

SPECIAL MEETING AGENDA
Bath City Council
Wednesday, January 19, 2022, 6:00 PM
Council Chambers
Bath City Hall

Pledge of Allegiance and Roll Call

- I. Order – Approving the transfer of school properties to Regional School Unit NO. 1:
Lower Kennebec Region School Unit
- II. Emergency Ordinance – Chapter 10, Article 8, Face Covering Mandate

ADJOURN TO WORKSHOP

WORKSHOP MEETING AGENDA

- I. Councilor Chromebook Training

Attest: Darci L. Wheeler, City Clerk



CITY of BATH, MAINE

Office of the City Manager

Marc Meyers

55 Front Street

Bath, Maine 04530

Memorandum

To: Chair Park, Vice Chair DeChant and Members of the City Council
CC: Juli Millett, Assistant City Manager/Finance Director
Date: January 14, 2022
From: Marc Meyers, City Manager
RE: Transfer of schools

In working with Lower Kennebec Area School Region (RSU 1) to prepare for the transfer of former Morse High School, located at 826 High St., it was identified that former Morse and the other RSU 1 schools located in Bath were never formally transferred to the RSU, as required by state statute. Those other schools include Bath Middle School, Dike Newell School and Fisher Mitchell School.

RSU 1, now including the City and towns of Arrowsic, Phippsburg and Woolwich, has been in operation since July 1, 2008. The legislation that established the district (LD 910) and corresponding state statute (M.R.S. Title 20-A, Chap. 103-A) required that the municipality transfer land, buildings and contents of buildings from the City to the district.

This overdue transfer of these properties is a step forward in the redevelopment of the former Morse High School. The RSU will retain BMS, Dike Newell and Fisher Mitchell and will return the former Morse location in the near future.

The City Council will be voting to approve an Order to Authorize the City Manager to transfer the deed of each property to RSU 1, as required by state statute.

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**ORDER APPROVING THE TRANSFER OF SCHOOL PROPERTIES TO
REGIONAL SCHOOL UNIT NO. 1: LOWER KENNEBEC REGION SCHOOL UNIT**

WHEREAS, the City of Bath has been, and remains, a member of Regional School Unit No. 1: Lower Kennebec Region School Unit; and

WHEREAS, the Legislation creating Regional School Unit No. 1: Lower Kennebec Region School Unit required that its member municipalities transfer to Regional School Unit No. 1: Lower Kennebec Region School Unit all school properties within each of the participating member's jurisdiction.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the transfer of the school properties within the City of Bath and administered by Regional School Unit No. 1: Lower Kennebec Region School Unit, namely Fisher-Mitchell School, Dike-Newell School, Bath Middle School, and former Morse High School, be and hereby is approved. The City Manager is authorized to execute Deeds and such other documents as may be required to affect the transfers. The transfer documents shall be in a form acceptable to the City Manager.

CITY OF BATH EMERGENCY ORDINANCE**CHAPTER 10. PUBLIC SAFETY****ARTICLE 8. Face Covering Mandate****EMERGENCY DECLARATION**

The City Council of the City of Bath, pursuant to Section 222 of the City Charter, has the authority to enact Emergency Ordinances in circumstances where it is necessary to meet a public emergency affecting the public peace or the life, health, property or safety of the City or its inhabitants. The current circumstances involving COVID-19 make it self-evident that the COVID-19 Pandemic continues to be a pervasive and ongoing threat to the health of citizens causing a number of public entities to enact and enforce public face covering mandates in order to minimize the risk of infection to the general public, in order to minimize the impact on health services, and to protect the lives and welfare of the public. Several mask mandates have been enacted by Federal and State Agencies to protect their employees and the public utilizing their facilities and at least two other municipalities have enacted general mandates covering public spaces within their communities.

The enactment of an Emergency Ordinance requires the affirmative vote of not less than six (6) Councilors. After enactment, the Ordinance shall be published and printed in a paper having general circulation in the City and posted in at least two (2) public places. It shall become effective upon enactment but shall automatically be repealed as of the sixtieth (60th) day following the date of which it was enacted unless enacted during the 60-day period as a regular Ordinance according to Section 221 of the Charter. An Emergency Ordinance may be repealed by enactment in the same manner as specified for the enactment of Emergency Ordinances.

