

ARTICLE II. CITY COUNCIL

[Sec.] 201. General powers.

The administration of all fiscal, prudential and municipal affairs of said city with the government thereof, except as otherwise herein provided, shall be and are vested in one body of 7 members which shall constitute and be called the city council, and shall exercise its powers in the manner herein provided.

(P.&S.L. 1967, Ch.36, § 1)

[Sec.] 202. City council constituted municipal officers.

The members of the city council shall be and constitute the municipal officers of the City of South Portland for all purposes required by statute and, except as otherwise herein specifically provided, shall have all the powers and authority given to, and perform all duties required of, municipal officers and mayors of cities under the laws of this State.

[Sec.] 203. Creation of other departments or offices; change of duties.

The council by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.

[Sec.] 204. City property care and management.

The city council shall have legal custody of all the city public buildings and land, but the care, superintendence and management thereof shall be under the administrative direction of the manager, except for school property as provided in section 905.

[Sec.] 205. Regulation of persons and businesses.

The city council is authorized to enact ordinances regulating persons, businesses and purposes and to grant licenses and permits therefor for such periods of time and in accordance with such rules and regulations, not inconsistent with law, upon payment by the licensee of such fees and filing of such bonds as said city council may establish and make provisions for by ordinance, and to pass all such ordinances as are permitted by the Revised Statutes of the State of Maine for such cases made and provided.

[Sec.] 206. Residue of powers.

All other powers now or hereafter vested in the inhabitants of said city and all powers granted by this act, except as herein otherwise provided, shall

be vested in said city council.

[Sec.] 207. Number; election term.

The city council shall be composed of 7 members, each of whom shall be elected by the registered voters of the entire city. Two shall be elected at large from the registered voters of the entire city and one shall be elected from each of the 5 voting districts, provided for in Article X, from the registered voters from each district. The term of office shall be for 3 years, and until their successors are duly elected and qualified.

The present members shall continue in office until their respective terms expire, and shall be deemed the representative members from the 5 voting districts. The 2 at large members shall be elected at the next regular municipal election following the effective date of this act.

No person shall be elected to serve as a member more than three (3) consecutive terms.

(P.&S.L. 1967, Ch. 36, § 2; Ref. of 5-3-88)

[Sec.] 208. Qualifications.

Councilmen shall be qualified electors of the city, be residents of the districts from which they are elected, and remain inhabitants of the city during their term(s) of office. They shall hold no office of emolument or profit nor any position of employment in any city department, including but not limited to the department of education, whether full or part time, under the city charter or ordinances. If a councilman shall cease to be a qualified elector of the city or shall cease to remain an inhabitant of the city during his term of office or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

(Ref. of 5-5-81; Ref. of 11-3-81)

[Sec.] 209. Compensation.

The annual compensation of councilmen shall be \$3,000.00. The compensation of councilmen shall be established and fixed by provisions of the charter. The effective date of this amendment shall be January 1, 1987.

(P.&S.L. 1965, Ch. 79; amended 12-6-71; Ref. of 11-4-86)

[Sec.] 210. Induction of council into office.

Effective in 1989, the city council shall meet at the usual place for holding meetings at 4:00 p.m. on the first Monday in December following the regular city election, and at said meeting the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the city clerk.

(Ref. of 12-3-79; Ref. of 11-8-88)

[Sec.] 211. Chairman of the council; mayor.

Immediately after being sworn into office, at the meeting of the city council, as prescribed in section 210, the council shall elect, by majority vote of the entire council, one of its members for the ensuing year as a chairman of the council, and the city council may fill, for the unexpired term, any vacancy in the office of chairman that may occur. The chairman of the council shall also be designated as mayor but shall have no powers or duties in such capacity other than those expressly recited in this section, and shall receive no compensation other than as set forth in section 209.

He shall preside at the meetings of the council and shall be recognized as the official head of the city for all ceremonial purposes and shall have the power and authority given to and perform the duties required of mayors of cities for all purposes of military law, but shall have no regular administrative duties. He shall be entitled to vote and his vote shall be counted upon all matters and things as a vote of other members of the council. In the temporary absence or disability of the chairman, the city council may elect a chairman pro tempore from among its number and he shall exercise all the powers of chairman during such temporary absence or disability of the chairman.

(Ref. of 11-2-76)

[Sec.] 212. Council to judge of qualifications of its members.

The council shall be the judge of the election and qualification of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

[Sec.] 213. Regular meetings.

The city council shall, at its first meeting or as soon thereafter as may be, establish by ordinance or resolution a regular place and time for holding its regular meetings, and shall meet regularly at least twice a month. All meetings of the city council shall be open to the public.

[Sec.] 214. Special meetings.

Special meetings may be called by the chairman and in case of his absence, disability or refusal may be called by a majority of the city council. Notice of such meeting shall be served in person upon, or left at the residence of, each member of the city council and of the city manager at least 24 hours before the time of holding such 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.

[Sec.] 215. Quorum.

Four members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or

may compel attendance of absent members. At least 24 hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

(P.&S.L. 1967, Ch. 36, § 3)1

[Sec.] 216. Vote, how taken.

In all meetings of the city council, the vote shall be taken by yeas and nays on the passage of all ordinances, and on the passage of any order or resolve when called for by any member of the council, and such yea and nay votes shall be entered on the record of the proceedings of the council by the city clerk.

