

CHARTER
OF THE
CITY OF ELLSWORTH, MAINE

A True Copy

ATTEST: _____

Heidi-Noel Grindle

Amended 03/02/1987
Amended 11/07/1995
Amended 11/04/1997
Amended 06/10/2008

CHARTER OF THE CITY OF ELLSWORTH
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**CITY CHARTER
CHARTER OF THE CITY OF ELLSWORTH**

ARTICLE I

Grant of Powers to the City

Corporate existence retained. The inhabitants of the City of Ellsworth shall continue to be a municipal corporation under the name of the City of Ellsworth, and shall have, exercise and enjoy all the rights immunities, powers privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon the inhabitants of officers thereof, and may enact by-laws, ordinances and regulations for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof to be recovered for such uses as said bylaws, ordinances or regulations shall provide.

ARTICLE II

City Council

Sec. 2.01 Powers and Duties of City Council. The administration of all the fiscal, prudential and municipal affairs of said city, except as otherwise provided by this Charter, shall be and hereby is invested in one body of 7 members, which body shall constitute, and be called the City Council, all of whom shall be and remain during their term of office inhabitants of said city, and shall be sworn in the manner hereinafter prescribed. Said City Council shall exercise its powers in the manner hereinafter provided.

The members of the City Council shall be and constitute the municipal officers of the City of Ellsworth for all purposes required or permitted 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.

All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this Charter shall be vested in said City Council.

Sec. 2.02 Composition, Eligibility, Election and Terms

- (a) Composition. There shall be a City Council of seven (7) members elected by the qualified voters of the City in accordance with Article IV.
- (b) Eligibility. Only persons who are qualified to vote in elections in the City of Ellsworth shall be eligible to hold the office of Council Member.
- (c) Election and Terms. Each member shall be elected for a term of three (3) years provided however, that at the first election after the adoption of this Charter, four (4) Council members shall be elected and together with the three (3) incumbent Council members presently serving pursuant to the current charter of the City of Ellsworth, shall be sworn as Council members and continue to serve as Council members for the remainder of their terms or until their successors are elected and qualified and shall have all the powers, duties and responsibilities of Council members as set forth by this Charter.

Incumbent Council Members serving at the time the municipal election date is amended to the Tuesday following the first Monday of November shall continue to serve as follows:

Terms expiring in March of 1996 shall expire in November of 1996
Terms expiring in March of 1997 shall expire in November of 1997
Terms expiring in March of 1998 shall expire in November of 1998

Each Council Member shall receive two-thirds of one year's compensation for the eight month period of extension (Amended 11/07/95).

Sec. 2.03 Chairperson of Council; Election, Duties and Powers. At the first meeting annually or as soon thereafter as possible, the City Council shall elect by majority vote of the entire Council, one of its members as Chairperson of the Council for the ensuing year, and the City Council may fill, for the unexpected term, any vacancy in

the office of Chairperson that may occur. The Chairperson shall preside at all meetings of the City Council and shall perform such other duties consistent with this office as the Council may provide. He or she shall perform such other duties consistent with this office as the Council may provide. He or she shall be entitled to vote and his or her vote shall be counted upon all matters and things as a vote of other members of the Council. The Chairperson shall be recognized as the official head of the City for ceremonial purposes and shall have the powers and authority given to and perform the duties required by mayors of cities for all purposes of military law, and shall act in lieu of the mayor insofar as presentation is provided for the City by the mayor upon any board or commission or otherwise by any statute. In the temporary absence or disability of the Chairperson, the City Council may select a Chairperson Pro Tempore from among its number and he or she shall exercise the powers of the Chairperson.

If the Chairperson shall fail from sickness, disability, continued absence from the City or other cause to attend to and perform the duties incumbent upon him or her as such Chairperson, the remaining members of the City Council may, by majority vote, after notice and hearing, terminate the term of office of said Chairperson and remove him or her therefrom and thereupon by majority vote of the entire Council may elect some other member of said City Council Chairperson, and such newly elected member shall thereupon and thereafter hold the office and perform the duties of the Chairperson for the balance of that year.

Sec. 2.04 Vacancies, Filling of Vacancies.

- (a) Vacancies. The office of Council Member shall become vacant upon his or her non-acceptance, resignation, abandonment, death, failure to qualify for office within 10 days after written demand by the Council or failure of the City to elect a person to the office.
- (b) **Filling of Vacancies.** A vacancy in the Council occurring more than 180 days prior to the next regular election shall be filled by a Special Election for the remainder of the unexpired term of the Council Member whose office is vacant. A vacancy occurring less than 180 days prior to the next regular election for the remainder of the unexpired term of the Council Member whose office is vacant.

Sec. 2.05 Meetings. The City Council shall meet at the usual place for holding meetings at 10 o'clock a.m. on the Monday next following the regular city election, at which time the Council Members-elect shall be sworn to the faithful discharge of their duties by the City Clerk, or by any person qualified to administer oaths under the laws of Maine. At its first meeting or as soon thereafter as may be, the city Council shall establish by ordinance or resolve a time and place for holding its regular meetings, which shall be a least once per month (Amended 11/07/95)

Sec. 2.06 Special Meetings; Quorum. Special meetings may be called by the Chairperson or by a majority of the members of the City Council. Notice of such meeting shall be served in person upon, or left at the usual dwelling place of each member of the Council and of the City Manager. A majority of the members of the City Council shall be and constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, or compel attendance of absent members.

