



# CITY OF WATERVILLE

## CITY COUNCIL RULES OF ORDER & PROCEDURE

### **Purpose:**

The Waterville City Council shall adopt rules governing city council meetings to ensure that the meetings are conducted in an orderly and efficient manner, and to encourage citizen participation.

### SECTION 1: REGULAR MEETINGS

- (A) **Time:** The Waterville City Council shall hold regular meetings on the first and third Tuesday of each month at 7:00 p.m. (Administrative Ordinance 5.2.1(A))
- (B) **Place:** All regular meetings of the city council shall be held in the Waterville City Council Chambers.
- (C) **Quorum:** Five members shall constitute a quorum.
- (D) **Executive Session:** Matters that are appropriate for executive session and which are to be held on evenings of regular city council meetings shall be scheduled either at a workshop preceding the meeting or immediately following new business on the meeting agenda, except in situations when the city manager deems it to be in the best interest of the city to hold the executive session at another time.

(E) Items shall appear on the agenda in the following standard order of business:

- Pledge of Allegiance to the Flag
- Disclosure of Conflicts of Interest
- Moment of Silence - to be held at the discretion of the Mayor Ceremonial Presentations, Proclamations and Recognitions
- City Manager's Report
- Council Comments and/or Committee Reports
- Public Comment period - any member of the public may offer comments regarding issues pertaining to Waterville City Government; maximum time limit for the full comment period shall be 15 minutes.
- Consent Agenda
  - Acceptance of meeting minutes
  - Roll of accounts
  - Routine business such as acceptance of drug forfeitures, issuance of pole permits, authorizing quarterly liquor license renewals
- Old Business
- New Business
- Discussion items (no action required)

(F) Agenda items must be submitted to the city manager's office no later than noon on Tuesday in the week preceding a regularly scheduled meeting.

## SECTION 2: SPECIAL MEETINGS

All special meetings shall be called in accordance with [Article II, Section 5.2.2\(A\) of the Waterville Administrative Ordinance](#).

## SECTION 3: AGENDA CLOTURE

### (A) Regular Meeting

- 1) Agenda items with all supporting documentation must be submitted to the city manager's office no later than 2 p.m. on the fifth day preceding a regular meeting. ([Article II Section 5.2.4 of the Waterville Administrative Ordinance](#))
- 2) A consent agenda shall be prepared for all regular meetings of the Waterville City Council. The consent agenda shall be adopted by a yea and nay vote.

### (B) Special Meeting

- 1) The mayor, or in their absence, the chair of the city council, may call a special meeting of the city council when, in his/her opinion, the interest of the city requires it, by placing a notice in a newspaper published in the city or by notification given in hand or left at the usual place of abode of each member of the city council served at least four days before the day of the

scheduled meeting. ([Article II Section 5.2.2 \(A\) of the Waterville Administrative Ordinance](#))

**(C) Emergency Meeting**

- 1) An emergency meeting of the city council may be called by the mayor, or in their absence, the chair of the city council, upon 24 hours' notice. ([Article II Section 5.2.2\(B\) of the Administrative Ordinance](#))

## SECTION 4: PRESIDING OFFICER – CALL TO ORDER

The mayor, or in the absence of the mayor, the council chair, shall call the meetings to order. In the absence of the mayor and council chair, the city council shall choose a chair pro tempore, who shall exercise the powers of a permanent chair. ([Article IV Section 6 of the Waterville City Charter](#)).

## SECTION 5: PARLIAMENTARY PROCEDURE

- (A)** "ROBERT'S RULES OF ORDER" shall be regarded by the council as the proper authority for parliamentary procedure in conduct of its meetings for the ensuing year, except as otherwise provided herein, or by charter and may be suspended by a majority vote of the city council at any time.
- (B) Reconsideration of Items:** When an item is voted on by the council, it shall be in order for any member who voted on the prevailing side or who was not present at the time the vote was taken to move a reconsideration thereof, during the same meeting or at the immediate next regularly scheduled council meeting, but not afterwards. No motion to reconsider a vote taken at a previous meeting shall be in order for consideration at the immediate next regularly scheduled council meeting unless an item to that effect is scheduled on the agenda for such meeting.
- (C) Waiver of Cloture:** In order to consider an item not on the agenda, a councilor may make a motion to suspend the rules to waive cloture to consider that item, which requires a unanimous vote of the members present to proceed with consideration of the item.