FACE COVERING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, IN ACCORDANCE WITH SECTION 222 OF THE CHARTER OF THE CITY OF BATH, THAT THE FOLLOWING FACE COVERING MANDATE BE AND HEREBY IS ENACTED BY THE CITY COUNCIL:

CHAPTER 10. PUBLIC SAFETY**ARTICLE 8. Face Covering Mandate**

Section 10-801. Definitions.

For the purpose of this Ordinance, the following terms shall have the following meaning:

Face covering means any cloth or tightly woven fabric that can be worn on an individual's face over their nose and mouth and substantially complies with the United States Center for Disease Control's recommended guidance for masks, such as surgical masks, N95 respirators, double-layer cloth gaiters, or any similar mask that fits snugly around the nose and chin, has multiple layers and/or inner filter pockets, and does not let light through when held up to a light source.

Person means any individual regardless of their status within a Public Building including but not limited to an employee, an owner, a customer, a licensee, an invitee, a visitor, or any other individual.

Public Building means any building or portion of a building within the City of Bath that is regularly accessible to the general public. For purposes of this ordinance, a Public Building shall not include a private residence or residential unit, a public pre-school or K through 12 school (which remains under the authority of the RSU #1), a church or other house of worship, office space where the occupant(s) can be physically separated from the general public, or the portions of a theater, gym, or athletic arena where all of the individuals performing, exercising, or playing have been vaccinated and where there is either space, a physical barrier, or ventilation system that separates them from the general public or audience.

Vaccinated shall have the same meaning as the term "fully vaccinated," as defined by the Federal Centers for Disease Control and Prevention.

Section 10-802. Face Covering Mandate.

(a) Starting January ____, 2022, any Person shall wear Face Coverings over their nose and mouth any time they are in a Public Building, within the City of Bath, unless otherwise excepted in Section 10.803.

(b) Persons must also wear Face Coverings over their nose and mouth any time they are using or operating public transportation conveyances, including buses, trains, taxis, ride shares, vehicles for hire, or any other ride services within the City of Bath.

(c) Persons inside a Public Building or portion thereof may temporarily remove their Face Coverings to participate in the primary purpose of the business, such as eating or drinking, only to the extent that such removal occurs at an isolated location, such as a table or booth, and that any Person who removes such Face Coverings must restore their Face Coverings as soon as their activity is completed or to the extent that they traverse or move about the premises away from their isolated location.

(d) Nothing in this ordinance shall be interpreted to relieve a Person or business of any state or federal face covering obligations, and this ordinance shall be subordinate to any federal or state laws concerning vaccines or Face Coverings.

Section 10-803. Exceptions.

(a) Any Person under the age of 2, anyone with a medical condition that is complicated or irritated by a facial covering, anyone with difficulty breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance is not required to wear a Face Covering.

(b) Any Person who is alone in a Public Building is not required to wear a Face Covering so long as they remain alone.

(c) Any Person entering a business, or a portion of a business, located within a Public Building, including but not limited to retail, food and beverage, gym, theater, or similar high-traffic business, which actively screens and limits who may enter its premises to only Persons with established proof of vaccination for the COVID-19 Virus, will not be obligated to wear a Face Covering within the business, but only to the extent that the Person is actually screened and provides proof of vaccination.

Section 10-804. Posting Requirement.

Each Public Building and each separate business or separate premise within a Public Building must post signage at the entrance and at other appropriate locations stating that Persons entering are required to wear face coverings by order of the Bath City Council. Other locations can be alternative entrances (back doors, etc.) or at transaction locations such as registers. Signage requirements outlined in this section will have an effective date of January ____, 2022.

Section 10-805. Effective Period.

(a) Repeal. This Ordinance, enacted as an emergency and pursuant to the City Charter, shall be effective for sixty (60) days and repealed sixty (60) days after the date of its enactment unless otherwise readopted in accordance with the requirements of regular Ordinances under Section 221 of the Charter.

(b) Suspension. Enforcement of this ordinance may be suspended by an Emergency Order promulgated by the City Manager prior to its expiration upon the determination by the City Manager that the seven-day average of new cases for Sagadahoc County has dropped to the CDC's "moderate" transmission level for a period of ten consecutive days. Subsequently, prior to the expiration of the ordinance, enforcement may be reinstated by an Emergency Order promulgated by the City Manager upon a determination by the City Manager that the seven-day average for Sagadahoc County has returned to "substantial" or "high" levels of transmission for ten consecutive days. Public notice of these Emergency Orders shall be circulated publicly and on the City's website.

Section 10-806. Remote Meetings/Public Participation.

