

**CITY OF SOUTH PORTLAND CITY COUNCIL
STANDING RULES**

Last Amended January 5, 2021

The following rules are adopted by the City Council pursuant to Charter Sec. 218. The rules are derived from the Charter, Robert’s Rules of Order Newly Revised, and the customs and practices of the Council.

1. TIME, PLACE OF REGULAR MEETINGS

Effective February 1, 2019, the time and place for holding regular meetings of the Council shall be at the Council chambers in the municipal building on the first four Tuesdays of each month at 6:30 p.m. A meeting so scheduled shall be held on the following Thursday at the same hour and place if:

- (a) The day of the meeting falls on a holiday or eve of a holiday; or
- (b) The day of the meeting falls on an election day; or
- (c) A weather or other emergency poses a threat to the health, safety, or welfare of the community, as determined by the Mayor; or
- (d) The Council so provides by order no later than the preceding regular meeting and notice of the change is posted in the municipal building at least seven (7) days prior to the meeting scheduled.

If the Mayor determines that a Thursday make-up meeting is impractical due to weather, other scheduled meetings/events, or unavailability of necessary attendees, he/she may choose to cancel that weekly meeting and either insert the agenda items onto the following week’s agenda or hold the meeting on another night. In the event of weather or other emergency as outlined in (c) above, the Mayor may choose to hold the meeting on a Tuesday as scheduled but conduct the meeting virtually via Zoom or other online meeting platform, so long as such meeting is allowed by State Law.

[Reference: Charter Sec. 213]

2. SPECIAL MEETINGS

Special meetings may be called by the Mayor or City Manager and in case of his/her absence, disability, or refusal may be called by a majority of the City Council. Notice of such meeting shall be served in person or via electronic mail upon, or left at the residence of, each member of the City Council, the City Manager, the City Clerk, and the Corporation Counsel at

least 24 hours before the time of holding such special meeting. Failure to notify the Corporation Counsel will not invalidate the call for a special meeting. The City Council may meet upon shorter notice by unanimous consent of all of its members, recorded in the record of such meeting.

[Reference: Charter Sec. 214]

3. FORM OF ORDINANCE, ORDER, RESOLVE, LOCATION OF PREAMBLE

- (a) The enacting form of an ordinance shall be as follows: “The Council of the City of South Portland hereby ordains...”.
- (b) The form of an order shall be as follows: “In City Council, Ordered, ...”
- (c) The form of a resolve should be: “In City Council, Resolved, ...”
- (d) Any suitable preamble may precede the enacting form of an ordinance, and may be inserted before the word “Ordered” in an order, and before the word “Resolved” in a resolve.

[Reference: Charter Sec. 221]

4. ITEMS FOR MEETINGS

No ordinance, order, resolve or other item shall be in order for action at any regular meeting unless it appears on the Council agenda. Items may be placed on the agenda by the Mayor, City Manager, City Clerk, and Corporation Counsel. An individual Councilor may request that an item be placed on the agenda via the process outlined in Rule 34.

Items to be included on the agenda must be received in the office of the City Clerk or City Manager not later than Wednesday at 12:00 noon of the week preceding the regular meeting, but the City Manager may in his discretion move this deadline up during shortened work weeks. This deadline may be waived by a 2/3 majority vote of the Council.

All packet materials, including any ordinances, orders, or resolves shall be filed in the office of the City Clerk or City Manager not later than Thursday at 12:00 noon of the week preceding the regular meeting. The City Manager may elect to accept materials submitted after this deadline and may move this deadline up during shortened work weeks.

