maine Medical Center-Clinical – term expires 10/22/2014
- 6 Rene Dumont - St. Mary's Health Systems-Admin – term expires 10/22/2014
- 7 Stacy Paradis - St. Mary's Health Systems-Clinical – term expires 10/22/2010
- 8 MaryAnn Amrich - Maine CDC - District Health Officer – term expires 10/22/2013
- 9 Ronella Paradis - Maine CDC - Public Health Nurse – term expires 10/22/2013
- 10 Connie Jones - Seniors Plus – term expires 10/22/2013
- 11 Joanne Potvin - Androscoggin County EMA – term expires 10/22/2014
- 12 Qamar Bashir - Catholic Charities Maine – term expires 10/22/2014
- 13 **VACANT** - Mental Health Representative – term expires 10/22/2014
- 14 Fatuma Hussein - Ethno Based MAA/United Somali Women of Maine – term expires 10/22/2013
- 15 **VACANT** - Auburn City Council Representative – term expires December 2013
- 16 Ronald Jean - Lewiston City Council Representative – term expires January 2012
- 17 Dr. Brenda Joly - Research Associate and Faculty,USM,Portland - General Public/Auburn Resident or Non-resident/City of Auburn – term expires 10/22/2013
- 18 Heather Lindkvist - Bates Adjunct Prof - Non-resident General Public/Lewiston Resident or Non-resident City of Lewiston – term expires 10/22/2013
- 19 Larry Marcoux - General Public/City Resident Only City of Auburn – term expires 10/22/2014
- 20 **VACANT** - Lewiston or Auburn Business Sector – term expires 10/22/2014
- 21 Marcia Miller - Maine DHHS - Maine Care – term expires 10/22/2014
- 22 Dot Meagher - Auburn Local Health Officer – term expires 10/22/2014
- 23 Gil Arsenault - Lewiston Local Health Officer – term expires 10/22/2014
- 24 Heidi Mallis - Maine CDC - Western Maine Epidemiologist – term expires 10/22/2014
- 25 Sgt. James Lawlor - Auburn Police Department – term expires 10/22/2014
- 26 Lt. Michael McGonagle - Lewiston Police Department – term expires 10/22/2014
- 27 **VACANT** - Androscoggin Sheriff Department – term expires 10/22/2014
- 28 Dr. Karen Palin - Health Research/Data Liaison Bates College – term expires 10/22/2014
- 29 Phil Nadeau - Media Representative City of Lewiston – term expires 10/22/2014



**City of Lewiston Maine
City Council Resolve
November 15, 2011**



Resolve, To Support the Proposed Lewiston-Auburn Public Health Committee (LAPHC) By-Law Amendments and Member Nominations for Service

Whereas, in 2008, both the Lewiston and Auburn City Councils voted to approve the creation of the Lewiston-Auburn Public Health Committee; and

Whereas, after three successful years as L-A's official public health organization, the need for some administrative changes have been recognized to improve the viability and sustainability of this community's public health voice; and

Whereas, the LAPHC has voted to support the proposed by-law amendments and the list of nominees to serve as LAPHC representatives;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that, The City Council approves the proposed Lewiston-Auburn Public Health Committee by-law amendments and the list of nominees submitted by the Lewiston-Auburn Public Health Committee.

City of Lewiston & City of Auburn
Approved Interlocal Agreement – AMENDED DRAFT FINAL
10.4.11

This Agreement is made and entered into as of this _____ day of _____, 2007 by and between the Cities of Lewiston and Auburn, both political subdivisions of the State of Maine, in accordance with Chapter 115 of Title 30-A of the Maine Revised Statutes.

