

2006

Town of Fairfield Town Charter

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TOWN OF FAIRFIELD

TOWN CHARTER



As Amended:

November 2006
November 2000
November 1993
November 1987

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NEW CHARTER FOR THE TOWN OF FAIRFIELD

ARTICLE I. ENACTMENT

SECTION 101. INCORPORATION, POWERS OF THE TOWN

The inhabitants of the Town of Fairfield shall continue to be a municipal corporation under the name of the Town of Fairfield 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 said Town as a municipal corporation, or the inhabitants or municipal officers thereof; it may enact by-laws, regulations, resolutions, orders, and ordinances not inconsistent with the Constitution and Laws of the State of Maine and impose penalties for the breach thereof as provided by the laws of the State of Maine.

SECTION 102. CONSTRUCTION

The Powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in any section of this Charter.

SECTION 103. MUNICIPAL YEAR, DATE OF TOWN MEETING

The municipal year of the Town of Fairfield, at which the Annual Town Business and other annual matters including appropriations but other than the election of Town Officers or Officials shall be conducted shall be July 1 to June 30. The Annual Town meeting shall be held in the Town of Fairfield, in the County of Somerset, on the second Monday in May in each year and the voters shall choose a moderator by ballot as now provided by law. The time of opening the business meeting is to be set by a vote of the Town Council. Special Town Meetings may be called in the manner and for the purposes set forth in the general statutes except no special meeting shall be valid unless a minimum of 50 registered voters are present.

ARTICLE II. OFFICERS

SECTION 201. NOMINATIONS AND ELECTIONS

The officers and officials of the Town, who shall be nominated and elected by secret ballot by the qualified voters of the Town of Fairfield as hereinafter provided, shall be five councilors comprising the Town Council and the Fairfield members of the School Administrative District. To be qualified for nomination and election to such positions, a person must be a qualified voter and resident of Fairfield, except that employees of the Town of Fairfield will not be eligible for election or appointment to the Town Council. The Councilors shall be chosen as follows: at each annual election, two councilors shall be chosen, as herein provided, each for a term of three years, provided that in each third year one councilor shall be chosen and provided further that vacancies in the office of elected officers and officials due to death, resignation, or other cause shall be filled at the next November election for the unexpired term, except as otherwise provided under Section 202.

SECTION 202. DATE OF MUNICIPAL ELECTION

Elections for Municipal Office shall be held by secret ballot in the Town of Fairfield at a polling place designated by the Town Council on the first Tuesday after the first Monday in November. Persons elected to municipal office shall be sworn in and begin their terms of office on the Town's first official business day of the new calendar year. The Town Council shall meet on the Town's first official business day of the new calendar year after all Officers have been sworn in, and shall choose by ballot one of their members to be Chairman, one to be Vice-chairman, and one to be a Secretary.

It shall be the duty of the Secretary to keep a permanent record of all business transacted at the Council meetings. A record of such choice of Chairman, Vice-Chairman, and Secretary signed by a majority of Councilors shall be filed by the Town Clerk in the records of Fairfield, Said records shall be public records and shall be kept in the office of the Town Clerk and shall be open at all times to inspection by any member of the public during normal business hours except that no original document shall be removed from the Clerk's office without due process of law.

The Town Council shall within 30 days of occurrence fill vacancies among elected officers and officials by appointment between annual elections and the term of office of any member so chosen shall expire the following January 2nd.

The Directors of the School Administrative District shall be elected in accordance with State Law. The present officers and officials at the time of the adoption of this Charter, where terms of office have not expired, shall continue until the expiration of their present terms of office, except as otherwise provided in Article VIII.

Any elected or appointed official of Fairfield having failed to maintain 75% attendance at the regular meetings of the body of which he/she is a member within a one-year municipal year shall be officially requested to resign by the remaining members representing Fairfield in the respective body.

SECTION 203. NOMINATION

Nominations and elections shall be carried out in the manner prescribed by the general law relating to municipalities under Title 30-A, M.R.S.A., as amended, and Title 21-A, M.R.S.A., as amended, when Title 30-A, M.R.S.A. is silent on any issue, except as otherwise provided in this Charter.

SECTION 204. POWERS AND DUTIES

The members of the Town Council shall be and constitute the municipal officers of the Town of Fairfield for all purposes required by Statute, and except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers under the Laws of Maine.

Without limitation of the foregoing, the Council shall have power to:

1. Appoint and remove with just cause the Town Manager, Treasurer, Town Clerk, Tax Assessor, Town Attorney, and Administrative Boards and members of Committees. No person shall serve on any Administrative Board or Committee as a voting member whose spouse is employed by the Town of Fairfield on a regularly scheduled basis. All other appointments to municipal office shall be made by the Town Manager, subject to the approval of the Town Council, and all such appointments shall

be made at the organizational meeting, or as soon thereafter as may be expedient. In addition to his or her other appointments, the Town Manager shall annually appoint a deputy manager who shall act in his/her absence. The Town Council shall have authority to designate and provide working space and to set the working hours of all appointive town positions and for all town employees.