## SECTION 6: CONFLICT OF INTEREST

([Section 18-8 of the Ethics Ordinance](#))

- (A)** Any city official who believes that the official or a member of that person's immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before the collective body shall publicly disclose the nature and possible extent of such interest. The collective body will vote to determine if there is a conflict. An immediate family member is defined as a spouse, domestic partner, whether registered or unregistered, in-laws, children, including stepchildren, parents, brothers and

sisters of city officials or city employees.

- (B)** Any city official who believes that any fellow city official or employee or a member of that person's immediate family has a financial or special interest, other than an interest held by the public generally, in any item before a board or commission shall seek the legal opinion of the city solicitor.
- (C)** If the city official disagrees with the city solicitor's legal opinion, the determination of a conflict will be decided by the collective body. The decision of the collective body, by majority vote, will be final.
- (D)** To avoid the appearance of a violation of this section, once any individual city official is determined to have a conflict of interest in respect to any agenda item, said individual shall cease to participate in any deliberation or voting on that agenda item.
- (E)** Nothing herein shall be construed to prohibit any city official from representing the official's own personal interest by appearing before the collective body on any such agenda item.
- (F)** The Chair of each board or committee governed by this code shall request disclosure of possible conflicts of interest of its members at the commencement of each meeting.
- (G)** During the term of office, neither councilors nor the mayor shall hold any other public office, the salary of which is payable by the city.
- (H)** Within 30 days of taking the oath of office, every member of the city council and the mayor shall file a completed disclosure form, concerning the official, the official's spouse or the official's registered or unregistered domestic partner, with the city clerk, with copies forwarded to the members of the city council and the mayor.

## SECTION 7: PROCEDURE FOR PASSAGE OF RESOLUTIONS, ORDERS, AND ORDINANCES

### (Article IV Section 9 of the Waterville City Charter)

The city council may act by ordinance, order or resolution. All acts making regulations of a permanent nature shall be by ordinance. All amendments and repeals of ordinances shall be by ordinance. Every ordinance, order and resolution shall be in writing and available to the public. The enacting clause of all ordinances shall be in the words, "Be it enacted by the City Council of the City of Waterville, as follows".

The city council generally acts by resolution, but the following matters require an order:

- Adoption of the budget;
- Creation of a charter commission, or amendments to the existing charter;
- Sale or purchase of real property;

- Lease of property for 10 years or more;
- Bonding, as provided in Article VII, Section 7;
- Grants and donations with a value of \$10,000 or more.

All public readings of ordinances, orders and resolutions shall include the title and a summary of the substance of the ordinance, order or resolution. Votes on second readings of orders and ordinances shall be by roll call. All votes shall be recorded. All city councilors present shall be required to vote unless they abstain due to a conflict of interest. Abstentions must be accepted by a majority vote of those councilors present, with the exception of the councilor in question.

The subject of every ordinance and order shall be set out clearly in the title thereof, and no ordinance or order, except one making appropriations, shall contain more than one subject. Orders making appropriations shall be confined to the subject of appropriations.

Resolutions shall have one public reading, and unless otherwise stated in the Waterville City Charter, shall be passed by a majority of the city council members present. All proposed ordinances shall be reviewed by the city solicitor before presentation to the city council.

Every ordinance or order, other than emergency ordinances or orders, shall have two public readings. No more than one reading shall be on the same day.

After the second public reading, the city council may finally adopt an ordinance or order by the affirmative vote of a majority of the membership of the city council present; provided, however, when an ordinance amends the zoning ordinance, an affirmative vote of 2/3 of the membership of the city council present and voting will be required for adoption.

An abstention does not count in determining the majority necessary for the adoption of a resolution, order or ordinance.

An emergency ordinance or order is an ordinance or order for the immediate preservation of the public peace, health or safety in which the emergency is defined and declared in a preamble thereto, separately accepted by majority vote, and receiving the unanimous vote of all members of the city council present at the meeting and shall be adopted with only one public reading.