While this ordinance is in effect, members of any public body as defined in the City Council's policy entitled "Remote Participation in Public Proceedings" may participate remotely in all

public proceedings in accordance with the provisions of that policy.

Section 10-807. Enforcement.

(a) A violation of this ordinance shall be a civil violation subject to a fine of up to \$500. A Person found violating this ordinance will also be directed to comply with the Face Covering mandate or will be obligated to leave the building or area where the offense occurred. Those refusing to comply with the requirements of this Ordinance will be subject to enforcement activities as may be appropriate to secure compliance.

(b) The City's Health Officer or his or her designee is authorized to institute or cause to be instituted by and through the City Solicitor, in the name of the City of Bath, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance. The City of Bath Police Department is also authorized to enforce this ordinance.



CITY of BATH, MAINE

CITY OF BATH TECHNOLOGY USE POLICY

NOTE: The City of Bath's information and technology (I.T.) related communication equipment and resources may include, but are not limited to computer workstations, laptops, mobile devices, voice mail, networks, printers, copiers, telephones, modems, email, Internet and Intranet.

PURPOSE: The purpose of this policy is to set the minimum rules to be followed while using any or all of the City of Bath's I.T. equipment and resources.

BACKGROUND: The City of Bath, hereinafter referred to as the "City", provides its employees access to I.T. equipment and resources. Computers and the infrastructure that interconnects them are integral to the conduct of government functions. These resources are required to be used in an appropriate manner. This policy is intended to inform and advise City employees as to the appropriate use of these resources.

PRIVACY: Because all information and systems are the property of the City, personnel should not expect that messages are private. Information on the system has been classified as a public record and may be subject to disclosure under the City Right to Know Law. Privacy is not guaranteed and should not be expected. E-mail received or created (incoming or outgoing) in the course of business is an official public record. Depending on the topic it may or may not be a *confidential* record under the Freedom of Access Act (FOAA).

MAINE FREEDOM OF ACCESS ACT: The City of Maine "Freedom of Access Act" (1 M.R.S.A., §401-410) clearly provides that any and all written, printed or graphic matter or any mechanical or electronic data compilation (files, notes, records, copies, etc.), regardless of the media used to store or transmit them (paper, film, microfiche, recordable media, electronic media, etc.) in public offices received or prepared for use in connection with the transaction of public governmental business is public property. As such, the public may have access to those materials for examination. The law places some very narrow restrictions on the public access, such as personnel files, certain investigation files, etc. but most materials are subject to public viewing. Employees are advised that there should be no expectation of privacy when using any City owned I.T. or related communications equipment or resources.

MONITORING: The City's computer infrastructure is provided for the purpose of conducting City related business and for City purposes. The City has a proprietary interest in its computer infrastructure and all information on its computer and as noted, the employees have no right or expectation of privacy with regard to use of the City's system. In using the City's computers, all employees consent to the monitoring of all communications and information transmitted, received or stored on the City's computers. The City Manager and his/her designee have the specific right to monitor all computer activities by employees of the City of Bath. In addition, employees should be aware that deleted files may be retrieved and read by the Department Heads or other Supervisory Personnel. The City reserves the right to retrieve, monitor

or review any messages in the City's network and may disclose such messages for any purpose without permission of the employee.

USE: The City's I.T. equipment is the property solely of the City of Bath and intended for the transaction of City business. City-owned I.T. equipment and resources are made available to employees to conduct official City of Bath business. Use of I.T. resources, such as e-mail, Internet, social networking media interfaces such as YouTube, Facebook and blogs, etc., are intended to be used for City business purposes. The City's employees are provided with a cityofbath.com email account through which to conduct city business. All city employees using city-owned I.T. equipment and resources are expected to comply with the following work rules:

1. Unless required to do so in the performance of official duties (e.g., law enforcement), City employees shall not use City-owned, City-leased, or City-controlled I.T. equipment or other resources to create, record, store, copy, transmit, distribute, image, modify, print, download, or display inappropriate or unprofessional materials that demean, denigrate, or harass individuals or groups of individuals, on the basis of race, ethnic heritage, religious beliefs, disability, sexual orientation or gender regardless of whether the material was intended to demean, denigrate or harass any employee or group of employees. This prohibition applies to the use of City-owned equipment regardless of whether the employee is on-duty or off-duty. Intentional and substantial violations of this work rule are unacceptable and will not be tolerated. Intentional and substantial violations of this rule shall constitute just cause for termination.