5. INTRODUCTION OF ITEMS ON THE AGENDA

Introduction of all ordinances, orders, and resolves appearing on the City Council agenda that are in order for Council action shall proceed as follows:

- (a) The item shall be announced by the City Clerk as it appears on the agenda;
- (b) The item shall be explained by the City Manager and/or appropriate staff person;
- (c) The Mayor shall ask if any Councilors have questions about the agenda item. Councilors shall indicate that they wish to ask a question(s) by raising their hand and those Councilors may ask questions about the agenda item of the City Manager and/or appropriate staff person. This shall not preclude a Councilor from asking an additional question(s) during Council debate;
- (d) The item shall be opened for public input;
- (e) A motion shall be made and seconded prior to Council debate; and
- (f) The Mayor will ask if any Councilors wish to speak on the item. After all Councilors have spoken once or had the opportunity to speak once, the City Manager and/or appropriate staff person shall have an opportunity to speak and address any issues or concerns brought up during debate. The Mayor shall then ask if any Councilor wishes to speak a second time. Any Councilor (including those who did not speak previously) shall have the opportunity to speak on the matter. Once all Councilors have spoken or had the opportunity to speak, the Mayor shall call for a vote on the motion.
- (g) A motion to withdraw from the agenda, to postpone indefinitely, to postpone to a date certain, or to postpone until after a certain event may be made at any time. An item that is postponed indefinitely by the City Council may not be brought back for a period of 180 days except pursuant to Rule 18.
- (h) Items may only be introduced after 11:00 p.m. upon a majority vote of Councilors present and voting. Items on a regular meeting agenda not introduced pursuant to this rule shall be placed on the next regular meeting agenda.

6. ELECTION OF A MAYOR

At the first meeting of the Council after the November regular municipal election of each year that is at least seven days after said election, the Council will hold a caucus to select a Mayor for the upcoming year. All Councilors who will remain in office for the following year and Councilors-Elect who will be sworn into office for the following year will be eligible to vote. The incumbent Mayor will chair the caucus but will only be allowed to vote if he/she is to remain in office as a Councilor for the following year. Any Councilor or Councilor-Elect who is eligible to vote may submit nominations or be nominated to serve as Mayor. All nominations for Mayor require a second.

Immediately after the swearing into office of new Council members at the first meeting in December, the Council shall elect, by majority vote of the entire Council, one of its members for the ensuing year as Mayor. The City Clerk shall announce the names of those Councilors who have been nominated for Mayor, and the election shall be conducted by roll call vote with the City Clerk calling the roll in alphabetical order by last name. Only votes for those previously nominated shall be in order. If on the first vote no nominee receives at least four votes, then the process shall be repeated until such time as a nominee receives at least four votes.

In the temporary absence or disability of the Mayor, the City Council may elect a Mayor pro tempore from any of its members, who shall exercise all the powers of the Mayor during such temporary absence or disability of the Mayor. The Mayor may designate a specific Councilor to serve as Mayor pro tempore in his/her absence. The Mayor's designee as Mayor pro tempore shall call the next meeting(s) to order and shall chair the meeting(s) unless the Council moves and votes during the meeting(s) to designate a different Councilor as Mayor pro tempore, in which case the Council's designee shall be Mayor pro tempore.

[Reference: Charter Sec. 211]

7. MAYOR'S POWERS, DUTIES GENERALLY

The presiding officer of the Council shall be entitled to speak on all questions of order in preference to other members, and may vote in all cases except where required to abstain in accordance with Rule 29 below; he/she shall decide all questions of order subject to appeal to the Council; he/she shall declare all votes and preserve order and decorum.

[Reference: Charter Sec. 211]

8. MAYOR'S DUTY TO TAKE CHAIR, CALL MEETING TO ORDER, ASCERTAIN PRESENCE OF QUORUM AND PROCEED TO BUSINESS

It shall be the duty of the presiding officer of the Council to take the chair promptly at the time appointed for each Council meeting, and after calling the Council to order and ascertaining the presence of a quorum, he/she shall proceed at once to business. In the Mayor's absence, if the Mayor has not designated a Mayor pro tempore, the City Clerk, or in the Clerk's absence, the City Manager, shall call the meeting to order and the Council shall immediately elect a Mayor pro tempore to preside during that meeting.

[Reference: Charter Sec. 211]

9. PENALTY FOR BREACHING RULES

When any member of the Council is guilty of a breach of any of the rules of the Council, and the Council determines that he has so transgressed, such member shall be formally warned in the form of a complaint recorded in the minutes of that meeting.

10. AUTHORITY TO ESTABLISH PROCEDURES

The Council shall have the authority to adopt such procedures as it may desire to expedite its procedures. Such authority shall include, but shall not be limited to, consent calendars.

