

Government Operations Committee

Monday July 20, 2015 at 5:15 pm

City Council Chambers

AGENDA

Consent Agenda

1. Election Ballot for Maine Municipal Association Vice President and Executive Committee members for year beginning January 1, 2016
 - Please see attached information from MMA.
2. Resolve, Accepting and Appropriating a \$602,941 Healthy Maine Partnership grant from the Maine Department of Health and Human Services to Respond to Public Health Issues
 - Please see attached Council Action page and Resolve.
3. Execution of Memorandum of Understanding with the Penobscot County Sheriff's Office regarding the Transfer of Office of Substance Abuse / Public Health and Community Services grant funds in the amount of \$4,000 to combat Underage Drinking
 - Please see the attached Council Action page, Order and draft MOU.

Regular Agenda

4. Acceptance of \$4,000 Donation from the Cole Land Transportation Museum to assist with the purchase of Risers for the Bangor Band Performance Shell
 - Please see attached memorandum from Parks and Recreation Director Willette.
5. Referral: Council Ordinance 15-245, Amending Schedule VI of Chapter 291, Article III, Sec. 38 of the Code of the City of Bangor- Removing Handicapped Parking on Union Street – Map 33, Lot 29
 - Please see the attached Council Action page and Ordinance amendment.
6. Fire Department Training Facility Status Report and Recommendations
 - Please see attached memorandum and information from Fire Chief Higgins.
7. Consideration of alternate recommendation in lieu of proposed Neighborhood Advisory Committee

- Following a council workshop discussion concerning this topic, staff was directed to meet with Councilor Civiello, who initially proposed the creation of a standing Neighborhood Advisory Committee, to further discuss and refine her concept. After meeting with Councilor Civiello, an alternate approach has been developed and is now being proposed in place of a formal Neighborhood Advisory Committee. Please see the attached memorandum from City Manger Conlow outlining the new approach. As requested, this is returning to Government Operations for further review and discussion.

8. Proposed Minimum Wage Ordinance Discussion- Council Ordinance 15-246

- Please see attached Council Action page and Ordinance



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations
FROM: Chris Lockwood, MMA Executive Director
DATE: July 6, 2015
SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 14, 2015 by 12:00 noon

Nomination Process – Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President and Executive Committee. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2016 to member municipalities.

Petition Process – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was July 6. There were no municipal officials nominated by petition.

It is now time for each member municipality to cast its official vote.

Election Process – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers **or** a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 14. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President Peter Nielsen.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Friday, August 15, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held **Wednesday, October 7, at the Augusta Civic Center**. Newly elected Executive Committee members will be introduced at the MMA Awards Luncheon and Annual Business Meeting and officially take office on January 1, 2016.

If you have any questions on the Election Process, please contact Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.

**MAINE MUNICIPAL ASSOCIATION
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2016**

MMA VICE PRESIDENT (1-Year Term)

LAURIE SMITH

- Town Manager, Town of Kennebunkport (2014 – present)
- Maine Municipal Association Executive Committee, Member (2012 – present); Vice President (2015)
- Maine Municipal Association Strategic & Finance Committee, Member (2012 – present); Chair (2015)
- Maine Municipal Association Property & Casualty Pool Board of Directors, Member (2012 – present)
- Maine Municipal Association Workers Compensation Fund Board of Trustees, Member (2012 – present)
- Town Manager, Town of Wiscasset (2010 – 2014)
- Assistant Manager/Community Relations/Finance Director, City of Auburn (2005– 2010)
- Interim City Manager, City of Auburn (2007 –2008)
- Acting Finance Director, City of Auburn (2004 – 2005)
- Town Manager, Town of Boothbay Harbor (1994-1999)
- Town Manager, Town of Oxford (1991-1994)
- Town Manager, Town of Boothbay (1988-1989)
- Maine Town & City Management Association, Member (1989-present); Board member (2000-2005); President (2003-2004)
- University of Maine, Orono, Public Administration, B.A. (1986)

MMA EXECUTIVE COMMITTEE MEMBERS (Three 3-Year Terms)