Sec. 2.07 Records, Rules, Procedure. The City Council shall keep a record of its proceedings and shall be the judge of the qualifications and election of its own members. The Council may determine its own rules and procedure, make lawful regulations for enforcing same, and punish members for misconduct. The meetings of the Council shall be open to the public. The City Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves, except general appropriation resolves, shall be confined to one subject. The appropriation order or resolve shall be confined to the subject of appropriations only. The City Council may provide, by ordinance, order or resolve, for all other rules and orders of a parliamentary character. The Council shall adopt a Code of Ethics governing its behavior.

Sec. 2.08 Ordinances, Orders, or Resolves Submitted to Popular Vote. The City Council may submit, on its own initiative, a proposition for the enactment, repeal, or amendment of any ordinance, order or resolve (except as herein otherwise provided) to be voted upon at any municipal or statewide election, and should such proposition receive a majority of the votes cast thereon at said election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.

Sec. 2.09 Prohibitions.

- (a) Holding other office. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act or other similar statutory provision, no Council member shall hold any other city *office* or employment during the term for which for he or she was elected to the Council, and no former Council Member shall hold any compensated appointive city office or employment until one year after the expiration of the term for which he or she was elected to the Council.
- (b) Appointments and Removals. Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any administrative officers or employees whom the Manager or any of his or her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (c) Interference with Administration. Except for the purposes of inquiries and investigations under Sec. 2.10, the Council or its members shall deal with city officers who are subject to the direction and supervision of the Manager solely through the manager and neither the Council nor its members shall give orders to any such officer or employee either publicly or privately.

Sec. 2.10 Investigations. The Council may make investigations into the affairs of the City and the conduct of any city department, office or agency and for this purpose may enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

Sec. 2.11 Compensation. Members of the City Council shall receive compensation to be set by resolve of the City Council not to exceed \$1200 for the Chairman and \$1000 for all other members per year. (Amended 3/2/87)

ARTICLE III The City Manager

Sec. 3.01 Appointment, Qualifications, Compensation. The City Council shall appoint a City Manager upon such terms and conditions as it deems best and may enter into a contract with the City Manager for a term not to exceed three years or may appoint the City Manager to serve at its will and pleasure. The Council shall fix his or her compensation from time to time. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she need not be a resident of the City or State at the time of his or her appointment but may reside outside the City while in office only with the approval of the Council. Except to the extent a contractual arrangement shall be deemed to provide otherwise, neither the provisions of this Article nor any other provisions of this Charter shall be deemed to accord to the appointment of the City Manager, a “just cause” status with respect to tenure in office or grounds for removal, as that term is or may be hereafter defined by statute or law of the State of Maine.

Sec. 3.02 Removal. The Council may remove the Manager from office in accordance with the following procedures which shall be used to remove the Manager from office in the event of a breach of contract of employment, failure to renew a contract with the Manager or if his or her tenure in office is subject to the will and pleasure of the Council.

- (1) The Council shall adopt by affirmative vote of a majority of all its members, a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.
- (2) Within 10 days after receiving a copy of the resolution, the Manager may file with the Council, a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 15 or later than 30 days after the request is filed. The Manager may file with the Council a written reply not later than 5 days before the hearing.
- (3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after 10 days from the date when a copy of the preliminary resolution was received by the Manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.

- (4) The Manager shall continue to receive his or her salary until the effective date of final resolution of removal.
- (5) Failure by the Council to fix a rate of compensation agreeable to the Manager shall not be deemed per se to be an act of removal.

Sec. 3.03 Annual Review. The Council shall annually review with the Manager his or her performance as such and said review shall be conducted so as to remove, alleviate or prevent problems in the relationship of the Manager to the Council in the exercise of their respective powers and duties.

Sec. 3.04 Acting City Manager. In the event of a temporary absence or the disability of the Manager under such circumstances as not to amount to removal of office, the City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the administration of all City affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties:

Sec. 3.05 Powers and Duties of the City Manager. The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the administration of all City affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties:

- (1) To appoint and, when he or she deems it necessary for the good of the service, suspend or remove all City employees and appointive administrative officers, provided by law, by this Charter or by personnel rules adopted pursuant to this Charter. He or she may authorize these powers with respect to subordinates in that officer's department, office or agency. The appointment and removal of the Chiefs of the Fire Department and police Department and all other administrative officers shall be subject to confirmation by the City Council.
- (2) To direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by the Charter or by law.
- (3) To attend all Council meetings and shall have the right to take part in discussion but may not vote.
- (4) To see that all laws, provisions of the Charter and acts of the Council, subject to enforcement by him or her by officers subject to his or her direction and supervision are faithfully executed.
- (5) To prepare and submit the annual budget, the annual capital program and financial and administrative reports to the Council.
- (6) To prepare and submit to the Council such reports and shall perform such duties as the Council may require and shall make such recommendations to the Council concerning the affairs of the City as he or she deems desirable.