WHEREAS the Lewiston-Auburn Public Health Steering Committee, a group of concerned citizens representing a wide variety of healthcare providers, assembled for the purpose of articulating a new community vision to address our public health system of care through a mechanism that will greatly improve coordination and collaboration between healthcare providers, the public health sector, business, public schools, and local, county and state government;

WHEREAS the steering committee issued a September 2007 report entitled “Report to the Mayors and City Councils of Lewiston and Auburn: Recommendation to Approve the Creation of a Lewiston-Auburn Public Health Committee” which acknowledged existing budgetary constraints, provided a new blueprint which will enhance healthcare networking, partnerships and planning, and improves the delivery of public health services in Lewiston and Auburn;

WHEREAS the steering committee has provided for critical resident review through two public hearings in both cities and have received the input and endorsement of the major healthcare providers on the September 2007 report to the Mayors and City Councils of Lewiston-Auburn;

WHEREAS the Cities of Lewiston and Auburn agree to authorize the creation of a new joint standing committee for our community identified as the “Lewiston-Auburn Public Health Committee,” endorses the short-term and long-term goals proposed by the steering committee, and authorizes the implementation of its Constitution and By-Laws which shall read as follows:

**LEWISTON-AUBURN PUBLIC HEALTH COMMITTEE
CONSTITUTION AND BY LAWS**

ARTICLE I – NAME

The name of this organization shall be the “Lewiston-Auburn Public Health Committee” or herein referred to as the “LAPHC”.

ARTICLE II – MISSION STATEMENT

“To create public health partnerships that promote physical and mental health and prevent disease, injury, and disability.”

ARTICLE III – AUTHORITY

The LAPHC shall be a public health advisory body to the City Councils and Mayors for the Cities of Lewiston and Auburn. The LAPHC shall engage in those public health activities that are consistent with the “ten essential public health services” articulated in its vision and mission statement. The LAPHC shall be granted the authority to coordinate and plan public health activities, conduct public health campaigns utilizing funds and resources authorized by the City Councils of Lewiston and Auburn and made available by outside agencies.

ARTICLE IV – MEMBERSHIP

Section 1. “Representative” shall be used to identify those appointed individuals who shall be entitled to voting privileges as outlined in these by-laws. ~~Voting representatives and their organizations may not appoint alternates to serve in place of the appointed representative~~

Section 2. Voting membership, equaling one vote, shall be appointed by a vote, conducted separately or jointly, by the ~~eCity eCouncils~~ of Lewiston and Auburn. ~~All organizations~~ The LAPHC, unless otherwise noted in Section ~~34 and 5 of these by-laws~~ is Article, shall submit one nominee for appointment by the ~~eCity eCouncils~~. ~~Any organization~~ The LAPHC, unless otherwise noted in Section ~~3 and 5 and 6~~, whose appointee is not ratified by the City Councils shall be entitled to submit other nominees until such time as one is ratified.

In the specific case that the voting Representative or their organization/position/area of focus terminates operations, relocates outside of Lewiston or Auburn is terminated, significantly changes service operations, moves operations from outside the Lewiston Auburn area, is acquired by another entity, or in the opinion of both City Councils no longer fits or represents the mission of the LAPHC, the authority to amend these by-laws shall require a majority vote of both City Councils (done separately or jointly) to approve the selection of another organization/position/individual to fill the position unless otherwise specified in this Agreement.

The following organizations/positions/areas of focus shall make up the voting Representatives of the LAPHC:

- Healthy Androscoggin
- Lewiston Public Schools (note Section 4)
- Auburn Public Schools (note Section 4)

- Mental health ~~(note Section 3)~~
- Central Maine Medical Center – Administration
- Central Maine Medical Center - Clinical
- Sisters of Charity Health Systems – Administration
- Sisters of Charity Health Systems – Clinical
- New MeDHHS/Maine CDC District Public Health Officer
- MeDHHS/Maine Center for Disease Control - Public Health Nurses
- ~~MeDHHS/Office of Immigration and Multicultural Services~~
- SeniorsPlus
- Auburn City Council or Auburn Mayor (Section 5)
- Lewiston City Council or Lewiston Mayor (Section 5)
- Ethno based mutual assistance agency ~~(note Section 3)~~
- Business sector ~~(note Section 3)~~
- Androscoggin Emergency Management Agency
- Catholic Charities Maine/Refugee Immigrant Services
- General public/non-resident or resident – Auburn ~~(note Section 3)~~
- General public/non-resident or resident – Lewiston ~~(note Section 3)~~
- ~~General public/resident only (note Section 3)~~
- Maine Care
- Local Health Officer – Auburn
- Local Health Officer – Lewiston
- Maine CDC - Western Maine Regional Epidemiologist
- Auburn Police Department
- Lewiston Police Department
- Androscoggin Sheriff Department
- Health research/data liaison (note Section 6)