WILLIAM BRIDGEO

- City Manager, Augusta, Maine (1998 – present)
- Adjunct Professor, Government Program at University of Maine in Augusta (2009 – present)
- Adjunct Professor, MBA Leadership and Ethics Courses, Thomas College (2013 – present)
- City Manager, Canandaigua, New York (1987 – 1998)
- Assistant Director, Maine State Housing Authority (1985 – 1987)
- City Manager, Calais, Maine (1979 – 1985)
- Assistant Town Manager, Killingly, Connecticut (1976 – 1979)
- Maine Service Center Coalition, Executive Committee Member (2002 – present); Chair (2004 - 2007); and most recently active in the formation of the Maine Mayors' Coalition in 2014 – present)
- Maine Service Centers Coalition, Steering Committee Member (2001)
- Maine Town & City Management Association, Member (1979 – 1985; 1998 – present)
- Maine Municipal Association Executive Committee, Member (2002 – 2004)
- Maine Municipal Association Property & Casualty Pool Board of Directors, Member (2002 – 2004)
- Maine Municipal Association Workers Compensation Fund Board of Trustees, Member (2002 – 2004)
- New York State Municipal Management Association, Member (1987 – 1998); President (1995)
- International City/County Management Association Board of Regents, Charter Member (1990 – 1996)
- New York Conference of Mayors & Other Municipal Officials, Ex-officio Board member
- Maine Development Foundation, Board Member (2000-2005)
- Augusta YMCA, Board Member (2009 – present)
- Masters Degree, Public Administration, University of Hartford
- Bachelors Degree, Political Service, St. Michael's College in Vermont

MICHAEL CROOKER

- Town Manager/Treasurer/Road Commissioner, Town of Glenburn (2006 - present)
- Maine Municipal Association Executive Committee, Member (2013 – present)
- Maine Municipal Association Strategic & Finance Committee (2013 – present)
- Maine Municipal Association Property & Casualty Pool Board of Directors, Member (2013 – present)
- Maine Municipal Association Workers Compensation Fund Board of Trustees, Member (2013 – present)
- Maine Municipal Association Legislative Policy Committee, Member (2002-2004; 2004-2006; 2010-2012)
- Town Manager, Town of Bradley (1998 – 2004)
- Adjunct Professor, University of Maine Department of Public Administration (2003 – present)
- Executive Director, River Coalition, Inc. (2004 – 2006)
- Graduate Teaching Assistance (1998)
- Substitute Teacher, Maine School Administrative District 22 (1994 – 1998)
- Projectionist and Supervisor, Bangor Mall Cinemas (1988 – 1998)
- Masters in Public Administration, University of Maine
- BA in Political Science, University of Maine
- AS in Legal Technology, University of Maine
- Maine Town and City Management Association; Member; 2002 “Rookie Manager of the Year”
- Barrie E. Blunt Outstanding Graduate Student Memorial Award
- Edward F. Dow Scholarship Recipient
- Pi Sigma Alpha (National Political Science Honor Society)
- Presidential Achievement Award for Academic Excellence
- Maine Criminal Justice Academy’s Pre-service/Part-time Law Enforcement Training
- State of Maine Animal Control Officer Training
- Graduate of The Grant Institute
- Penobscot Valley Council of Governments, President,
- Eastern Maine Development Corporation, Board Member
- State of Maine Animal Welfare Advisory Council, Member
- Governor’s Interagency Task Force on Invasive Aquatic Species, Member
- Penquis CAP, Board Member
- Penquis CAP, Advisory Board Member
- Maine Resource Recovery Association, Board Member
- Penobscot River Tourism Association, Board Member
- Bangor Region Partners for Health, Board Member
- Penobscot Health Communities Board of Directors, Vice President
- Graduate Association of Public Administrators (GAPA), President
- Notary Public, State of Maine