2. Unless required to do so in the performance of official duties (e.g., law enforcement), City employees shall not use City-owned, City-leased, or City-controlled I.T. equipment or other resources to create, record, store, copy, transmit, distribute, image, modify, print, download, or display materials that are sexually explicit or pornographic in nature. This prohibition applies to the use of City-owned, City-leased, or City-controlled equipment regardless of whether the employee is on-duty or off-duty. Intentional violations of this work rule – regardless of whether they are of an incidental nature – are unacceptable and will not be tolerated. Any intentional violation of this rule SHALL constitute just cause for termination.

3. City employees shall not conduct City business through personal email accounts (e.g., Yahoo, Hotmail, and G-mail)

4. City employees shall not use City's technology resources to forward or otherwise broadcast mass communications that are not work-related, or solicitations for causes unrelated to the City's business, no matter how worthy the cause may be perceived to be. If in doubt as to whether your proposed e-mail meets these guidelines, contact your Human Resources office. Solicitations or mass communications for causes believed to be related to City business should be brief, not endorse any product or provider, and should refer readers to a webpage for further information. The City Manager or his/her designee must approve such solicitations or mass mailings.

5. City employees shall not use City-owned, leased, or controlled I.T. resources to conduct outside business nor shall they use these resources in conjunction with any outside employment activity.

6. State law makes it a crime to use a computer system operated by a City department or agency to advocate for or against a candidate for federal office, a constitutional office, an elective municipal, county or City office, including leadership positions in the Senate and House of Representatives, as well as to solicit contributions required by law to be reported to the Commission on Governmental Ethics and Election Practice.

7. With the specific exception of accessing pornography as described in Paragraph 2 above, any personal use of City-owned I.T. equipment and resources must be incidental in nature. Examples of incidental use may include but are not limited to, brief e-mails, accessing an appropriate subject on the Internet, phone calls of an urgent nature, using computer capabilities for incidental correspondence, etc. The use of City-owned resources represents a cost to the City and, as such, printing and copying for personal use is restricted to incidental use only.

INTERNET ACCESS. The City believes that the use of Internet resources facilitates communication, innovation, resources sharing, and access to information. Due to the complex nature of accessible networks and the magnitude of potential information available to employees using the Internet, it is mandatory that the use of the Internet by City employees be in an appropriate manner. It is to be remembered that access to and use of the Internet is a privilege and not a right.

Internet access provides the City with significant access and the opportunity to disseminate information to individuals outside the City. Since access to Internet messages are capable of being forwarded without the express permission of the original author, users must exercise caution in the transmission and dissemination of messages outside of the City and all such messages must comply with this Policy, other applicable City Policies and Ordinances, and all State and Federal Laws.

The City may also set up on-line forms on the Internet that will be used in place of paper communications. In each instance of use of these forms, a confirmation must be either sent via e-mail or regular written communication. These on-line forms will be handled in the same way and with the same amount of accountability as their written counterparts. It is the Department Head's responsibility to ensure that the electronic forms are processed appropriately.

ELECTRONIC MAIL (E-MAIL): Electronic mail, Internet mail, internal electronic mail and telecommunication access are resources available to City employees to communicate with each other, other government entities, companies and individuals for the benefit of the City. The City of Bath's electronic mail system, "e-mail", is designated to facilitate City business communications among employees and other business associates. Since no computer system is completely secure, and there is no expectation or right of privacy regarding use of the system or the information on the system, e-mail should not transmit sensitive material such as personnel

decisions or any other similar information where unauthorized access may be an issue.. Such information should be more appropriately communicated by written memorandum or personal contact.

E-mail messages reflect the City's image. The e-mail messages should be composed in a professional manner that is similar to messages sent on City stationary. Employees should keep in mind that electronic files may be subject to public disclosure under the Right to Know Law or may be otherwise accessible to the general public. It is expected that employees' statements and electronic messages in files will reflect favorably on the City and its employees.

Access to Public E-Mail Forms. Departments may, with the approval of the City Manager, set up "public" forms for residents and the public to send inquiries, comments, complaints or suggestions. The information on these forms will be forwarded to a designated individual or to the head of the Department concerned with the subject matter of the e-mail for processing. Due to the nature of e-mail, no response to an inquiry is guaranteed.

Confidential Passwords. Individuals may be assigned confidential passwords. Users should be aware that such an assignment does not imply that the system is for personal confidential communication. The use of the e-mail system remains for the conduct of City business. Passwords should be periodically changed to ensure the security of the e-mail system. Users should not share their passwords with anyone else.