Section 3. ~~All Representatives to which this section applies shall unless otherwise noted in this Article, shall be appointed by the City Councils of both cities. The LAPHC may submit nominee recommendations to both City Councils utilizing a public selection process of the City Councils choosing. Membership to the “General public/resident only” position shall alternate between both cities and will begin with the selection of an Auburn resident to fill the first term.~~

Section 4. The Lewiston and Auburn School Boards shall submit their nominees representing the Lewiston and Auburn public school systems. The nominees may be a school board member or any other employee of the respective public school systems.

~~Section 5. Non-voting membership. The purpose of the non-voting Representative is to provide input and advice to the voting Representatives of the LAPHC.~~

~~In the specific case that the non-voting Representative or their organization/position is terminated, significantly changes service operations, moves operations from outside the Lewiston-Auburn area, is acquired by another entity, or in the opinion of both City Councils no longer fits the mission of the LAPHC, the authority to amend these by-laws shall require a majority vote of both City Councils (done separately or jointly) to approve the selection of another organization/position/individual to fill the position.~~

~~All organizations, unless otherwise noted below, shall submit one nominee to for appointment by the city councils. Any organization/position/individual (unless otherwise noted below) whose appointee is not ratified by the City Councils shall be entitled to submit other nominees until such time as one is ratified.~~

- ~~• Maine Care~~
- ~~• Local Health Officer—Auburn~~
- ~~• Local Health Officer—Lewiston~~
- ~~• Maine CDC—Western Maine Regional Epidemiologist~~
- ~~• MeDHHS/Maine Center for Disease Control—Office of Minority Health~~
- ~~• Auburn Police Department~~
- ~~• Lewiston Police Department~~
- ~~• Androscoggin Sheriff Department~~
- ~~• Health research/data liaison (note Section 6)~~
- ~~• Media representative (note Section 6)~~

Section 65. ~~All City Council Representatives to which this section applies shall be appointed by their respective joint City Councils utilizing a public selection process of the City Councils choosing.~~

Section 76. Vacancies: Representative organizations specifically identified in this Agreement may nominate temporary alternates to fulfill the unexpired term of any Council approved Representative. These temporary alternates will be subject to approval by the LAPHC. The Chair may, with the approval of the LAPHC, appoint individuals not represented by specific organizations in this Agreement and are not subject to those exceptions noted in this Article.

In the event that the Chair has not received a nomination for the unexpired term of a Representative within thirty (30) days of any vacancy, the Chair shall be authorized to immediately appoint an individual to fill the unexpired term.

Only ~~the~~ City Councils shall fill an existing vacancy have the authority to appoint an individual for any LAPHC vacancy which remains unfilled after the full term of a Representative has expired. to complete the un-

~~expired term of a committee member who has, for any reason, vacated the position either temporarily or permanently.~~

The Lewiston and Auburn City Clerks must be notified in writing by the LAPHC Chair or his/her designee in writing when such any vacancies vacancy occurs and be given applicable notice as to whom was appointed by the LAPHC Chair or nominated by the LAPHC to fill the vacant position.

ARTICLE V – ORGANIZATION

Section 1. Conducting Business: The affairs of the LAPHC may be conducted by the members assembled at any authorized Regular or Special meeting of the ~~e~~Committee in which a quorum of the LAPHC is present.

Section 2. Officer terms, elections, vacancies: The two (2) officer positions of the LAPHC shall be as follows: Chairperson and Vice-Chairperson. Terms shall be three (3) year terms. Elections shall be conducted by the LAPHC representatives at any regularly scheduled meeting.

Section 3. ~~Committee~~LAPHC Representative terms:

~~A.~~ The terms of all ~~members~~Representatives of of the LAPHC with the exception of LAPHC Officers, City Councilors and Mayors, shall be set in staggered three (3) year terms set according to a schedule outlined in sub-section ~~BC~~ of this Section.