MARIANNE MOORE

- Mayor, City of Calais (2012 - present)
- Councilor, City of Calais (2002 – 2008; 2009 – 2012)
- Owner/Manager, Calais Curves for Women Fitness Center (2004 – present)
- Leader, Weight Watchers, Inc., Calais (August 2001 – present)
- Maine Municipal Association Executive Committee, Member, (2011 – present)
- MMA Workers Compensation Fund Board of Trustees, Member, (2011 – present)
- MMA Property & Casualty Pool Board of Directors, Member (2011 – present)
- Instructor, Washington Community College (2001 – 2004)
- Adjunct Instructor, Washington Community College (2005 - present)
- Interim Dean, CEIS (Fall, 2002)
- St. Croix Valley Healthy Communities, Board of Trustees (2006 - 2010)

MARIANNE MOORE (continued)

- Washington One: One Community Health & Wellness Co-Chair (2011 - 2013)
- St. Croix Valley Chamber of Commerce, Executive Board (2008 - present)
- Washington Hancock Community Agency, Executive Board (2006 - 2013)
- Washington County Development Authority, Executive Board (2011 - present)
- Washington County Extension Association, Executive Board (2012 – present)
- Permanent Commission on the Status of Women (2012 - present)
- St. Stephen's Presbyterian Church, Board of Managers (2008 - present)
- Climbed to summit of Mt. Kilimanjaro in Africa (June 2002)
- Climbed to Base Camp of Mt. Everest (October 2004)
- Hiked the Inka Trail, Peru (April 2015)
- Moved to Calais, Maine (April 2001)
- Retired from Southwestern Bell Telephone Company (November 2000)
- Managerial positions, Southwestern Bell Telephone Company; San Antonio/Austin/Dallas, Texas (1969 - 2000);
- Cleveland Clinic Exercise Science and Weight Management Certification (September 2011)
- Cooper Institute Circuit Training and Weight Management Certification (June 2005)
- Masters of Business Administration, Southern Methodist University; Major in Management Information Systems (1998)
- Bachelor of Applied Arts & Sciences, Dallas Baptist University; Major in Computer Science/Business Management (1992 Magna Cum Laude);
- Graduate, High School in San Antonio, Texas (1970)

MAINE MUNICIPAL ASSOCIATION
VOTING BALLOT

Election of Vice President and Executive Committee Members
Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 14, 2015

VICE-PRESIDENT - 1 YEAR TERM

Vote for One

Proposed by MMA Nominating Committee:

Laurie Smith, Town Manager, Town of Kennebunkport

DIRECTORS - 3 YEAR TERM

Vote for Three

Proposed by MMA Nominating Committee:

William Bridgeo, City Manager, City of Augusta

Michael Crooker, Town Manager, Town of Glenburn

Marianne Moore, Mayor, City of Calais

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____

Municipality: _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____

Signature: _____

Position: _____

OR Signed by a Majority of Municipal Officers

Current # of Municipal Officers: _____

Print Names:

Signatures:

Return To:

*MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358 or 626-5947
Email: tchavarie@memun.org*

COUNCIL ACTION

Item No.

Date: 7-27-15

Item/Subject: **Resolve**, Accepting and Appropriating a \$602,941 Healthy Maine Partnership Grant from the Maine Department of Health and Human Services to Respond to Public Health Issues

Responsible Department: Health and Community Services

Commentary: This resolve will accept and appropriate \$602,941 in funds to implement the sixth year of the Healthy Maine Partnership Grant, which was first awarded in 2011 as a five-year grant and extended for an additional year. Bangor Health and Community Services will continue to serve as the lead agency for Penquis Public Health District. As such, we will work to coordinate the district's infrastructure as well as implement public health strategies related to physical activity, nutrition, chronic disease management substance abuse and tobacco prevention. As lead agency, Bangor will subcontract with other Penquis District Healthy Maine Partnerships to implement public health strategies within the service areas. The attached resolve will accept and appropriate the Healthy Maine Partnership grant.

Department Head

Manager's Comments:

City Manager

Associated Information: Resolve

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

Passage
 First Reading
 Referral

Page __ of __



Assigned to

CITY OF BANGOR

(TITLE.) Resolve, Accepting and Appropriating a \$602,941 Grant from the Maine Department of Health and Human Services, Healthy Maine Partnership Grant to Respond to Public Health Issues, including tobacco, substance use, nutrition, physical activity, and chronic disease among others.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED THAT, a \$602,941 Healthy Maine Partnership Grant from the Maine Department of Health and Human Services is hereby accepted and appropriated to respond to public health issues, including tobacco, substance use, nutrition, physical activity and chronic disease among others.