ARTICLE IV NOMINATIONS AND ELECTIONS

Sec. 4.01 Conduct of Elections. The regular city election shall be held on the Tuesday following the first Monday of November in each year. Except as otherwise provided by this Charter, the provisions of Title 21 and Title 30 A of the Maine Revised Statutes shall apply to elections held under this Charter. All elections called for under this Charter shall be conducted by the election officials established under Title 21. For the conduct of elections, for the prevention of fraud in such elections and for the recount of ballots in the case of fraud or doubt, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this Charter. Qualified voter shall mean any person qualified and registered to vote under law. All votes cast for the several offices shall be sorted, counted, declared and registered as provided by statute. A certified copy of the record of such election shall be delivered to the City Clerk. The Council shall, as soon as it conveniently can, examine the copies of the records certified as aforesaid and shall cause the persons who shall have been elected to any office or if the person elected shall refuse to accept the office, another election shall be held forthwith. At any election the person receiving the highest number of votes for an office shall be deemed and declared elected to such office. (Amended 11/07/95)

Sec. 4.02 Nominations for Elective Officers to be Made by Petition. The nomination of all candidates for elective offices provided for by this Charter shall be by petition. The petition of a candidate for election shall be signed by not less than 50 nor more than 100 qualified voters of the City.

The number of said petitions for candidates for any office that may be signed by any voter shall not exceed the number of candidates to be elected to said office, and in no case may a voter sign more than one petition for any one candidate.

Sec. 4.03 Form of Nomination Paper. The signatures to nomination papers need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street or their description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the City Clerk of the City of Ellsworth:

We, the undersigned voters of the City of Ellsworth, hereby nominate _____ whose residence is _____ for the office of _____ to be voted for at the election to be held in the City of Ellsworth on the _____ day of _____, 20__ ; and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name _____
Street and number _____ being duly sworn, deposes and says that he (she) is the circulator of the foregoing nomination petition containing _____ signatures, and that the signatures appended thereto were made in his (her) presence and are the signatures of the persons whose names they purport to be.

Signed _____
Subscribed and sworn to, before me, this _____ day of _____ 20__ .

Justice of the Peace-Notary Public

If this petition is deemed insufficient by the City Clerk he (she) shall forthwith notify by mail

_____ at _____ Street

Sec.4.04 Filing nomination papers; Acceptance of Nomination Must Be Filed.

Nomination papers shall be made available by the City Clerk to prospective candidates during the 40 days prior to the final date of filing, and before issuance, the City Clerk may complete each sheet by filling in the name of the candidate, title and term of office which is being sought.

- a) Each voter who signs a nomination paper shall add his or her place of residence with the street and number, if any.
- b) Nomination papers shall specify the name of the candidate and the office for which he or she is nominated. Nomination papers shall be filed with the Clerk during business hours on or before the 45th day next prior to the day of election. With such nomination papers there shall be filed the consent in writing of the person proposed therein as candidate, agreeing to accept the nomination, not to withdraw, and if elected at the municipal to qualify as such municipal official. When filed, they shall be made available by the Clerk to public inspection under proper regulations. The Clerk shall keep them in his or her office for six (6) months.

Sec. 4.05 List of Candidates to be Published. The City Clerk shall notify the list of candidates and shall cause to be published at least 10 days prior to the date of the election in a newspaper published in said Ellsworth, the names, residence, and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

Sec. 4.06 Ballots, etc. To Be Prepared By The City Clerk. Specimen ballots and official ballots for use in all city elections shall be prepared by the City Clerk and furnished by the City.

Sec. 4.07 Contents and Form of Ballot. The names of candidates nominated as provided in the preceding section shall be arranged on the ballot in alphabetical order according to surname.

The ballot shall be without party mark or designation. The full name and residence of each candidate shall be given. At the right of each name shall be an arrow which the voter shall complete to designate his or her choice. Blank spaces shall be left at the end of the list of candidates for each office, in which the voter may insert the name of any person not printed on the ballot for which he or she desires to vote.

The ballot shall be printed substantially as follows:

Instruction to Voters

- A. To vote, complete the arrow(s) < -- < pointing to your choice(s) like this: < - - <
- B. Follow directions as to the number of candidates to be marked for each office.
- C. To vote for a person whose name is not printed on the ballot, write the candidate's name on the line provided and complete the arrow.
- D. If you wrongly mark, tear or deface the ballot, return it to the warden and obtain another.

FOR CITY COUNCIL,
Three Years

Vote for ()

Name of Candidate-----Residence-----<--<
 Name of Candidate-----Residence-----<--<
 Name of Candidate-----Residence-----<--<

(Top of Ballot)

OFFICIAL BALLOT
 CITY OF ELLSWORTH, MAINE
 MUNICIPAL ELECTION
 (DATE)

(Facsimile of Signature)
 City Clerk

Sec. 4.08 Specimen Ballot. The City Clerk shall cause specimen ballots to be posted in public places, including each polling place, or advertised in the newspaper not later than ten (10) days prior to the city election, or both. Such specimen ballots shall be printed on colored paper marked "specimen Ballot" and shall contain the names of the certified candidates with the residence of each, instruction to voters, and such measures as may be submitted to the voters. Such ballots shall be without party mark or designation.

Sec. 4.09 State Election Laws. The provisions of the laws of the State of Maine relating to qualifications of electors, registration, the manner of voting, the counting of votes, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections except as otherwise provided in this Charter.

ARTICLE V

ADMINISTRATIVE ORGANIZATION

Part 1. General Administration.

Sec. 5.01 General Provisions.

- (a.) Creation of Departments. The Council may establish city departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency, may be discontinued or, unless this Charter specifically so provides, assigned to any other.
- (b.) Direction By Manager. All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the council, the manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

Part 2. Personnel Administration.