[Reference: Charter Sec. 218]

11. SUSPENSION OF RULES

No rule of the Council shall be suspended unless two-thirds (2/3) of the members present shall consent thereto. No rule may be waived when such waiver would result in a violation of the Charter, local ordinance, or State or federal law.

12. ALTERING, REPEALING, ADOPTING RULES

No rule of the Council shall be altered or repealed, nor shall any new standing rule be adopted, unless written notice has been given at the next preceding meeting, nor unless a majority of all the members of the Council vote to so alter or repeal.

13. EFFECT OF AMENDING PORTION OF PROPOSITION

When a proposition consists of several paragraphs or sections, the amendment of one of them shall not preclude amendment of a prior paragraph or section.

14. ORDER OF BUSINESS

The order of business at Council meetings shall be as follows:

- (1) Roll Call;
- (2) Acceptance of Minutes;
- (3) Petitions and Communications;
- (4) Appointment Calendar;

- (5) Consent Calendar;
- (6) Citizen Discussion (first part);
- (7) Public Hearings and Action;
- (8) Action on Old and New Business;
- (9) Workshop Discussion;
- (10) Citizen Discussion (second part);
- (11) Communication from the City Manager;
- (12) Councilors' Round Robin;
- (13) Executive Session;
- (14) Adjournment.

The Mayor and/or City Manager may change the order of the agenda to accommodate the schedules of attendees as they deem necessary.

All vacancies under Item 4 shall be listed on the agenda, regardless of whether there is a nominee. For the purposes of this Rule only, a vacancy shall include a position that is currently filled but with the term expiring within the next 90 days, regardless of whether or not the incumbent wishes to continue. (Provided, the City Clerk must verify and inform the Council as to whether the incumbent wishes to be reappointed.) However, vacancies that do not have a nominee(s) may be postponed as a group by majority vote of the Council and the City Clerk shall not be required to read each appointment Order. If an appointment does not call for a nomination to be made by an individual district or at-large Councilor, or is otherwise prescribed by ordinance or order, then no individual Councilor shall make a nomination for that vacancy. Instead, the entire Council shall select the appointee by ballot during a public meeting. This selection process shall begin with the City Clerk posting a public notice of the vacancy. After at least three weeks has passed, the Clerk shall compile all of the application forms for the vacancy and submit them to the Council as part of the packet materials for the next meeting. If no applications have been received, the City Clerk will continue to advertise for the vacancy and once an application is received shall include it as part of the packet materials for the next meeting. During the meeting when the appointment is being considered, the Council shall allow public comment on the list of candidates, including from the candidates themselves. Each Councilor shall then be allowed to speak one time in favor of their preferred candidate(s). The Mayor will then call for a vote and Councilors will cast their vote via paper or electronic ballot, which shall be submitted to the City Clerk. Each Councilor shall write the name of their preferred candidate or the word "NONE". The candidate(s) with the most votes shall be appointed (even if by a plurality) and announced by the City Clerk. If "NONE" receives the most

votes (even if by a plurality), then the position will remain vacant and the appointment postponed to the next Council meeting. Prior to the vote, a Councilor may make a motion to conduct the vote via a ranked choice voting process. In any case, all ballots shall be retained and made available to the public pursuant to Maine's Freedom of Access Act (FOAA).

Items number 6 and 10, Citizen Discussion (first part) and Citizen Discussion (second part), are intended to provide one opportunity for citizens to comment on items on or off the agenda. The item is divided for the convenience of the public. Any member of the public may speak once at either part of Citizen Discussion, but not both.

Item number 12, Councilors' Round Robin, shall provide an opportunity for each Councilor to speak on any issue. Councilors shall try to limit such remarks to a maximum of three (3) minutes. The sequence in which Councilors speak shall rotate each meeting.