COUNCIL ACTION

Item No. _____

Date: 7-27-15

Item/Subject: **ORDER**, Authorizing the City Manager to Execute a Memorandum of Understanding with Penobscot County Sheriff's Office.

Responsible Department: Health and Community Services

Commentary: This Order will authorize the City Manager to execute a memorandum of understanding on behalf of the City with Penobscot County Sheriff's Office. The Penobscot County Sheriff's Office will receive \$4,000 from Bangor Public Health and Community Services to enhance enforcement of underage drinking by conducting enforcement details in the towns of Glenburn and Hermon, two of the thirteen towns served by the Healthy Maine Partnership within Bangor Public Health and Community Services. The grant provider, the State of Maine Office of Substance Abuse (OSA) has approved the expenditure of funds for this purpose.

Department Head

Manager's Comments:

City Manager

Associated Information: Order

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for
 Passage
 First Reading
 Referral

Page __ of __



Assigned to

CITY OF BANGOR

(TITLE.) Order, Authorizing the City Manager to Execute a Memorandum of Understanding with Penobscot County Sheriff's Office

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT ORDERED, that the City Manager is hereby authorized to enter into a memorandum of understanding with Penobscot County Sheriff's Office, a copy of which is attached.

**Memorandum of Understanding
Between Bangor Public Health and Community Services and Penobscot County Sheriff's Office**

Purpose:

The purpose of this Memorandum of Understanding (MOU) is to establish an agreement between Bangor Public Health and Community Services and Penobscot County Sheriff's Office, to support and implement project objectives outlined in the MOU targeting underage alcohol and youth substance use/abuse.

Project Objectives and Strategies:

Penobscot County Sheriff's Office agrees to:

- Enhance enforcement of underage drinking by conducting party patrols in the towns of Glenburn and Hermon.
- Expend funds by September 29, 2015.

Bangor Public Health agrees to:

- Provide Penobscot County Sheriff's Office with contract funds to support the implementation of the project objectives and strategies.
- Collaborate with Penobscot County Sheriff's Office to coordinate the implementation of project objectives and strategies as necessary.
- Address concerns of the Penobscot County Sheriff's Office, as needed.

Agreement Amount: \$4,000

Payments will be issued upon receipt of an invoice, submitted by the Penobscot County Sheriff's Office on agency letterhead. Invoices must outline staff hours, mileage (if applicable), and a brief description of services rendered. Invoices may be submitted on a monthly basis; however the final invoice must be received *no later* than September 29, 2015. The Penobscot County Sheriff's Office must also provide citation reports to be reviewed by the Health Promotion staff.

Send invoices and supporting documentation to:

**Bangor Public Health and Community Services
103 Texas Avenue
Bangor, Maine 04401
Attn: Sally Healey
Sally.healey@bangormaine.gov**

Approval:

This MOU will become effective on the date of signing and will expire September 29, 2015.

_____ Date: _____
Cathy Conlow
City Manager, City of Bangor

_____ Date: _____
Troy Morton
Sheriff, Penobscot County Sheriff's Office

MEMORANDUM

TO: Government Operations Committee

FROM: Tracy Willette
Director, Parks and Recreation

SUBJ: Bangor Band Update

DATE: July 15, 2015

Last summer the Bangor Band completed the first season of using the inflatable band shell that was purchased using funds from a donation of \$25,000 from the Stephen and Tabitha King Foundation. Once the shell and associated ground anchors were purchased, there remained a balance of approximately \$10,000.00.

The Band would like the City to purchase performance risers to use under the inflatable band shell with the available funds. This would provide them a solid, flat surface to set up on. This was something they had hoped to purchase earlier and decided to wait until the shell had been purchased and we were able to go through a complete season. Currently, they set up on the bare ground whenever the shell is inflated. The band has received a quote of \$13,954.00 for the necessary equipment. The band has also received a donation of \$4,200.00 from the Cole Land Transportation Museum. This, together with the balance of the King Foundation donation will provide enough funds for the purchase.