2. By Ordinance create, change, and abolish offices, departments, or agencies, other than the offices, department, or agencies created by this Charter. In all labor negotiations for the Town of Fairfield, the Town Council shall appoint a negotiations committee of not less than three members including not less than two members of the Town Council. Any labor contract shall not become effective until presented to the Town Council and approved by a majority of its members.

3. Adopt, amend, and repeal ordinances, after public hearing.

4. Other duties. Inquire into the conduct of any office, department or agency of the Town and make investigation as to municipal affairs, adopt and modify the official tax map of the Town and provide for the annual audit.

5. At each regular Session of the Town Council, citizens shall be allowed to be heard under new business.

6. Regular and special council meetings; the Council and its members shall meet once each month at such time as they may designate in their organizational meeting and a majority of said council shall constitute a quorum for the transaction of business. Special meetings of said council may be called by the Chairman of said Councilors or by a majority of all the members of said Council. Notice of such special meeting shall be in accordance with regulations adopted by the Council and consistent with State Law.

7. Except for the purpose of inquiry, the Council and its members shall deal with the administrative services solely through the Town Manager and neither the Council nor any member thereof shall give orders to any subordinate of the Town Manager.

8. Compensation of Councilors. Each Councilor shall receive \$15.00 for each regular meeting attended, but not to exceed \$180.00 annually provided, however, that for such services required of such Councilors under the general law acting in their capacity as municipal officers at any annual meeting, primary election, State or Presidential Elections, the per diem for each working day shall be \$15.00.

9. Accept public way dedications.

10. Accept gifts, not limited to land or money, on behalf of the Town.

11. Naming of public ways for the Town.

12. Enter into inter local agreements with other municipalities or government entities.

13. Not to foreclose on tax acquired property if the Council deems it in the Town's best interest not to.

SECTION 205. TREASURER

The duties of the Treasurer shall include those prescribed in the Revised Statutes of Maine, as amended.

SECTION 206. ASSESSOR

The Assessor shall have the same powers and be subject to the same duties as provided by the Revised Statutes of Maine, as amended.

SECTION 207. BUDGET COMMITTEE

The Budget Committee, of whom none of the voting members shall be a municipal officer, shall consist of 12 voting members, 4 appointed each year in the first week of January for a term of three years and the members of the Town Council to be non-voting members of the Budget Committee. The present appointed members whose terms have not expired shall continue until the expiration of their present terms of office. The Budget Committee, as appointed above, shall meet at the request of the Council and appoint from among its members a Chairman and a Secretary and shall thereafter meet at the request of the Councilors for discussion and recommendation on matters which the Council may wish to present and shall also meet to make recommendations on the final annual budget to be presented to the voters of the Town. The Committee shall hold its organizational meeting 60 days or more prior to Town Meeting of each year to consider recommendations to the Town or appropriations to be made at the next Annual Town Meeting. The Budget Committee shall then commence its review of the Budget for the next fiscal year as soon thereafter as possible. The Budget Committee shall hold such additional joint meetings with the Council as it may deem necessary for proper consideration of the Town's services and finances. Not later than 30 days prior to Town Meeting the Budget Committee shall hold its final meeting and make specific recommendations to be presented to the next Annual Town Meeting and which recommendations shall be printed and accompany all Articles in the Warrant of said meeting calling for appropriation and shall appoint one or more of its members to explain at the Town Meeting its recommendations and the reason therefore.

SECTION 208. DEPARTMENT HEAD

Department Heads with the advice and consent of the Town Manager and Town Council, shall have the authority to hire personnel within their departments. Department heads shall also have the authority, with the approval of the Town Manager, to suspend or discharge for just cause. These department heads are: Police Chief, Public Works Superintendent, Fire Chief, and any other department head the Town Council may create.

SECTION 209. TOWN MANAGER

The Town Manager shall be chosen, have the power and duties, and be removed, in accordance with the provisions of the general law relating to municipalities. In the event of a vacancy occurring in the office of the Town Manager, the Town Council shall have the power to appoint an acting Town Manager, for an interim period not to exceed six months.

SECTION 210. COMPENSATION OF OFFICIALS

When not otherwise provided by general law or by this Charter, the compensation of officials of the Town, except those under the School Administrative District, shall be fixed by a vote of the Town Council.

ARTICLE III. PAYMENTS

SECTION 301. EXPENDITURES

No money shall be paid out of the Town treasury except by order issued by the Town Council, which order may authorize a representative of the Council to so make the actual disbursements of such money and to present such order to the Town Treasurer. The Town Manager shall have authority to expend a maximum of \$300.00 in any situation deemed by him or her to be an emergency without prior reference to the Town Council.