Item number 13 (Executive Session) may be entered into at any time by proper vote of the Council and may also be scheduled for the beginning of any meeting at the discretion of the Mayor or City Manager. Should an executive session be scheduled for the beginning of a meeting, the Mayor or City Manager may also set an earlier start time than is stated in Rule 1. While the Council will endeavor to begin the public discussion and action portions of its meeting at the time set forth in Rule 1, nothing herein shall prevent the Council from entering executive session at the start of the meeting and returning to the public discussion and action portions of its meeting at a time later than that posted as the start time for public discussion and action. Whenever possible, the Council will alert the public to a potential later start time of the public discussion and action portions of its meeting.

15. PUBLIC INPUT AT FIRST READING

Public input shall be allowed at the first reading of any proposed amendment to the Code of Ordinances of the City of South Portland.

16. MOTIONS TO BE WRITTEN IF REQUESTED

Every motion shall be reduced to writing if required by the chair or by any member.

17. MOTIONS RECEIVABLE WHEN QUESTIONS UNDER DEBATE; PRECEDENCE OF MOTIONS

(a) When a question is under debate, only the motions enumerated herein shall be received:

- (1) To adjourn;

- (2) To table;
 - (3) For the previous question;
 - (4) To commit;
 - (5) To postpone to a day certain;
 - (6) To amend;
 - (7) To postpone indefinitely.
- (b) The motions enumerated in this section shall have precedence in the order in which they are arranged.

18. MOTION TO RECONSIDER

When a motion has been voted upon, it shall not be in order for any member who voted with the side which did not prevail to move a reconsideration thereof, but any member who voted with the prevailing side may move to reconsider at the same or no later than the next succeeding regular meeting, but not afterward. A vote to reconsider shall require a majority of all the members of the Council. When a motion for reconsideration has been decided the vote shall not be reconsidered. A motion to reconsider shall not be in order more than once on the same question.

19. PROCEDURE FOR ADDRESSING COUNCIL

- (a) Citizen input shall be allowed on any ordinance, order, or resolve prior to Council action on the item. Procedural motions, such as suspending the rules or extending the time allotted to a speaker, are not subject to citizen input.
- (b) Whenever an ordinance, order, or resolve is amended after public input has been closed and in the judgment of the Mayor said amendment significantly alters the substance of that item, the issue will be reopened for public input prior to Council action.
- (c) Citizen Discussion will take place as outlined in the Order of Business.
- (d) Citizen Discussion may be on any topic on or off the agenda.
- (e) Any person wishing to address the Council during public input on any item or during Citizen Discussion shall signify such desire by raising his/her hand unless directed by the Chair to form a line and, when recognized by the Chair, shall state his/her name and address. All speakers shall be limited to five (5) minutes per person, which limit may be extended at the discretion of the Council.
- (f) If a person speaks during Citizen Discussion (first part) on a topic that is on the agenda, that person shall not be allowed to speak again when that topic comes up on the agenda. Additionally, any person who speaks on

an agenda item shall not be permitted to speak on that same topic during Citizen Discussion (second part).

- (g) Questions of an individual Councilor, the City Manager, the City Clerk, or the Corporation Counsel shall be addressed through the Mayor. Individual Councilors may choose not to respond to specific questions directed to them by a speaker.
- (h) Persons present at Council meeting shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at the meeting.
- (i) The Presiding Officer may cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.
- (j) Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected for the remainder of the meeting then in progress.
- (k) Except as may be necessary as part of a quasi-judicial proceeding, communications sent or received by members of the Council outside of Council meetings (*e.g.*, emails, letters, telephone calls, in-person conversations) need not be read aloud or otherwise relayed at a Council meeting.

20. COUNCIL COMMITTEES

Each year after the new Councilor(s) have been sworn into office, or as soon thereafter as practicable, the Council shall designate Standing Committees of the Council for the ensuing year. Each Standing Committee shall consist of such members as the Council may designate, not to exceed three Councilors. The Committees and their membership shall be reviewed every year at the first Council Workshop Discussion in December.