Orders and resolutions not subject to mayoral veto shall take effect upon approval by the city council, while ordinances and orders subject to mayoral veto shall follow the process in [Article IV, Section 11](#). Items not subject to a Mayoral veto are the removal of the city manager, the removal of the city solicitor, the appointment of an acting city manager, the appointment of a council chair, and ward boundary lines.

Ordinances, orders and resolutions adopted by the city council and subject to mayoral veto shall be submitted to the mayor, who shall, within 10 days, either approve the same by affixing his/her signature thereto or return it to the secretary of the city council with written objections, and at the next meeting the city council shall proceed to reconsider the same. No ordinance, order or resolution shall take effect without the mayor's approval unless the mayor fails to return the ordinance, order or resolution to the secretary of the city council within 10 days after it has been presented to the mayor, or unless the city council, upon reconsideration

thereof at the next meeting following its return by the mayor, shall, by a vote of not less than 2/3 of the members present and voting, resolve to override the mayor's veto. The mayor may veto in like manner any severable item of expenditure in any appropriating order, other than the city budget, and approve the balance of such appropriating order.

Where a 2/3 majority is required for passage, or amendment, of an order or ordinance, a 2/3 majority of those present and voting is required at the first reading.

The city council may refer matters to a standing committee or working group for further information and study, if deemed appropriate.

## SECTION 8: CITY COUNCIL POWERS

(Article IV Section 7 of the Waterville City Charter)

All legislative powers of the city shall be vested in the city council and shall be exercised by it in the manner and subject to the limitations set forth in the Waterville Charter. Without limitation to the foregoing, the City Council shall have power to:

- (A) Adopt by a 2/3 vote of councilors present and voting, the annual budget of the city and appropriate money for all city purposes;
- (B) Authorize the issuance of bonds by a bond order;
- (C) Consider recommendations from the search committee and approve, by a 2/3 vote of the city councilors present and voting, appointment of a city manager and a city solicitor and the contracts specifying the terms of employment. If necessary, remove the city manager and city solicitor in accord with provisions set forth in the charter;
- (D) Establish administrative departments pursuant to the provisions of the charter, establish appropriate minimum qualifications for department directors, and revise the administrative code by ordinance;
- (E) Adopt, upon recommendation of the city manager, a pay plan for all persons employed by the city, except those whose compensation is fixed by the charter or by state statute, and adopt by ordinance the rules and regulations of a municipal personnel policy;
- (F) Provide, by ordinance, for appropriate boards or commissions as it shall deem advisable to serve in an advisory capacity, or to perform quasi-judicial functions, or to act as a board of appeal in the administration of regulatory ordinances;
- (G) Confirm, by a majority vote of the city councilors present, all appointments made by the mayor to boards or commissions;
- (H) Conduct investigations of the operation of any office or department administering the affairs of the city, or on any subject upon which it may legislate. In conducting investigations, the city council shall have the right to administer oaths, subpoena witnesses and compel the production of books and papers pertinent thereto;
- (I) Authorize, by ordinance, executive and administrative officers of the city to issue licenses and permits;

- (J) Authorize, by ordinance, executive and administrative officers of the city to make contracts pursuant to duly enacted appropriation orders. Said ordinance shall specify a threshold dollar amount above which executive and administrative officers will be required to return to the City Council for approval; and
- (K) Establish, by ordinance, fines and penalties for the violation of its ordinances.

## SECTION 9: WORKSHOPS

- (A) Workshop meetings shall be held when deemed appropriate and necessary.
- (B) Workshop meetings should be focused on the councils' formulation of policybased upon general topic discussions of current issues or project orientated.
- (C) Citizens are welcomed, and highly encouraged, to attend workshops. However, these sessions are primarily designed for the council to discuss and explore items with each other. As such, public comments may be restricted by the mayor.
- (D) When a workshop item involves the work of or a recommendation from a city board, commission, or committee, representatives of those groups, when speaking for or representing their work, will be allowed to participate and not be subject to the time limit imposed on the general public.

## SECTION 10: RULES OF DECORUM

The Waterville City Council will practice civility and decorum in discussion and debate. Each member of the council shall cooperate with the mayor or council chair when presiding (hereafter the presiding officer) in preserving order and decorum and no member shall, by conversation or otherwise, delay or interrupt the proceedings of the council, nor disturb any member while speaking, or fail to abide by the orders of the presiding officer except as specifically permitted by these rules or Roberts Rules of Order.