~~A-B.~~ The terms of City Councilors or Mayors shall be two years and shall coincide with the municipal elections of both cities.

~~B-C.~~ The terms of the ~~LAPHC members~~Representatives, with the exception of those in sub-section B of this section, shall be established according to the following schedule: At the inaugural meeting, those representatives nominated and elected as officers shall be immediately assigned to three (3) year terms. Prior to the inaugural meeting, ten voting representatives, selected randomly by the city councils, with the exception of the Chairperson and Vice-Chairperson, shall be assigned to three (2) year terms which shall subsequently become three (3) year terms thereafter. All other ~~LAPHC voting~~Representatives, with the exception of those listed in Sections A and B of this Article, ~~-and non-voting representatives-~~ shall be assigned to three (3) year terms that shall remain three (3) year terms thereafter.

ARTICLE VI – DUTIES, RESPONSIBILITIES AND OTHER COMMITTEES

Section 1. Duties of the Chairperson and Vice-Chairperson:

A. Chairperson: Shall call all Regular, and Special meetings of the organization; will appoint ~~member~~Representatives to ad-hoc committees; and provide leadership to the organization.

- B. Vice-Chairperson: Shall provide assistance to the Chairperson and will serve as Chair in his/her absence.
- C. Committees: The LAPHC Chairperson may appoint ~~member~~ Representatives to, and create, ad hoc committees on an "as needed" basis. The ~~member~~ Representatives of those committees shall select chairpersons for all standing or ad hoc committees.

ARTICLE VII – MEETINGS

Section 1. Regular Meetings: Regular meetings shall be held as needed. All regular meetings are open to the public.

The Chairperson shall have the responsibility to ensure that notice/agendas for the Regular Meeting be forwarded to the general public and membership within a reasonable amount of time ~~but no less than seven days prior to the meeting date~~ time but no less than forty eight (48) hours prior to the meeting date

Section 2. Special Meetings: The Chairperson may call special meetings and each member and the media shall be notified by mail, email, fax or other communication. Email or faxed notices shall require written or verbal confirmation of attendance.

The Chairperson may call a special meeting for any purpose. The Chairperson shall make every reasonable effort to notify the media and membership of such meetings within twenty-four (24) hours of the scheduled date and time.

Section 3. Standing and Ad Hoc Committee Meetings: The Chairperson, or his/her designee, of all standing and ad hoc committees shall provide reasonable notice to all ~~committee~~ LAPHC members and the media in the event of any scheduled standing or ad hoc committee meeting. Meeting rules and other such business shall be set by the ~~committee~~ LAPHC.

Section 4. Quorum:

- A. Regular and Special Meetings: A quorum for all Regular and Special meetings of the LAPHC shall consist of those who are in attendance but shall be no less than ~~ffty~~ twenty-five (50/25) percent of the total membership. All affirmative votes of the LAPHC must receive no fewer than ~~twelve~~ seven (12/7) votes to be binding.
- B. Standing and Ad Hoc Committees: There shall be no quorum requirements for any standing or ad hoc committee.

Section 5. Voting: A binding vote of the LAPHC shall occur with a quorum present or may occur by email vote given that the item was posted on the

meeting's agenda in accordance with Sections 1 and 2 of this Article and that the votes are cast by those eligible Representatives identified within these by-laws. Proxy voting shall not be authorized for email voting.

Section 6. Proxy Voting: Proxy voting may be exercised by any Representative no more than three times per calendar year. All Proxy Representatives must be physically present at a properly posted meeting of the LAPHC to cast a vote. The Proxy Representative must be employed/associated with the Representative's organization, discipline or community position. In the absence of the Chair's or the LAPHC verifying the identity of the Proxy Representative, the Representative must provide written or verbal confirmation to the LAPHC of the Proxy's identity to allow the Chair or his/her designee to verify the validity of the vote.

Section 7. Meeting absences: Representatives must provide notice to the Chair or his/her designee of any meeting absence. Failure by the Representative or his/her Proxy to provide notice will be considered and unexcused absence.