Sec.5.02 Merit Principal. All appointments and promotions of city officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

Sec. 5.03 Personnel Rules. The manager shall prepare personnel rules which shall be proposed to the council, and the council may adopt them with or without amendment. These rules shall provide for:

- (1) The classification of all city positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (2) A pay plan for all city positions except as otherwise provided by this Charter;
- (3) Methods for determining the merit and fitness of candidates for appointment or promotion;
- (4) The policies and procedures regulating reduction in force;
- (5) The policies governing disciplinary measures such as suspensions, demotion or discharge, with provisions for presentation of charges, hearing rights and appeals;
- (6) The hours of work, attendance regulations and provisions for such and vacation leaves except as otherwise provided by this Charter.
- (7) The policies and procedures governing relationships with employee organizations, not inconsistent with the law;
- (8) The policies and procedures governing persons holding provisional appointments;
- (9) Policies regarding in-service training programs;
- (10) Grievance procedures;
- (11) Other practices and procedures necessary to the administration of the city personnel system.

Part 3. Assessment Administration.

Sec. 5.04 Assessor. There shall be a single assessor appointed by the Council, who shall perform all duties and responsibilities provided for assessors under the general law. The salary, hours and working conditions of the assessor shall be determined by the council. The assessor may be removed by the council for cause after notice and hearing. Cause shall not include any disagreement with respect to assessing practice employed by the assessor where such practice is generally accepted and lawful.

Sec. 5.05 Board of Assessment Review. The council shall establish by ordinance, a Board of Assessment Review.

Part 4. Legal.

There shall be a legal officer of the city, appointed by the Council, who shall serve as chief legal advisor to the council, the manager and all city departments, boards, agencies and commissions except the School Committee and except in matters involving criminal activity and prosecution. The legal officer shall represent the city in all legal proceedings and shall perform any other duties prescribed by ordinance and law.

Part 5. City Clerk

There shall be a City Clerk, appointed by the Council, who shall perform all duties and responsibilities provided under the general law and this Charter. The salary, hours and working conditions of the City Clerk shall be determined by the Council. The City Clerk may be removed by the Council after notice and hearing.

Part 6. City Treasurer and Tax Collector

There shall be a City Treasurer and a Tax Collector, each appointed by the City Council, and each shall perform all duties and responsibilities provided under the general law and this Charter. The salary, hours and working conditions shall be determined by the Council and each officer may be removed by the Council for cause after hearing and notice.

Part 7. Vacancies in Office.

During any vacancy in the office of City Manager, the Council may designate a properly qualified person to perform the duties of manager and fix the compensation; while so acting he or she shall have the same powers and duties as those given to and imposed on the City Manager. When any vacancy occurs in any other administrative office, said vacancy shall be filled as soon as may be by the appointing power authorized to said office.

Part 8. Information Made Available

The Assessor, City Clerk, Treasurer and Tax Collector shall make available to the City Manager, any information, written data or reports reasonably requested by the City Manager and not prohibited by law, for the purpose of his making periodic reports to the City Council.

**ARTICLE VI
THE SCHOOL COMMITTEE**

Sec. 6.01 Eligibility; Election and Terms

- (a) School Committee. There shall be a School Committee of five members elected by the qualified voters of the City in accordance with Article IV.
- (b) Eligibility. Only persons who are qualified to vote in elections in the City of Ellsworth shall be eligible to hold the office of School Committee Member. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act, no School Committee Member shall hold any other city office.
- (c) Election and Terms. Each member shall be elected for a term of three years, provided, however, that at the first election after the adoption of this Charter, two School Committee Members shall be elected and the three Committee Members presently serving, shall be sworn as Committee Members and continue to serve as Committee Members for the remainder of their terms or until their successors are elected and qualified.

Incumbent School Committee Members serving at the time the municipal election date is amended to the Tuesday following the first Monday of November shall continue to serve as follows: (Amended 11/07/95)

- Term expiring in March of 1996 shall expire in November of 1996
- Term expiring in March of 1997 shall expire in November of 1997
- Term expiring in March of 1998 shall expire in November of 1998

Sec.6.02 Vacancy. The office of a School Committee Member shall be deemed vacant for the same reasons that the office of City Council Member shall be deemed vacant as provided in Article II. If any vacancy shall occur, the remaining members of the School Committee shall appoint a person to fill the position until the next regular City Election. At that election, a School Committee member shall be elected to service the remainder of the unexpired term of the vacated position.

Sec.6.03 Powers and Duties. The School Committee shall have all the powers and duties prescribed for School Committees by the general laws of the State of Maine, including the authority for and on behalf of the City of Ellsworth to sell and lease personal property and to lease real estate under their authority and control. The School Committee shall be the head of the city education department and shall annually furnish the City Council a

summary of the budget required during the ensuing municipal year, for the support of public education. On the basis of this budget summary, the City Council shall adopt a gross appropriation for the operation of the city schools; said appropriation shall be under the direction and control of the School Committee.

Sec.6.04 Chairperson and Vice-Chairperson. At the first meeting annually, the School Committee shall elect by majority vote from among its members, a Chairperson and Vice-Chairperson for the ensuing year. The Chairperson shall preside at all meetings of the School Committee and shall have a vote as other members of said Committee. The Vice-Chairperson shall act as Chairperson during the absence or disability of the Chairperson. The Secretary to the Committee shall give notice of School Committee meetings to its members and to the public in such a manner as deemed suitable by the Committee and keep a journal of the proceedings of the School Committee and perform such other duties as are assigned to him or her by this Charter or by the Committee.