- (A) Subject to being overruled by a majority vote of the members, which vote taken without debate or comment, the presiding officer shall maintain order and preserve the decorum of the meeting.
- (B) Every member of the council desiring to speak shall seek recognition from the presiding officer and, upon recognition, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities, and direct comments to the presiding officer unless otherwise granted permission.
- (C) A member of the council, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order. If a member of the council, while speaking, is called to order, that person shall cease speaking until the question of order is determined.
- (D) When two or more members request the floor at the same time, the

presiding officer shall name the one entitled to the floor.

- (E) After receiving permission from the chair, any member may address a question to any other member. Elected officials and city staff shall always be addressed by title and name or title and not by casual name or nickname reference, for instance: Councilor Smith or the Councilor of Ward X, City Manager Smith, Director Smith, etc.
- (F) All councilors shall be provided the opportunity to speak and agree or disagree, but no councilor shall speak twice on any given subject unless all other councilors have been given the opportunity to speak.
- (G) No councilor shall engage in private conversation while in the council chambers in such a manner as to interrupt the proceedings of the council.

## SECTION 11: RULES AND PROCEDURES GOVERNING PUBLIC COMMENT PERIODS

City council meetings are conducted to carry on the official business of the City of Waterville. All meetings of the city council, except executive sessions, are open to the public. The public is invited to attend all city council meetings, and to participate in them consistent with the provisions of this policy and with the exception of council workshops, which are primarily intended for the council and staff to review and discuss items prior to their appearance on a regular city council meeting agenda.

The intent of this policy is to allow a fair and adequate opportunity for the public to be heard, to express opinions and concerns related to the business of the city, and to provide adequate time for the city council to obtain information and opinions on subjects before it while ensuring that the time allowed for public input does not interfere with addressing the scheduled agenda.

To carry out these purposes, the following rules and procedures shall govern the public comment period at all Waterville City Council meetings:

### (A) **General Public Comment:**

A public comment period shall be conducted at all regular city council meetings, at which time citizens will have the opportunity to be heard on matters directly relating to city business that are not included on the regular agenda.

Individuals addressing the council during the public comment period will limit their comments to up to (3) three minutes. No more than a total of (15) fifteen minutes will be allocated for general public comment periods. If the general public comment period exceeds (15) fifteen minutes, the public comment period will be suspended by the presiding officer to allow the council to conduct its business out of courtesy for those attending the meeting for a specific agenda item. The council will not engage in dialogue with the public during this time. Questions posed during the public comment period will be followed up upon after the meeting. Individuals requesting further information should leave their

contact information on the sign in sheet which will include the person's name, ward or address and their contact information.

A general public comment period will not be conducted at workshops, emergency meetings, or special meetings of the city council.

**(B) Addressing Specific Agenda Items:**

In addition, public comments will be allowed during the meeting on those items requiring a public hearing and on other items appearing on the agenda. These comments should be directly related to the specific agenda item being addressed. Public comments will not be taken during workshops unless a request is made to the presiding officer by an individual councilor, the city manager, or a department head.

**(C) Rules Governing Public Comment Periods:**

- a. Since meetings are broadcast and recorded, persons wishing to speak must use the public podium, and must preface their comments by giving their full name and their ward or address.
- b. Comments must be limited to issues or concerns directly related to Waterville municipal government. Public comment on matters not related to the city's business will not be allowed, so as to make sure that all meetings are carried out in a productive and efficient time and in keeping with the interests of all who attend and participate in a council meeting.
- c. Per state law, found in [1 MRS 405](#), complaints or charges from the public about an individual employee will not be permitted. We encourage complainants to address such comments by directly contacting the city manager for follow-up and review.
- d. Comments related to the following will be ruled out of order by the presiding officer:
  - i. Specific situations that are in litigation, including those in which the city is a party (issues of a criminal or legal nature should be addressed with the Waterville Police Department or other criminal justice agency). Individual employees and/or employee groups will not be permitted to discuss matters for which complaint or grievance procedures are provided;
  - ii. Personal disputes between the speaker and other private residents not germane to city business; or
  - iii. Support for or opposition to any candidate for political office.
- e. Individuals will be restricted to speaking once during the general public comment period and once per public comment period for each specific agenda item unless requested by the presiding officer to offer additional

comments during the meeting.