If a member has three (3) or more unexcused absences, the Chair, with notice to the Representative and to the LAPHC, may terminate the Representative upon an affirmative vote of the LAPHC and pursue an interim replacement to fulfill the vacancy in accordance with Article 4, Section 6.

In the event that a Representative and his/her Proxy has six (6) or more excused absences, the Chair, with notice to the Representative and to the LAPHC, may terminate the individual upon an affirmative vote of the LAPHC and pursue an interim replacement to fulfill the vacancy in accordance with Article 4, Section 6.

ARTICLE VIII – BY-LAWS AMENDMENTS

The LAPHC may, by majority vote, submit recommendations for by-laws changes to the City Councils which shall be delivered to the City Clerks of both cities. By-Laws shall only be amended with the approval of both City Councils (either conducted jointly or separately).

ARTICLE IX – RULES OF ORDER

The current edition of Robert's Rules of Order shall govern the proceedings of all meetings of the LAPHC and its constituent parts except as provided by these by-laws.

NOW, THEREFORE, the Cities of Lewiston and Auburn agree that this Agreement shall be governed by and construed in accordance with the laws of the State of Maine specifically including, but not limited to, Chapter 115 of Part 2 of Title 30-A of the Maine Revised Statutes. It shall be liberally construed to effect the purposes for which the Lewiston-Auburn Public Health Committee was created;

AND that the Lewiston City Administrator's Office shall provide basic administrative support services while the City Administrator in Lewiston and the City Manager in Auburn develop a mutually agreeable plan to develop other administrative support systems that will be submitted to both City Councils no later than six months from the date of this agreement;

AND that the existence of the Lewiston-Auburn Public Health Committee shall commence upon the latter of: (1) enactment of resolutions authorizing this Agreement by the City Councils of Lewiston and Auburn; and (2) the filing of this Agreement with the City Clerks of Lewiston and Auburn and the Secretary of State for the State of Maine in accordance with 30-A M.R.S.A., Section 2204;

AND that the modification of this Agreement may occur at any time by a duly enacted resolution of both City Councils of Lewiston and Auburn. Notification of any action to modify this Agreement must be delivered in writing to the Chairperson of the LAPHC and to the City Clerks in Lewiston and Auburn no later than fourteen (14) days prior to any scheduled vote of the City Councils in Lewiston and Auburn;

AND that the existence of the LAPHC shall continue until such time as either City Council in Lewiston or Auburn terminate this agreement;

AND that the termination of this Agreement may occur at any time by a duly enacted resolution of the City Council of Lewiston or the City Council of Auburn. Notification of any City Council action to terminate this Agreement must be delivered in writing to the Chairperson of the LAPHC and to the City Clerks in Lewiston and Auburn no later than fourteen (14) days prior to any scheduled vote of the City Council in either Lewiston or Auburn;

AND that in the event any provision of this is declared to be invalid or illegal, the remaining portions shall remain enforceable in accordance with their terms.

Motion for passage:
Vote:

Seconded by:

Action by _____ City Council:
ATTEST:

Date:



City Council Meeting and Workshop January 3, 2012 Minutes

Mayor LaBonte called the meeting to order at 5:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present. Councilor Hayes arrived at 5:10.

I. Consent Items – Motion by Councilor Young seconded by Councilor Walker, moved to approve the consent items: Minutes of December 5, 2011 and December 27, 2011 Council Meetings.

Passage, 6-0 (Councilor Hayes was not present for this vote)

II. Reports

Mayor's Report

Committee Reports

- **Robert Hayes: Planning Bd, Water, Library, and Railroad**
- **David Young: School Committee, Cable TV Adv Board**
- **Belinda Gerry: LA Transit, Neighborhood Stabilization Program, Auburn Housing**

Don Gerrish, Acting City Manager

Jill Eastman, Finance Director – Motion by Councilor LaFontaine, seconded by Councilor Young to approve the November 2011 Finance Report

Passage 6-0, (Councilor Crowley abstained)