Sec. 6.05 Procedure.

- (a) Meetings. The School Committee shall meet regularly at least once every month at such time and place as the School Committee may prescribe by rule. Special meetings may be held on the call of the Chairperson, Superintendent of Schools or by a majority of the Committee members by causing notification to be given in hand or left at the usual dwelling place of each Committee member. All meetings shall be public except as otherwise provided by the Provisions of this Charter and State Statute.
- (b) Rules and Journal. The Committee shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be kept for public record.
- (c) Voting. Voting shall be by roll call and ayes, nays and abstentions shall be identified and recorded in the journal. Three members of the Committee shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Committee. Each Committee member shall vote on all issues and questions presented for vote except when a valid conflict of interest clearly exists. If a Committee member does abstain from a vote for reasons other than a recognized conflict of interest, he or she shall be considered to have cast a vote with the majority and the record shall so show.

Sec.6.06 Compensation. Members of the School Committee shall receive compensation to be set by resolve of the City Council and not to exceed the sum of Eight ¹ Hundred Dollars (\$800.00) per member per year.

**ARTICLE VII
THE CITY LIBRARY**

There is hereby established a Library Department, the administration of which shall be the responsibility of a Board of Trustees and Librarian whose powers and duties are hereafter defined.

Sec. 7.01 Board of Trustees, Composition, Eligibility Election and Term.

- (a.) Composition. There shall be a Board of Trustees consisting of five member elected by the qualified voters of the City in accordance with Article IV.
- (b) Eligibility. Only persons who are qualified to vote in elections in the City of Ellsworth shall be eligible to hold the office of Trustee.
- (c) Election and Term. Each Trustee shall be elected for a term of three years, provided, however, that at the first election after the adoption of this Charter, two Trustees shall be elected for a term of three years, two for a term of two years and one for a term on one year. Thereafter, all Trustees shall be elected to serve terms of three years.

¹ Amended by referendum 11/4/1997

** Incumbent Trustees serving at the time the municipal election date is amended to the Tuesday following the first Monday of November shall continue to serve as follows: (Amended 11/07/95)

Terms expiring in March of 1996 shall expire in November of 1996
Terms expiring in March of 1997 shall expire in November of 1997
Terms expiring in March of 1998 shall expire in November of 1998

Sec. 7.02 General Powers and Duties of the Board of Trustees. The function, duties and responsibilities of the Board of Trustees shall be as follows:

- (1) To employ a qualified and competent Librarian and all Library staff for such compensation and upon such terms and conditions as they deem best, except as otherwise provided by this article, and to discharge and suspend the same;
- (2) To determine and adopt written policies to govern the operation and programs of the library, including but not limited to the following:
 - (a) Hours open, hours of staff duty, holidays;
 - (b) Type and quality of books and other library materials to be added to the collection;
 - (c) Services to schools and to special groups;
 - (d) Special services to nonresident borrowers;
 - (e) Methods of extending services such as branch libraries;
 - (f) Public relations and publicity
- (3) To determine the purposes of the library and know the program and needs of the library in relation to the community; keep abreast of State standards and library trends;
- (4) To establish, support and participate in a planned public relations program;
- (5) To assist in the preparation of the annual gross budget request for the library, and in conjunction therewith, make recommendations and requests to the City Council;
- (6) To be familiar with and know local and state laws pertaining to libraries and actively support library legislation in the state and nation.
- (7) To attend all Board meetings and see that accurate records of the Board meetings are kept on file in the library;
- (8) To become familiar with the services as provided by the library as well as Federal legislation;
- (9) To report regularly or as required to the City Manager and City Council;
- (10) To invest, reinvest, and otherwise manage, all endowment funds previously given as contributions for the operation of the city library and to apply the income therefrom to the overall budget for the City library.

Sec. 7.03 Vacancies. A vacancy on the Board of Trustees for any reason shall be filled by the City Council appointing a qualified person to serve for the unexpired term of the Board member whose office has become vacant.

Sec. 7.04 Compensation, Meetings and Officers of the Board. Members of the Board of Trustees shall serve without compensation and shall meet at least monthly on a regularly scheduled day and time as established by the Board. At the first meeting after each annual election the Board shall elect from its membership a Chairperson and a Secretary.

Sec. 7.05 Appointment and General Duties and Responsibilities of the Librarian. The Librarian shall be appointed by the Board of Trustees. The functions, duties and responsibilities shall be as follows:

- (1) Act as technical advisor to the Board; recommend needed policies for Board action; recommend employment of all personnel and supervise their work;
- (2) Carry out the policies of the Library as adopted by the Board;
- (3) Suggest and carry out plans for extending the Library's service;
- (4) Prepare regular reports embodying the Library's current progress and future needs;
- (5) Maintain an active program of public relations ;
- (6) Prepare an annual budget for the library in consultation with the Board and give a current report of expenditures against the budget at each meeting;
- (7) Know local and state library laws and actively support library legislation in the state and nation;
- (8) Select and order all books and other library materials;
- (9) Attend all Board meetings other than those in which his or her own salary or tenure are under discussion and may serve as recording secretary to the Board;
- (10) Affiliate with the state and national professional organizations and attend professional meetings and workshops as authorized by the Trustees;
- (11) Make use of the services and consultants of the state library extension agency;
- (12) Report regularly to the Board of Trustees, and upon request to the City Manager and City Council.