- f. Individuals addressing the council shall direct their remarks exclusively to the presiding officer. No person other than the elected officials and the individual at the podium shall be permitted to enter into any discussion, either directly or through members of the council. The public comment period is an opportunity for residents to express their views on matters relating to city business.
- g. As a limited designated public forum, the city council does not have the right to prohibit disparaging, rude and other remarks of a personal nature. But, because of the potential implications, including personal liability of the speakers, we encourage any speakers to strive to be accurate in their statements and avoid making personal, rude, or provocative remarks.
- h. All statements should respect the dignity and seriousness of the proceeding.
- i. Persons present at council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting, except for those instances that are listed on the council agenda under public recognition where the mayor, the city manager or a city councilor are formally recognizing an individual or group for their accomplishments.

**(D) Failure to Follow Guidelines:**

The presiding officer will limit commentary that is determined not to be germane to city business or the topic at hand, or which violates any of the guidelines listed above. The presiding officer will direct any individual not operating in accord with these guidelines to cease such action or risk being asked to be seated or removed. If such conduct continues, the presiding officer will call a recess, request the removal of such person(s) from the chambers, adjourn the meeting, or take other such appropriate action. Repeated violations by any individual will result in the presiding officer revoking that individual's right to speak at future meetings. Should the presiding officer fail to take action, any councilor may move that the presiding officer enforce the rules and guidelines and, if denied, request that the council vote on the motion.

## SECTION 12: CONFIDENTIALITY

- (A)** Confidential information, as used in subsection (b) below, includes but is not limited to statements made by individuals participating in executive sessions, documents prepared specifically for an executive session, and information in any form that is within one or more of the exceptions to the definition of "public record" in Maine's Freedom of Access Act.
- (B)** Councilors (for purpose of this Section 12 only the reference to councilors or councilor shall include the mayor as well) shall not discuss the confidential

information of the city or the city council at home, at work, online, in public spaces, or in any other location. The place for such discussion is in executive session. Councilors shall not intentionally disclose or discuss confidential information or materials held or distributed in executive session with any person not otherwise authorized or privileged to receive that information, including representatives of the media.

## SECTION 13: REMOTE MEETING POLICY

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the City Council adopts the following policy to govern the participation, via remote methods, of council members and the public in the public proceedings or meetings of the City Council.

Members of the City Council are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the City Council to meet via remote methods, or an illness or temporary absence of a councilor that causes significant difficulty traveling to the meeting location. A councilor who is unable to attend a meeting in person will notify the Council Chair as far in advance as possible.

The Council Chair, in consultation with other councilors if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

Anyone attending an Executive Session by remote methods should be in a location where no one can overhear what is being discussed.

The public will be provided a meaningful opportunity to attend via remote methods at all council meetings. If public input is allowed or required at the meeting, an effective means of communication between the Council and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire Council to meet using remote methods. As the City technology for remote meetings might fail, the public is encouraged to attend council meetings in person. The failure of City technology for remote participation by the public does not affect the validity of the council meeting, nor any actions taken by the Council during the meeting.

Notice of all council meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an

emergency or urgent issue that requires the council to meet using remote methods of attendance.

The City Council will make all documents and materials to be considered by the council available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the council.

All votes taken during a council meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other councilors and the public. A councilor who participates remotely will be considered present for purposes of a quorum and voting.

In the event of a failure of remote technology that results in a lack of a quorum, the meeting shall be immediately adjourned, and any remaining agenda items shall be brought forward to the next regularly scheduled meeting. Agenda items that require timely action prior to the next regularly scheduled meeting can be considered at a special meeting called in accordance with [Article II Section 5.2.2 \(A\) of the Waterville Administrative Ordinance](#).

Where sufficient members are present in person to achieve a quorum, failure of remote technology or live streaming will not prohibit the continuation of the meeting.

This policy will remain in force indefinitely unless amended or rescinded.

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APPROVED

Waterville City Council  
January 16, 2024  
(Resolution 27 -2024, Sections 1-12)

Waterville City Council  
February 20, 2024  
(Resolution 50 -2024, Section 13)