III. Communications, Presentations and Recognitions

IV. Open Session

Francois Bussiere, School Committee Member, 9 Winter Street, Auburn

V. Unfinished Business - None

VI. New Business - None

Auburn City Council Meeting & Workshop
January 3, 2012

VIII. Open Session

IX. Future Agenda/Workshop Items

Councilor Shea – Inviting community groups to speak during workshops

Councilor Walker – Discussion regarding road maintenance during the last storm

X. ADJOURNMENT – Motion by Councilor LaFontaine, seconded by Councilor Walker to adjourn.

Passage 7 - 0



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: January 9, 2012

Item # 1-01092012

Author: Susan Clements-Dallaire, Acting City Clerk

Subject: First reading amending the Code of Ordinances, Chapter 2-Administration, Article III-Officers and Employees, Division 4-City Clerk, Section 2-180-Duties, Item #6 and in Article V-Boards, Commissions and Committees, Division 2- Registration Voter Appeals Board, Section 2-406-Membership; chair.

Information:

Title 21-A: Elections, Chapter 3: Voter Registration, Subchapter 1: Registrar of Voters §103 - 1 States "The municipal clerk may not serve as a member or alternate member of the registration appeals board" however in the City Code of Ordinances, Chapter 2, Article III, Division 4 Section 2-180 (6) states the "Clerk shall serve as chair of the registration appeals board and ensure that the registration data is current and accurate" and should be deleted in order to comply with State law.

In Chapter 2, Article V, Division 2 is titled Registration Voter Appeals Board. The word Voter should be dropped to coincide with the State title of Registration Appeals Board.

Also in Chapter 2, Article V, Division 2, Section 2-406 it states "The city clerk shall appoint himself as chair of the board". This should be changed to "The city clerk shall nominate the chair of the board" to comply with State law.

The Board hears appeals of decisions of the Registrar of Voters, and even if the Clerk is not the Registrar, he/she must be appointed Deputy Registrar. He/she would be hearing appeals of his/her own decision.

Financial: N/A

Action Requested at this Meeting: Recommend passage on first reading

Previous Meetings and History: N/A

Attachments:

- ✓ Copy of Chapter 2-Administration, Article III-Officers and Employees, Division 4-City Clerk, Section 2-180-Duties, Item #6 in the Code of Ordinances
- ✓ Copy of Chapter 2-Administration, Article V-Boards, Commissions and Committees, Division 2-Registration Voter Appeals Board, Section 2-406-Membership; chair in the Code of Ordinances.
- ✓ Copy of the State Statute in Title 21-A: Elections, Chapter 3: Voter Registration, Subchapter 1: Registrar of Voters §103 - 1

Auburn, Maine, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE III. - OFFICERS AND EMPLOYEES >> DIVISION 4. - CITY CLERK >>

DIVISION 4. - CITY CLERK ^[9]

Sec. 2-180. - Duties.

Secs. 2-181—2-198. - Reserved.

Sec. 2-180. - Duties.

The city clerk shall perform all duties prescribed by ordinance, the Charter and state statute, which shall include, but shall not be limited to, the following:

- (1) Serve as clerk of the city council and perform such other duties for the city council as it may require, and transmit to the city council all papers requiring its consideration. The clerk shall certify and be responsible for the filing, indexing and safekeeping of all tapes, minutes and related documents the city council has acted upon.
- (2) Perform all duties in regard to elections required by the Charter and 21-A M.R.S.A. § 1 et seq., and secure and maintain all election records and have custody of all property used in connection with elections.
- (3) Publish legal notices as required by city ordinance, the Charter and/or state statutes.
- (4) Be responsible for the issuance of commercial licenses for the city as prescribed in city ordinances and state statutes.
- (5) Be responsible for indexing and maintaining all vital statistic records relating to births, marriages and deaths.
- (6) Serve as chair of the registration appeals board and ensure that the registration data is current and accurate.
- (7) Be the custodian of the official city seal.

(Code 1967, § 17-1.1)

Secs. 2-181—2-198. - Reserved.