We are asking for your approval to accept the donation of \$4,200 from the Cole Land Transportation Museum which will allow us to continue to move forward with the purchase of this equipment. An agenda item will be included on an upcoming Finance Committee meeting to consider the actual purchase of the risers. I will be available at your meeting should you have any further questions.

COUNCIL ACTION

Item No. 15-245

Date: July 13, 2015

Item/Subject: **ORDINANCE**, Amending Schedule VI of Chapter 291, Article III, Sec. 38 of the Code of the City of Bangor - Removing Handicapped Parking on Union Street - Map 33, Lot 29

Responsible Department: Public Works

Commentary:

This ordinance amendment would eliminate the two handicapped parking spaces on Union Street near Hudson Street.

The doctor's office on the corner of Union and Hudson Streets has ceased operating. There are two handicapped parking spaces designated on Union Street that had been used by patients visiting the doctor's office. With the closure of the office, these handicapped parking spaces are no longer necessary.

Department Head

Manager's Comments:

William Cole
City Manager

Associated Information: Ordinance, Aerial Photo

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

Passage

First Reading

Referral to the Government Operations Committee on July 20, 2015

Assigned to Councilor Civiello



CITY OF BANGOR

ORDINANCE, Amending Schedule VI of Chapter 291, Article III, Sec. 38 of the Code of the City of Bangor - Removing Handicapped Parking on Union Street - Map 33, Lot 29

WHEREAS, the doctor's office at 25 Hudson Street has ceased operating; and

WHEREAS, there is therefore no longer a need for handicapped parking spaces on Union Street in front of the building located at 25 Hudson Street;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT:

Chapter 291, Schedule VI of the Code of the City of Bangor is hereby amended as follows:

Schedule	Street	Parking Limitations Reference	Exact Location
...			
VI	Union	Limited to parking for the handicapped	Two spaces on the easterly side of Union St. commencing 50 feet from the northerly curb of Hudson St and running 40 feet in a northerly direction
...			

Additions are underlined, deletions ~~struck through~~.

TO: Government Operations Committee

FR: Tom Higgins, Fire Chief

DT: July 17, 2015

RE: Fire Department Training Facility

The Fire Department Training Facility was originally constructed in 1987-88. Over the years it expanded from the original building to include several other training components, including live fire burns, search mazes and below grade rescue. It also has an underground water tank used for pump training and annual pump certifications. This “hands-on” facility has been integral to the preparation of countless firefighters from Bangor and across the region. In addition the site is often used for police training evolutions. Because of the multitude of training options and central location, as well as close proximity to food and lodging, the Bangor FD Training Facility has been a preferred training site for many first responders.

In recent years several aspects of the training facility have revealed signs of age. In October 2014 the burn building was deemed unsafe for live fire training. The underground tank leaks water and is undersized for modern fire truck pumps. Other training props should be upgraded or reconfigured to meet modern practices.

To restore the facility, fire department recommends the following items:

- Develop a phased plan for improvement
- Use of existing grant funds, or approval to seek and apply for grant funds
- Authorization to approach local communities for support
- Authorization to approach local business partners for support
- The possible transfer of funds from other city reserve accounts to make improvements. An amount has not been determined and would require action / approval by the Finance Committee and City Council, if needed.

Fire department staff members welcome the opportunity to discuss the needs of the facility and the opportunities available to make it sustainable into the future. We will plan to have pictures available at the meeting.