Sec. 7.06 Operation of the Library Department. The operation of the Library Department shall be subject to all regulations, resolves and/or ordinances of the City governing the expenditure and accountability of funds. All library employees shall have the benefits of and be subject to any and all City ordinances governing City employees with the exception of job descriptions, work hours and pay scales which shall be the responsibility of the Board of Trustees.

ARTICLE VIII PUBLIC PROCEEDINGS

The government established under this Charter is the agent and servant of the citizens of Ellsworth and its proceeding and transactions and the records thereof always shall be open to the public unless executive sessions, closure or secrecy are required or permitted by the statutes of Maine or the laws of the United States.

Regular meetings of the Council shall be preceded by public notice, posted at the city hall five days before the meeting and published as a paid advertisement in a legal newspaper of general circulation in the city prior to the meeting. Said notice shall contain a full agenda to which no additions may be made except by a unanimous vote of the Council. The Chairperson of the Council may summon emergency meetings, advance notice of which must be given to all members, and to all newspapers and radio stations inn the city.

ARTICLE IX INITIATIVE, REFERENDUM AND RECALL

Part 1. Initiative and Referendum

Sec. 9.01 General Authority

- (a) Initiative: Qualified voters shall have the power to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance, the voters may vote to adopt or reject it at an election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of officers or employees.
- (b) Referendum: The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and if the Council fails to repeal an ordinance so reconsidered said voters shall have the power to approve or reject it at a City election; provided that , except as otherwise provided below in Sec. 9.08, such power shall not extend to the budget or capital program

or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes, or salaries of officers or employees.

Sec. 9.02 Commencement of Proceedings; Petitioners' Committee.

Affidavit: Any five qualified voters may commence initiative or referendum proceedings by filing with the Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the mailing address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed the Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Sec. 9.03 Petitions.

- (a) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least 20 percent of the total number of qualified voters registered to vote at the last regular municipal election as certified by the City Clerk.
- (b) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed and affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be genuine signatures of the person whose name they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) Time for Filing Referendum Petition. Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance sought to be reconsidered.

Sec. 9.04 Procedure After Filing.

- (a) Certificate of clerk; Amendment. Within 20 days after the petition is filed, the Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars, wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within five days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection (b) (c) of Section 9.03, and within five days after it is filed the Clerk shall complete a certificate as to sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of the original petition. If a petition or amended petition is certified insufficient and the petitions' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present his or her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) Council Review; Amendment. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within five days after receiving copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) Court Review. New petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec. 9.05 Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the City Clerk, the ordinance to be reconsidered shall be suspended from taking effect. Such termination shall terminate when:

- (a) There is a final determination of insufficiency of the petition, or
- (b) The petitioners' committee withdraws the petition, or
- (c) The council repeals the ordinance.

Sec. 9.06 Action on Petitions.

(a) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.

(b) Submission to Voters. The vote on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final Council vote thereon. If no regular City Election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as the regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

An ordinance to be voted on shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question in the case of an initiative: "Shall the above described ordinance be repealed?" Immediately below such question shall appear in the following order the words "Yes" and "No" and to the left of each, a square in which the voter may cast his vote.

Sec. 9.08 Capital Expenditures

(a) Referendum on Capital Expenditures. The qualified voters of the City shall have the power to require reconsideration by the Council of any resolution, ordinance or other action taken by the Council to authorize a capital expenditure which exceed twenty percent of the total budget as adopted by the Council, including appropriations for school purposes, for the fiscal year in which said capital expenditure is authorized. The provision shall apply to any capital expenditure regardless of the manner in which its funding is authorized by the Council but shall not apply to capital expenditures which are authorized as a part of the operation of sewer, water or other types of utility districts or as a part of the operation of any capital program the funding of which is totally met by rate payers and not from the general revenues of the city.

(b) Referendum by Council. The Council may on its own initiative order that a referendum be held on any capital expenditure. If the Council shall order a referendum on any capital expenditure authorized by its vote, no subsequent referendum under the provisions of (a) above shall be available or initiated as provided herein.

(c) Procedure. The procedure for initiating a referendum under this Section 9.08 shall be the same as set forth above in Sections 9.02 through 9.07 to the extent that the same are applicable.

Part 2. RECALL

Sec. 9.09 General Authority. Any person elected to any office in the City of Ellsworth may be recalled and removed therefrom by the electors of the City as herein provided.

- (a) Procedure for Initiating Recall Petition. Any thirty (30) qualified voters of the City may make and file with the City Clerk and affidavit containing the name of the elected official whose removal is sought. These thirty (30) qualified voters of the City may make and file with the City Clerk an affidavit containing the name of the elected official whose removal is sought. These thirty (30) qualified voters shall be referred to as the Recall Committee. The affidavit shall also contain a statement detailing the

reason(s) why recall is sought. This statement detailing the reason(s) for removal shall thereafter be made a part of the recall petition.

Upon filing of the affidavit by the thirty (30) qualified voters, and acceptance of the affidavit by the City Clerk, the City Clerk shall prepare a recall petition relating to the elected official named in the affidavit. The Recall Committee shall have forty-five (45) business days from the date of acceptance of the affidavit by the City Clerk to cause the petition to be signed by not less than 20% of the qualified voters in the presence of the City Clerk or Deputy City Clerk. At the end of the forty-five business day period the City Clerk shall declare the recall petition closed.