FOOTNOTE(S):

⁽⁹⁾ *State Law reference— Municipal clerks generally, 30-A M.R.S.A. § 2651 et seq.; municipal clerk bond, 30-A M.R.S.A. § 2651; clerk's fee schedule, 30-A M.R.S.A. § 2652; clerk's expenses, 30-A M.R.S.A. § 2653; assistant clerks, 30-A M.R.S.A. § 2654; prohibition of commingling funds, 30-A M.R.S.A. § 2655. [\(Back\)](#)*

Auburn, Maine, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES >> DIVISION 2. - REGISTRATION VOTER APPEALS BOARD >>

DIVISION 2. - REGISTRATION VOTER APPEALS BOARD 151

Sec. 2-406. - Membership; chair.

Sec. 2-407. - Deputies.

Sec. 2-408. - Staff assistants.

Secs. 2-409—2-429. - Reserved.

Sec. 2-406. - Membership; chair.

The registration voter appeals board shall consist of three members as provided by state law. The city clerk shall appoint himself as chair of the board.

(Code 1967, § 2-3.1)

Sec. 2-407. - Deputies.

The registration voter appeals board shall appoint two deputies, who shall be nominated by the chair. The deputies shall be employees of the city. The political party affiliation and duties of the deputies shall be as established by state law. The deputies' performance of their job duties shall be under the direction of the chair of the board.

(Code 1967, § 2-3.2)

Sec. 2-408. - Staff assistants.

If there are one or more vacancies in the position of deputy to the registration voter appeals board, the chair may appoint one or more assistants to provide temporary staff assistance to the board until the vacancy can be filled. The staff assistants shall be supervised by the chair of the board.

(Code 1967, § 2-3.3)

Secs. 2-409—2-429. - Reserved.

FOOTNOTE(S):

⁽¹⁵⁾ *State Law reference— Municipal registration appeals board, 21-A M.R.S.A. § 103. [\(Back\)](#)*

Maine Revised Statutes

[§103 PDF](#)

[§103 WORD/RTF](#)

[STATUTE SEARCH](#)

[CH. 3 CONTENTS](#)

[TITLE 21-A CONTENTS](#)

[LIST OF TITLES](#)

[DISCLAIMER](#)

[MAINE LAW](#)

[REVISOR'S OFFICE](#)

[MAINE LEGISLATURE](#)

§102

Title 21-

§104

A: ELECTIONS

Chapter 3: VOTER REGISTRATION

Subchapter 1: REGISTRAR OF VOTERS

HEADING: PL 1997, C. 436, §12 (AMD)

§103. Registration appeals board

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. [2005, c. 453, §9 (AMD).]

1. Population of 5,000 or over. The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the registration appeals board, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the municipal committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board.

[1997, c. 436, §19 (AMD) .]

2. Population of 4,000 to 5,000.

[1999, c. 426, §4 (RP) .]

3. Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn.

[1995, c. 459, §8 (AMD) .]

4. Chairman of the board. The member nominated by the clerk of the municipality is chairman of the board.

[1985, c. 161, §6 (NEW) .]

5. Vacancy. When there is a vacancy on the board, the alternate board member nominated by the municipal committee of the political party of the former incumbent shall serve. If an alternate is not available, the municipal officers shall appoint a qualified person nominated by the municipal committee of the party of the former incumbent to fill the vacancy. If the vacancy is in the office of the chair of the board, the municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy. Vacancies must be filled for the remainder of the term of office.

[1991, c. 466, §2 (AMD) .]

6. Appeal hearing. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The board shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the board to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

[2009, c. 253, §9 (AMD) .]

7. Actions of the registration appeals board. A

registration appeals board may only act by unanimous or majority action.

[1995, c. 459, §10 (RPR) .]

8. Removal from office. A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement. Any replacement member shall serve out the remainder of the replaced member's term.

[1995, c. 459, §11 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1985, c. 614, §4 (AMD). 1991, c. 466, §§2,3 (AMD). 1991, c. 862, §§1,2 (AMD). 1995, c. 56, §§1,2 (AMD). 1995, c. 56, §3 (AFF). 1995, c. 459, §§4-11 (AMD). 1997, c. 436, §19 (AMD). 1999, c. 426, §§4,5 (AMD). 2005, c. 453, §9 (AMD). 2007, c. 455, §4 (AMD). 2009, c. 253, §9 (AMD).

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