- (a) Standing Committees of the Council
 - Cable TV Regulatory Board
 - Fair Hearing Board
- (b) Members of the above committees shall be chosen by the City Council by a majority vote
- (c) Each Standing Committee of the Council shall elect its own chairperson

21. COUNCIL SERVICE ON OTHER BOARDS AND COMMITTEES

Each year after the new Councilor(s) have been sworn into office, or as soon thereafter as practicable, the Council shall determine which City Councilors, staff persons, or other City Officials will serve on the following boards and committees:

Internal City Boards and Committees

- Transportation Advisory Committee (Bus Service)
- Bike/Pedestrian Committee
- Comprehensive Plan Implementation Committee
- Open Space Acquisition Committee
- Senior Steering Implementation Committee
- Other *Ad Hoc* Committees as Required

External State and Regional Boards and Committees

- ecomaine Board of Directors
- Greater Portland Council of Governments (GPCOG)
- Portland Area Comprehensive Transportation System (PACTS)
- Long Creek Watershed Management District
- MMA Legislative Policy Committee
- Maine Service Center Coalition
- METRO Coalition
- Waterfront Alliance
- Opportunity Alliance Board of Directors (Public Sector Rep)
- Jetport Noise Advisory Committee
- Trails Advisory Group
- Middle School Facilities Committee

Committees may be added or deleted by Council vote from time to time.

All permanent boards, committees, and commissions must have at least one staff person assigned as a liaison. Such liaison shall be determined by the City Manager, unless otherwise prescribed by Order or Ordinance.

22. NO MEMBER SHALL SPEAK ON BEHALF OF COUNCIL UNLESS DESIGNATED

No member of the City Council shall represent to anyone or knowingly allow anyone to infer that he/she speaks on behalf of the City Council unless that Councilor has been officially designated by act of the Council or appointed in writing by the Mayor.

23. WITHDRAWAL OF MOTION OR ORDER

Any motion or order may be withdrawn by the mover at any time before a decision or amendment, except a motion to reconsider, which shall not be withdrawn except by consent of the Council.

24. QUESTIONS TO BE DECIDED WITHOUT DEBATE

The following questions shall be decided without debate:

- (1) To adjourn;
- (2) The previous question;
- (3) To lay on the table;
- (4) To take from the table.

25. DEBATE ALLOWED

Debate may be permitted at the discretion of the Chair upon questions of order and appeals from the decision of the Chair thereon.

26. SPEAKING OF MEMBERS REGULATED

When a member of the Council wishes to speak, he/she shall address the presiding officer and shall not proceed until recognized by the Chair. He/she shall confine himself/herself to the pending question and shall avoid intemperate and abusive language.

27. MAYOR MAY BE SEATED WHEN ADDRESSING COUNCIL

When stating a question or motion, or when addressing the Council, the presiding officer of the Council may be seated.

28. SPEAKING ON ONE QUESTION RESTRICTED

No member of the Council shall speak more than twice on the same question at any one meeting, unless by permission of the Council.

29. ABSTENTIONS

Every member of the Council who shall be in attendance when a question is put shall, unless excluded by interest, give his/her vote, unless the Council for special reasons shall excuse him/her.

30. MEMBERS TO REMAIN SEATED WHEN YEAS, NAYS CALLED FOR

When yeas and nays are ordered, no member of the Council shall leave his/her seat until the vote is taken.

31. PRESIDING OFFICER TO DECLARE VOTE ON ACTION ITEMS

The Presiding Officer shall declare the vote on action items (*e.g.*, X votes in favor of passage, Y votes opposed to passage, Councilor Q absent) before the Council moves on to other agenda items so that if there is any doubt as to a vote, it can be resolved immediately.

32. AUTHORITY TO RESOLVE INTO COMMITTEE OF THE WHOLE: APPOINTMENT TO CHAIR

The Council may resolve itself into a committee of the whole on any question, and the presiding officer shall appoint the member who shall occupy the chair.

33. APPLICABILITY OF ROBERTS RULES

The rules of parliamentary practice comprised in “Robert's Rules of Order Newly Revised,” latest edition, shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the Charter of the City, the Constitution or laws of the State or of the United States, or the Standing Rules of the Council. The City Clerk shall be designated parliamentarian for the City.

34. WORKSHOP DISCUSSION

The portion of the agenda titled “Workshop Discussion” should be focused on the Council’s formulation of policy based on general topic discussions of current issues or projects.