The recall petition to be effective shall have been signed by voters of the City numbering not less than 20% of the number of qualified voters as determined at the time of the last preceding municipal election and each voters signature shall be followed by the voter's place of residence with the street and number or other description sufficient to identify the place.

- (b) Examination and Certification of Recall Petition. Within ten (10) business days after the closing of the of the petition, the City Clerk shall ascertain whether or not the petition was signed by the requisite number of voters and, upon such finding, shall attach a certification to the petition stating that the petition has the required number of signatures of qualified voters, that all signatures were affixed in the presence of the Clerk or Deputy Clerk, that each signer had an opportunity to read the statement detailing the reason(s) for recall, and that the petition is sufficient. Should fewer qualified voters than required hereunder sign the petition within the required time, the petition shall have no further force or effect and all proceedings thereon shall be terminated.
- (c) Calling of Recall Election. If the petition shall be certified by the City Clerk to be sufficient, the Clerk shall submit the petition with certification to the City Council within five (5) days of certification as sufficient and shall notify the elected official whose removal is sought of such action. The City Council shall thereupon, within ten (10) days of the receipt of the City Clerk's certification, order an election to be held not more than thirty (30) days after the receipt to submit to vote the question of recall. If recall is effective, the City Council shall, within thirty (30) days after the vote for recall, hold a special election to fill the vacancy, provided, however, that if a regular municipal election is to occur within ninety (90) days after the vote for recall, the City Council may in it discretion hold the election to fill the vacancy on the date of such other regular municipal election. The recall election shall be called and held, and nominations to fill any vacancy created by that recall election shall be made as in other elections under this Charter except for the specific limitation hereunder.
- (d) Form of Ballot in Recall Election. The form of the ballot at the recall election shall be as follows:

"Shall (name of person proposed for recall) a member of (Name of Board, Agency, etc.) be recalled?

Immediately below such question shall appear in the following order the words "YES" and "NO" and to the right of each word a square within which the voter may cast his vote.
- (e) Majority Vote Required. The elected official whose recall is sought as provided above shall be recalled and immediately removed from office when a majority of those voting thereon shall have voted in the affirmative. The successor elected after recall shall serve for the balance of the unexpired term of the recalled official.

ARTICLE X BUSINESS AND FINANCIAL PROVISIONS

Sec. 10.01 Accounts; How Kept.

Full and accurate accounts of all the departments of the City shall be kept. The City Manager shall prescribe the forms for such accounts. Said accounts, however, shall be kept in such a manner as to show fully at all times the

financial condition of the City and of each department thereof. The City Manager shall furnish to the City Council at the regular monthly meeting of the City Council in each month a detailed report showing receipts and disbursements of the City on all accounts and also showing expenditures made and obligations incurred during the preceding calendar month. Said City Manager shall also furnish the City Council a balance sheet showing the financial condition of the City and of the several funds together with the unexpended balance to the credit of each department.

Sec. 10.02 Audit. Accounts of the City shall be audited annually by a qualified accountant to be chosen by the City Council.

Sec. 10.03 Monthly Statement Published. The City Manager shall publish each month, a statement of the financial condition of the city. Each of the administrative officers and boards shall annually, on such date as may be fixed by the City Council, render to the City Manager a full report of transactions of his, her or their department for the year.

On the basis of these reports, The City Manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

- a. Receipts classified according to sources:
- b. Expenditures classified according to objects. The classifications of receipts and expenditures in the report shall conform in general to the classifications employed in the City's accounting system;
- c. Balance sheets;
- d. Such other financial information as may be required by the City Council.

Sec. 10.04 Budget Estimates. Not later than one month before the end of the fiscal year, the City Manager shall submit to the City Council, budget estimates for the ensuing fiscal year. Said budget estimates shall contain:

- (a) A statement of the financial condition of the city:
- (b) An itemized statement of appropriations and amounts thereof recommended for current expenses, and also appropriation recommended for permanent improvements.
- (c) An itemized statement of revenue from sources other than taxation, together with a statement of the amount of money to be raised by taxation, together with comparative figure from the current and the next preceding year;
- (d) Such other information, if any, as may be required by the City Council.

Sec. 10.05 Appropriation Resolve. As early as practicable after the beginning of the fiscal year, the City Council shall pass an annual appropriation resolve, which shall be based on the budget submitted by the City Manager.

The total amount appropriated shall not exceed the estimated revenue of the City.

Before the annual appropriation resolve has been passed the City Council may make appropriations for current departmental expenses chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

Sec. 10.06 Reserve Fund. In the annual appropriation resolve, the City Council shall provide for a reserve fund, and an appropriation for the same shall therein be made. Transfers from said fund shall be made only by vote of

the City Council, and no transfer of any money shall be made from any fund other than the reserve fund until the end of the year, at which time, after all warrants have been drawn, the Treasurer shall transfer to said reserve fund any balance or balances then remaining in the various other funds, except balances in the school fund. The City Council shall then apply the full balance in the reserve fund to the sinking fund, provided, however, that before so the City Council may authorize a transfer from the reserve fund to any other fund or account in which there is an overdraft created by an actual emergency.

Sec. 10.07 Sinking Fund. Until the funded indebtedness, not provided for by serial bonds, of the City of Ellsworth in force at the time of the adoption of this Charter, together with any renewal hereof, is fully paid, the City Council shall raise and set apart each year for a sinking fund a sum equal to not less than two percent of the total appropriations for that year, excluding the amount of the item of the appropriation resolve provided for by this section.