Update Plan:

***Burn Building:**

- Remove 3 story tower
- Reconstruct roof over the old tower on the second floor level
- Replace asphalt shingles
- Replace soffit & fascia
- Replace windows (4)
- Replace exterior doors (2)
- Update sprinkler system
- Repair burn room panels
- Paint exterior of building
- Construct moveable walls for variable search drills

LPG Props:

- Replace underground supply piping
- Upgrade safety valves
- Re-grade the safety position
- Re-grade approach

Fire Extinguisher props:

- Re-grade for better access & mowing

Drafting Tank:

- Replace with 8000 gallon masonry tank
- Update configuration of the testing site

Classroom:

- Repair walls and ceiling

- Repaint walls/ceiling/floor
- Replace tables
- Replace 2 windows
- Replace 2 exterior doors
- Install heat pump
- Update audio/visual equipment

Perimeter Fencing:

- Replace 240' of 6' high chain-link fencing
- Install 24' wide sliding access gate

Bathroom Facility:

- Complete interior
- Complete decontamination shower
- Complete grading
- 2-rehab tables

Site Improvements:

- Re-grade, as needed
- Re-pave, as needed

*Burn Building improvements life cycle 3-5 years

Bangor Fire Department
Training Center
Repair Estimates
6-15

Burn Building	25,000
LPG Props	1,000
Fire Extinguisher Props	1,000
Drafting Tank	25,000
Classroom	6,000
Perimeter Fencing	9,500
Bathroom / Decon Facility	5,000
Site Improvements	10,000
TOTAL	\$82,500

INTEROFFICE MEMORANDUM

TO: BANGOR CITY COUNCIL
FROM: CATHERINE CONLOW
SUBJECT: NEIGHBORHOOD COMMITTEE
DATE: JULY 15, 2015
CC: [NAME]

On June 22, 2015 Councilor Civiello presented the City Council a concept of a “neighborhood ambassador program.” At that time staff received direction to work with Councilor Civiello to develop the details of the program. Staff has spent some time researching the issue and working with Councilor Civiello to discuss her objectives and develop a program.

During our discussion, it was agreed that the concept of strengthening and empowering neighborhoods is good and would be beneficial to the City long term. And, that overall, we are a better City when neighbors and neighborhoods are engaged. Concern had been expressed by some councilors that the initial concept in such a small city could feel like it was adding bureaucracy to solving neighborhood problems and that possible frustration in the neighborhoods might be opposite of its intent.

After working with Councilor Civiello, the revised approach reached is to suggest a series of neighborhood meetings in four neighborhoods (perhaps expanding in the future) and listening to constituent concerns. We would include a conversation with staff so that we can hear and/or address concerns. Forums such as these would allow us to hear from constituents what is impacting their neighborhood; obtain new volunteers and engage individuals who may not currently be in engaged; and help answer questions about how to work with the City to address concerns.

If this approach is acceptable to the City Council, we will arrange four meeting locations and dates around the city, which would begin in the fall.

COUNCIL ACTION

Item No. 15-246

Date: July 13, 2015

Item/Subject: **Ordinance**, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

Responsible Department: Legal

Commentary: This item will amend the Code of the City of Bangor to increase the minimum wage in Bangor by adding Chapter 179. Currently, the minimum wage in Maine is \$7.50 per hour and has not been increased by the state or federal government since 2009. Had it been adjusted for inflation over the past 50 years, that same wage today would equal \$9.15 per hour.

If approved, this ordinance will increase the minimum wage within the City of Bangor as follows: effective January 1, 2016 the minimum wage will increase to \$8.25; and effective January 1, 2017 minimum wage will increase to \$9.00 per hour; and effective January 1, 2018, the minimum wage will increase to \$9.75 per hour; and effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics.

The City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens. Based on numerous reports and studies it can be demonstrated that the establishment of a higher minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor/ According to a report by the Maine Center for Economic Policy more than 100,000 workers in Maine would benefit from an increase in the minimum wage. Employment in Bangor makes up roughly 6% of Maine's workforce or about 35,000 workers. Extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage.