Items shall be placed under Workshop Discussion via one of two methods:

- (1) The City Manager may place an item on the Workshop List for future consideration or directly on an agenda for discussion by the Council; or
- (2) Any individual Councilor may propose an item for future consideration through the following process:
 - a. At least one week before a regular Council meeting, the Councilor shall submit to the City Clerk or City Manager a Workshop Discussion Request Form, outlining the proposed workshop subject and providing a general summary of the request.
 - b. During the Workshop Discussion portion of the agenda at the next meeting, the sponsoring Councilor shall present his/her workshop request to the full Council. Other Councilors may ask questions of the sponsoring Councilor and/or staff persons. Once the sponsoring Councilor has finished speaking and other

Councilors have finished with their questions, the Presiding Officer shall ask Councilors if they wish to add the item to a future Workshop Discussion for formal discussion. If at least one other Councilor agrees to add the item, it shall be placed on the Workshop List and, either at that meeting or at a future Council meeting, it shall be scheduled for an appropriate meeting date as determined by the Council. If no other Councilors present agree to add the item to the Workshop List, it shall not be placed on the Workshop List and shall be ineligible for re-consideration until the inauguration of the next Council.

- c. Individual Councilors may introduce as many Workshop Discussion Request Forms on as many different topics as they like. However, only one request per meeting from each Councilor will be considered. If more than one form is submitted, the sponsoring Councilor shall select the order of precedence in which they will be presented.
- d. Workshop requests from Council-appointed boards, committees, and commissions must come from that committee's Chairperson and will be added to the Workshop List to be scheduled by the Council at its discretion.

Items added by the Council or the City Manager to the Workshop Discussion portion of the agenda shall be introduced by the City Manager and/or the sponsoring Councilor. Individual Councilors will then have a chance to ask questions of staff persons and/or the sponsoring Councilor. After Councilors have asked all of their questions, members of the public will have an opportunity to comment for up to two (2) minutes each on the item, with this limit able to be extended at the discretion of the Council. Individual Councilors then shall have the opportunity to offer comments on the topic and indicate their desire to do so by raising their hands. Councilors may make motions to amend the proposal and/or to provide guidance to staff persons. Such amendments, as are seconded by another Councilor, shall be included in the agenda item materials for the next workshop or City Council meeting. After all Councilors have had a chance to speak, the Presiding Officer shall ask how the Council wishes to proceed. At that time, a Councilor may make a motion to: move the item to a future agenda for formal deliberation and vote, continue the item to another Workshop Discussion, or postpone the item indefinitely (*i.e.*, not bring it forward for action). If no motions are made or passed by the Council, the item shall be considered postponed indefinitely.

Order and decorum at Workshop Discussion will be maintained by the Chair consistent with Rule 19(g)-(h).

The City Manager shall maintain a list of workshop agenda items (the “Workshop List”), which the Council shall be provided as a part of the meeting packet for the “Workshop Discussion” portion of each regular meeting. At the time the list is reviewed, the Council may discuss the schedule for future Workshop Discussion and provide guidance to the Mayor and City Manager and provide general guidance to staff persons to prepare each item for discussion, set parameters or time limits, or impose other limitations to ensure the most efficient use of Workshop Discussion time.

The Mayor and City Manager are allowed certain discretion and flexibility to schedule and manage Council workshop items; to set the order of the agenda when two or more items are on a single agenda; to postpone items or add new, unanticipated items, within reason and in pursuit of efficiency and maximizing the value of Council’s time spent in Workshop Discussion. An individual Councilor who originally initiated an agenda item scheduled for Workshop Discussion may withdraw or request postponement of said item any time, except that within seven days of the scheduled workshop, the agenda may only be changed at the discretion of the Mayor. Any changes to the Workshop Discussion agenda shall be communicated to the Council as soon as practicable.

In general, only one workshop item should be considered at each meeting. However, the Mayor and City Manager shall have discretion to add more than one workshop item to a meeting agenda if they deem it to be necessary. Council may also add more than one item if it deems it to be necessary when discussing the workshop list during the Workshop Discussion portion of a meeting.