The sinking fund shall be invested as provided by the Revised Statutes of the State of Maine.

Sec.10.08 Temporary Loans. Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loans outstanding at any one time shall not exceed 80 percent of the revenue received from taxes during the preceding year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized. All such loans shall be paid within three ²years and are subject to the provisions of the laws of the State of Maine in relation thereto.

Sec.10.09 Payments. Money shall be paid out only on warrants on the City treasury issued by the City Manager and countersigned by a member of the City Council to be designated from time to time by said City Council.

The City Manager shall examine all payrolls, bills and other claims and demands against the city, and shall issue no warrant for payment until he or she finds the claim is in proper form, correctly computed, duly certified and legally due and payable.

The City Manager may require any claimant to make oath to the validity of his or her claim, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.

Sec. 10.10 Bonding of Officers, etc. The City Council shall require bonds, with sufficient surety or sureties from all persons trusted with the collection, custody, or disbursement of the public moneys and all moneys received by an officer, employee or agent of the City, or in connection with the business thereof, shall forthwith be paid into the City Treasurer, and shall be deposited with such responsible banking institutions as the City Council may determine. All interest from such deposits shall accrue to and belong to the City.

Sec. 10.11 Supplies. The City Manager shall purchase all supplies and equipment for the City and for the several officers and boards thereof, except educational supplies for the schools which may be purchased by him or her upon requisition by the School Committee.

The City Manager shall see to the delivery of supplies to each department and take and file receipts therefore. He shall conduct all sales of property unfit or unnecessary for the City's use, after such sales have been authorized by the Council.

² Amended by referendum 6/10/2008

**ARTICLE XI
GENERAL PROVISIONS**

Sec. 11.01 Elected Officers; Terms. The term of any elected officer shall begin the first day following the final determination of the election of said officer. Any officer shall serve for his or her prescribed term or until his or her successor is elected and qualified.

Sec.11.02 Swearing in Officers. Every city officer or official shall be sworn to the faithful discharge of the duties incumbent upon him or her according to the Constitution and laws of the State of Maine and thus Charter and ordinances of the city and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

Sec. 11.03 Prohibitions.

(a) Activities Prohibited:

(1) No person shall be appointed or removed from, or in any way favored or discriminated against with respect to any position or appointive city administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person shall directly or indirectly, give render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal service.

(4) No person who holds a compensated appointive city position shall solicit any assessments, contributions, or services for any political party from any employee in the municipal service.

(5) Nothing herein contained shall affect the right of any person to hold membership in, and support a political party, to vote as he or she chooses to express privately and publicly his or her opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

(b) Any person found in violation of this section or any ordinance enacted pursuant to this section by a court of competent jurisdiction or by the Council acting in a judicial capacity, shall be ineligible for a period of five years thereafter to hold any city office or employment and shall immediately forfeit his or her office or position.

Sec. 11.04 Separability. If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE XII
TRANSITIONAL PROVISIONS**

Sec. 12.01 Time of Taking Full Effect – Charter. This Charter shall be in full effect for all purposes on and after the first day of the next succeeding municipal year after adoption. As used in this charter, municipal year is defined as being from January 1 to December 31.

Sec.12.02 Incumbent Council. As of the effective date of this Charter, the five Council members incumbent as of said effective date shall continue as interim council members under this Charter until the next regular

municipal election at which time council members will be elected as provided for by Article IV. During said interim period, three shall be considered a majority of the Council and shall constitute a quorum.

Sec. 12.03 Staggering of Terms – Council. Those council members incumbent as of the effective date of this Charter shall continue as council members until the expiration of their terms as established by the Charter in effect at the time of their election. Four new council members shall be elected at the first regular municipal election following the effective date of this Charter, two of which shall serve terms of three years and two of which shall serve terms of two years. Thereafter all council members shall be elected to serve three year terms.

Sec. 12.04 Incumbent School Committee. As of the effective date of this Charter, the School Committee members incumbent as of said effective date shall continue as interim School Committee members under this Charter until the next regular municipal election at which time School Committee members shall be elected as provided by Article IV. During said interim period, three shall be considered a majority and shall constitute a quorum of the Committee.

Sec.12.05. Staggering of Terms – School Committee. Those School Committee members incumbent as of the effective date of this Charter shall continue as School Committee members until the expiration of their terms in effect at the time of their election. At the first regular municipal election following the effective date of this Charter, two committee members shall be elected for three year terms. At the next regular municipal election in 1986 two committee members shall be elected for three year terms and at the next regular municipal election in 1987, one committee member shall be elected to serve for a three year term. Thereafter all Committee members shall be elected to serve three year terms.

Sec. 12.06 Officers and Employees

(a) Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

(b) Continuance of Officer or Employment. Except as specifically provided by this Charter, if at the time this Charter takes full effect, a city administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until the taking effect of some specific provision under this Charter that he or she vacate the office or position.

(c) Personnel System. An employee holding a city position at the time this Charter takes full effect, who was serving in that same or a compatible position at the time of its adoption, shall not be subject to a competitive test as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for under this

Sec. 12.07 Pending Matters. All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter, and in each case shall be maintained, carried on or dealt with by the city department, office, or agency appropriate under this Charter.

Sec. 12.08 Ordinances Continued. All ordinances in force at the time when this Charter takes effect, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

Sec. 12.09 State and Municipal Laws. All city ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this city or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter of ordinances or resolutions adoptee pursuant thereto.