Department Head

Manager's Comments:

City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:

City Solicitor

Introduced for

Passage
 First Reading
 Referral



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) Ordinance, Adding Chapter 179, Minimum Wage, to the Code of the City of Bangor

WHEREAS, the minimum wage for state or federal has not been increased since 2009; and

WHEREAS, the current minimum wage in Maine is \$7.50 per hour; and

WHEREAS, the minimum wage in Maine in 1966 was \$1.25 per hour and adjusted for inflation over nearly 5 decades, that same wage would equal \$9.15 per hour - \$1.65 more than it is currently, and

WHEREAS, a report last year by the Maine Women's Policy Center found that 85% of Maine's workers who would be impacted by raising the minimum wage are over 20 years of age; and

WHEREAS, according to a report by the Maine Center for Economic Policy, 23% of workers in the Second District – or 60,000 people and for the whole state that number is over 100,000 Maine people would benefit from a raise in the minimum wage to \$10.10 per hour as proposed by President Obama; and

WHEREAS, 62% of Maine women who would benefit from an increase in the minimum wage have no partner supplementing their income; and

WHEREAS, Bangor is home to 6% of Maine's state wide workforce or about 35,000 workers and extrapolating from the state wide analysis at least several thousand workers in Bangor would benefit from an increase in the minimum wage; and

WHEREAS, the City of Bangor has the authority to exercise power and perform functions in order to protect the health, safety, and general welfare of its citizens ; and

WHEREAS, establishment of a minimum wage within the City of Bangor will promote the health, safety and welfare of the citizens of the City of Bangor.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT,

The Code of the City of Bangor be amended as following:

Chapter 179 Minimum Wage

179 - 1 Purpose

The purpose of the within ordinance is to establish of a minimum wage within the City of Bangor to promote the health, safety and welfare of the citizens of the City of Bangor.

179 - 2 Definitions

Unless the context otherwise indicates, the following words shall have the following meanings.

a) City: City of Bangor

b) City Limits: the physical boundaries of the City

c) Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours or working conditions of more than four Employees; "Employer" shall include but not be limited to the City of Bangor.

d) Employee: Any person 18 years of age or older who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. "Employee" shall not include any person who is excluded from the definition of Employee under 26 M.R.S. §663 of Chapter 7, Employment Practices and working for an Employer for academic credit from an accredited school, college or university for the purpose of this ordinance. Tipped Employees are not included in this definition of Employee.

e) Minimum wage: The minimum hourly rate of monetary compensation that an Employer may legally pay and Employee who work within the City.

f) Tip: A sum presented by a customer as a gift or gratuity in recognition of some service performed by the Employee.

g) Tipped Employee: Any Employee 18 years of age or older engaged in an occupation in which he or she customarily and regularly receives tips from customers.

179 - 3 Minimum Wage.

(a) Minimum wage payment required: Except as provided herein, Employers shall pay all Employees no less than the minimum wage for each hour worked within the City Limits.

(b) Minimum wage rate.

(i) On January 1, 2016, the minimum wage for all Employees shall be established as \$8.25 per hour;

(ii) On January 1, 2017, the regular minimum wage for all Employees shall be raised to \$9.00 per hour;

- (iii) On January 1, 2018, the regular minimum wage for all Employees, shall be raised to \$9.75 per hour;
- (iv) Effective January 1, 2019, and every first day of each January thereafter, the minimum wage for all Employees, shall increase at the percentage set by the Consumer Price Index for All Urban Consumers (CPI-U) of the previous most up-to-date twelve (12) months as reported by the Bureau of Labor Statistics. The sum of the most recent twelve months for which there is a calculated CPI-U reported by the Bureau of Labor Statistics will be the rate by which to define the increase in the minimum wage

179 - 4 Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice to be provided by the City informing Employees of the City's current minimum wage rates, as well as a copy of this ordinance.

179 5 Enforcement.

- (a) Any Employee receiving less than the minimum wage he or she is required to receive under this ordinance may file a written complaint with the city Manager's office.
- (b) The City Manager or his or her designee may take appropriate steps to enforce this chapter; and may investigate and issue a response to the complaint within fifteen (15) work day following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
- (c) If the City Manager finds that a violation of this chapter has occurred, he or she may order any appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of \$100.00 as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of Bangor's city code.
- (d) In the alternative, any Employee may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this chapter, including, but not limited to, wages and expenses owed under this chapter.

179 - 6 Relationship To Other Requirements.

This ordinance provides for payment of minimum wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the minimum wage rates established herein.

179 7 Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

Additions underlined.