35. LIST OF BOARD AND COMMITTEE MEETING(S) AND MEETING AGENDA(S) TO BE PUBLISHED

Boards or committees other than the Council shall submit meeting schedules and agendas to the City Clerk by 11:00 a.m. on Friday the week preceding the board or committee meeting. The City Clerk shall publish board and committee meeting agendas by 4:30 p.m. on Friday of each week:

- (a) A list of each public proceeding which is a meeting consisting of 3 or more members for the upcoming week, including Council meetings. The list shall prominently display a notice that:
 1. Meetings may be cancelled or other meetings may be added after publication and a copy of the amended list, if any, may be obtained from the City Clerk; and

2. The body may elect at any time during a proceeding to go into executive session as allowed by law.
- (b) A tentative agenda for any Council meeting for the upcoming week. The tentative agenda shall prominently display a notice that items may be added to or deleted from the tentative agenda after publication and that a copy of the amended agenda, if any, may be obtained for the City Clerk or at the meeting.

36. PROCEDURE FOR CONTACTING THE CORPORATION COUNSEL

- (a) Prior to seeking legal services from Corporation Counsel, Councilors shall make every effort to utilize the complimentary legal services available to them from Maine Municipal Association (MMA). Whenever possible, the services provided by MMA shall be used to address daily legal questions. If the scope of work falls outside of MMA's parameters, then legal services from Corporation Counsel are permitted.
- (b) No individual Councilor shall contact the Corporation Counsel to seek legal advice without having first contacted the Mayor and City Manager. The Corporation Counsel will send an e-mail to the City Manager (or the Mayor if the contact relates to a personnel matter relating to the City Manager) after being contacted by an individual City Councilor.
- (c) The Corporation Counsel shall be apprised in writing of the policies concerning the authority to call for his/her firm's services. In the event that the Corporation Counsel does provide legal advice upon the request of an individual Councilor or Board member, without prior contact with the Mayor or City Manager, payment for those services will be the responsibility of the individual Councilor or Board member unless the Council subsequently agrees to approve the payment for services.
- (d) Any requests for legal services by committees, other boards or employees of the City shall be made through the City Manager.
- (e) In addition to any contact under subsection (b) above, each individual Councilor will be allotted one hour per calendar month of Corporation Counsel consult time to use, or not, as the Councilor sees fit. If the time is not used, it lapses at the end of the month. The time is not transferable to another Councilor. The one hour per month allotment includes not only time the Corporation Counsel spends engaging with the Councilor, but

also time spent reviewing documents and/or researching the issue(s). In order to ensure that this consult time is fairly and even-handedly used by individual Councilors and that all Councilors are kept abreast of the issues being raised by other Councilors, the following protocols apply to this consult time:

- (i) To the extent that a Councilor is raising an issue that may require the Corporation Counsel's law firm to review its conflict-checking system for potential client conflicts, sufficient advance notice of the property address, names of the parties, issue presented and other information reasonably necessary for the Corporation Counsel's law firm to run a conflict check shall be provided to the Corporation Counsel.
- (ii) The Corporation Counsel will send an e-mail to the City Manager after consulting with an individual City Councilor summarizing the question asked and the answer provided or otherwise summarizing the conversation. The City Manager shall forward the e-mail to the entire Council.
- (iii) Issues presented to the Corporation Counsel shall be limited to legal, not political, issues; and shall not involve individual resident or constituent concerns or issues unless they clearly have City-wide implications. If the Corporation Counsel believes that one of these prohibited issues has been raised by an individual Councilor, the Corporation Counsel may defer responding to such issue until the entire Council weighs in on whether consult time should be spent on such issue.
- (iv) The Corporation Counsel is not to prioritize this consult time over other time-sensitive legal work for the City. The Corporation Counsel is to exercise his/her discretion in determining the priority of Councilor consults over other City legal work.
- (v) The Corporation Counsel is to track individual Councilor use of this consult time on a monthly basis, with each time entry identifying the individual Councilor using the consult time. For example, a time entry might read like this:

Date	Atty	Description	Hours
05/02/2018	ABC	Councilor Jones: Legal research regarding adverse possession and telephone conversation with Councilor Jones regarding same.	.50

The City Manager shall provide a copy of this monthly report to the entire Council on a monthly basis.