Retention of E-Mail. E-mail messages are similar to printed communication and should be written with the same care. Employees should be aware that when they have deleted messages from their workstation mailbox, it might not have been deleted from the central e-mail system. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system for an indefinite period of time. (Please note that e-mail has been classified as a "public" document, i.e. available to the media, in at least one state. Keep that in mind when you create e-mail.)

Employees should delete e-mail messages as soon as possible after reading. An accumulation of files will degrade network performance and response times.

PROHIBITIONS. Each employee is responsible for his/her actions and activities involving use of the City's computer infrastructure. This document does not attempt, nor can it, state all of the required or prescribed behaviors that might arise in use of the City's system. The following prohibitions are specific examples of types of uses that are prohibited but are intended only as an illustrative list. Examples of this prohibited conduct include, but are not limited to the following:

1. The installation or use of unauthorized software or the introduction of any virus into the City's network.
2. Intentionally damaging the system or data, intentionally deleting data created by other users or causing harm to the system through the introduction of programs designed to harm data or degrade system performance.

3. Vandalism to the system which shall include any malicious attempt to harm or destroy any equipment, materials or data. This includes, but is not limited to, the uploading or creation of computer viruses.
4. Making illegal copies of City provided software.
5. Accessing, transmitting, or posting any material or communication that may be interpreted as:
 - A. Damaging to another's reputation.
 - B. Construed by others as disruptive, offensive, abusive or threatening.
 - C. Obscene or containing any sexually explicit images or messages.
 - D. Containing ethnic slurs, rational epithets or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability, or religious beliefs.
 - E. Contrary to the City's Policy on Harassment.
6. Any illegal use including violations of any Federal or State Laws regarding computer use; unauthorized use of copyrighted material or contract related material without the owners' permission, except when the copying is a "fair use" under the copyright laws.
7. Solicitation or use for commercial ventures, religious or political causes, outside organizations, or other not job-related solicitations, unauthorized use for private, financial or commercial gain or for private or commercial advertising.
8. Use that wastes resources.
9. Gaining unauthorized access to computer resources, information, or entities.
10. Unauthorized use of another's account or password.
11. Posting material created by others without their consent.
12. Posting anonymous messages.
13. Intentional and unauthorized interception, eavesdropping, recording, reading, deleting, copying, altering, forging the electronic mail of others and deliberately interfering with the ability of others users to send/receive electronic mail; sending or forwarding frivolous e-mail containing attachments, images, and/or executable files.
14. Any other uses that may compromise the integrity of the City and its business in any way.

ACTIONS: The City Manager shall determine in all instances whether or not there has been violation of this Policy or of any other applicable City Rule, Regulation or Ordinance or any Federal or State Law or Regulation. Upon such determination, the Manager shall have available to him all of the following remedies:

1. **Reimbursement.** To require all City employees to reimburse the City for any losses, costs, telephone charges, or damages incurred by the City relating to or arising out of that employee's violation.
2. **Revocation of Privilege.** To revoke, limit or otherwise circumscribe the employee's use of and access to the City's computer infrastructure.

3. Discipline. To impose discipline in accordance with the City of Bath Personnel Policies and/or other applicable Rules, Regulations or Laws, up to and including dismissal.
4. Prosecution. Where the nature of the violation warrants, to refer the violation to the appropriate authorities for criminal prosecution.

EMPLOYEE TERMINATION, LEAVE OF ABSENCE, VACATION, ETC: Employees who leave employment with the City have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. Supervisors or Department Heads may access an employee's e-mail if employees are on leave of absence, vacation, or are transferred from one Department to another Department and it is necessary for the City's business purpose.

REPORT OF VIOLATIONS. Each employee who observes a violation of this Policy or circumstances where the use of the City's computer resources is detrimental to the City or inhibits the City's ability to do its business, shall notify his/her immediate Supervisor, the City Manager, or the System's Administrator.

EMPLOYEE AGREEMENT AND VERIFICATION. An employee's use of the City's computer system constitutes that employee's agreement to abide by the City's Policy governing use of the system as set forth herein or as may be from time to time modified. All employees authorized to use or access the City's computer system shall be required to read and signify acceptance of their obligations under this Policy by signing an Agreement that acknowledges receipt, review and understanding of the Policy and an intention to follow and abide by the Policy.

AMENDMENTS. The City may amend this Policy from time to time as it deems to be in its best interests. Amendments shall be circulated to affected employees and shall be acknowledged and verified in the manner described above.