[Sec.] 217. Vacancies in council.

If a seat in the council becomes vacant more than 6 months prior to the next regular city election, the vacancy may be filled within 60 days from the date that the vacancy occurred, by a special election, the warrant for which, upon vote of the city council, shall be issued by a member of the city council, by vote designated for that duty.

Should such a vacancy or vacancies occur less than 6 months prior to the next regular city election, and should the city council by vote deem it to be in the best interests of the city to fill such vacancy or vacancies, then the vacancy or vacancies shall be filled within 60 days of the date of such vote of the city council by a special election as above prescribed.

[Sec.] 218. Rules of procedure; journal.

The council shall determine its own rules and order of business and make lawful regulations for enforcing the same. It shall act only by ordinance, order or resolve. All ordinances, orders and resolves, shall be confined to one subject which is clearly stated in the title. The appropriation resolve shall be confined to the subject of appropriations only. The city council shall keep a journal of its proceedings and the journal shall be open to public inspection.

(P.&S.L. 1965, Ch. 69, § 1)

[Sec.] 219. Board of registration.

The city council shall appoint the 2 associate members of the board of registration of voters, who shall serve for such term and perform such duties as may be provided by law.

[Sec.] 220. City clerk.

The council shall elect an officer of the city to serve at its pleasure, who shall have the title of city clerk, shall give notice of its meetings, shall attend all meetings of the city council and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions duly indexed and open to

public inspection and shall perform such other duties as shall be required by this charter or by ordinance. He shall issue to every person appointed to any office by the city council or by the city manager, a certificate of such appointment. He shall perform all duties and exercise all powers incumbent upon or vested in town and city clerks generally which are not inconsistent with this charter, and shall be the custodian of the seal of the city. In case of the temporary absence of the city clerk, the city council may appoint a clerk pro tempore, with all the powers, duties and obligations of the city clerk, who shall be duly qualified.

[Sec.] 221. Ordinances.

In addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the City of South Portland hereby ordains."

(P.&S.L. 1965, Ch. 69, § 2)

[Sec.] 222. Procedure for passage of ordinances; first reading; emergency ordinances.

Every ordinance shall be introduced in writing and after a passage on first reading such ordinance or a summary thereof shall be posted in the municipal building at least seven days prior to the next regular meeting of the council; provided, however, other provisions of this charter to the contrary notwithstanding, an ordinance may be given final passage after first reading and after a public hearing, with or without prior public notice, upon the unanimous vote of all members of the council present and voting, provided at least six (6) members of the council are present and voting; provided, further, that any such emergency ordinance shall contain a written preamble indicating the nature of the emergency which necessitates its final passage upon first reading; and provided, further, that any such ordinance shall remain subject to the provisions of section 1106.

(Ref. of 5-5-81)

[Sec.] 223. Second reading and public hearing.

Every ordinance shall be in order for public hearing and second reading at the next regular meeting of the council, immediately after the first reading of same, but all ordinances may, at the discretion of said council, be tabled from time to time. Said public hearing shall be conducted in such manner and form as may be deemed expedient by the city council, and all persons interested shall be given an opportunity to be heard.

[Sec.] 224. Further consideration; final passage.

After such public hearing and second reading the council may finally pass such ordinance in the same form as originally presented at the first reading, or by motion amend the same and finally pass it in such amended form without the necessity of further hearings or readings.

[Sec.] 225. Ordinances, effective date.

Every ordinance, unless it shall specify a later date, shall be effective at the expiration of 20 days after the date of final passage, or if the ordinance be submitted at a referendum election, then upon a favorable vote of a majority of those voting thereon, except as otherwise expressly provided by this charter; provided, however, other provisions of this charter to the contrary notwithstanding, an ordinance may take effect immediately upon the unanimous vote of all members of the council present and voting, provided at least six (6) members of the council are present and voting; provided, further, that any such emergency ordinance shall contain a written preamble indicating the nature of the emergency necessitating its going into effect without delay; and provided, further, that any such ordinance shall remain subject to the provisions of section 1106.

(Ref. of 5-5-81)

[Sec.] 226. Independent annual audit.

Prior to the end of each fiscal year the council shall designate the appropriate state auditing agency or private qualified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report to the council and a copy thereof to the manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the city government.

[Sec.] 227. Appointment of city manager.

The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this charter provided. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term, nor shall any member of the city council act in that capacity.

[Sec.] 228. Removal of city manager.

The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. At least 30 days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days nor later than 30 days after the filing of such a request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the council may suspend the manager from duty, but the regular salary of the manager shall continue to be paid to him during such period of suspension. If removal is voted, the city council shall cause to be paid to him forthwith any unpaid balance of his salary and his salary for the next 2 calendar months.

[Sec.] 229. Council not to interfere in appointments or removals.

Neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

[Sec.] 230. Compensation of officers and employees.

The city council shall fix by order the salaries of the appointees of the council. Salaries of the appointees of the city manager shall be fixed by the city manager subject to the approval of the city council.

(P.&S.L. 1967, Ch. 37, § 1)

[Sec.] 231. Legal department.

The council shall appoint for an indefinite term a corporation counsel who shall be head of the city's legal department and perform such duties as pertain thereto. Corporation counsel shall serve at pleasure of city council.

(P.&S.L. 1967, Ch.37, § 1)