ARTICLE IV. OFFICERS AND OFFICIALS TO BE SWORN

SECTION 401.

All Town Officers and officials elected or appointed, before entering upon the performance of their official duties shall be sworn to the faithful performance of their duties as according to the Laws of the State of Maine.

ARTICLE V. BONDS OF OFFICERS AND OFFICIALS

SECTION 501.

The Town shall purchase a blanket fidelity bond from a reputable surety company to cover all persons entrusted with the collection, custody, or disbursement of town monies.

ARTICLE VI. BORROWING

SECTION 601.

Town Council may, by resolve, from time to time issue general obligation securities and tax anticipation notes in accordance with the general law relating to municipalities. This provision shall not be subject to initiative and referendum under Article VII.

ARTICLE VII. INITIATIVE AND REFERENDUM

SECTION 701. GENERAL AUTHORITY

1. Initiative. The qualified voters of the Town shall have power to propose action to the Council and, if the Council fails to adopt such Action so proposed without any substantive change, then to adopt or reject it at a Town Election.

2. Referendum. The qualified voters of the Town shall have power to require reconsideration by the Council of any adopted Action and, if the Council fails to repeat an Action so reconsidered, then to approve or reject it at a Town Election.

SECTION 702. PETITION FOR ENACTMENT OF ACTIONS

Voters of the Town may at any time propose the enactment of any Action by filing a petition stating the complete text of such Action, and signed by not less than 10% of the number of votes of all candidates for Governor cast in the Town of Fairfield at the next previous gubernatorial election with the Town Clerk.

The Council shall call a public hearing in the manner prescribed in Section 204(3) to be held within 30 days from the date of the filing of such petition with the Town Clerk, and shall within 30 days after said public hearing call a Special Town Election for the purpose of submitting to a Referendum vote the question of adopting such Action, unless prior to the election, such Action is adopted in the same manner prescribed for Action in general. Such Action shall take effect in the same manner as Action of the same kind thereon shall have voted in the affirmative.

Any such proposed Action shall be examined by an attorney for the Town before it is submitted to the voters. The attorney is authorized to correct the form of such proposed Action for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions and to assure accuracy in its text and references and clarity and precision in its phraseology, but he shall not materially change its meaning and effect.

SECTION 703. REFERENDUM FOR OVERRULE OF ACTION OF COUNCIL

All actions shall be subject to overrule by a Referendum as follows:

If within 30 days after the enactment of any such Action, not less than 10% of the number of votes for all candidates for governor cast in the Town of Fairfield at the last gubernatorial election is filed with the Town Clerk requesting its reference to a referendum, the Council shall call a public hearing as provided in Section 204 (6) to be held within 30 days from the date of filing of such petition with the Town Clerk, and shall within 30 days after said public hearing call a special town election for the purpose of submitting to a referendum vote the question of adopting such Action. Pending action by the voters of the Town, the referred Action shall be suspended from becoming effective until it has received a vote of the majority of the voters voting on said question.

SECTION 704. FORM OF BALLOT

The form of the ballot shall be that prescribed by State Law.

ARTICLE VIII. RECALL

Any five registered voters of the Town of Fairfield may begin proceedings at any time to recall an elected or official of the Town of Fairfield, on the basis of misfeasance, malfeasance or criminal activity while in office, by requesting in writing from the Town Clerk the appropriate petition blanks. The Clerk shall stamp on said written request the date the request was received, and shall provide said voters with the appropriate petition blanks within 10 days thereof. These five registered voters shall be referred to as the Recall Circulators.

All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing.

Each petition shall include the following:

1. The names of the Recall Circulators.
2. A clear statement detailing the reasons or reasons for the recall setting forth the specific conduct alleged to constitute misfeasance, malfeasance or criminal activity while in office. Each petition blank shall contain the following language above the lines upon which the signatures are to be made:

THIS IS A PETITION FOR THE REMOVAL OF (NAME OF THE PERSON SUBJECT TO THE RECALL PETITION) FROM THE OFFICE OF (NAME OF OFFICE).

NAMES AND ADDRESS OF RECALL CIRCULATORS:
REASONS FOR SEEKING RECALL MUST SET FORTH SPECIFIC CONDUCT
ALLEGED TO CONSTITUTE MISFEASANCE, MALFEASANCE OR CRIMINAL
ACTIVITY WHILE IN OFFICE:

The Recall Circulators shall have 30 days from the date the appropriate petition blanks have been provided to them, to obtain the signatures of 15 percent of the number of persons who voted in the Town in the last gubernatorial election. The petition must be signed only by registered voters of the Town of Fairfield in the presence of at least one of the Recall Circulators. Each voter's signature must be followed by his or her address.

Within 30 days of the date the Recall Circulators requested and received the petition blanks, the signed petition must be submitted to the Town Clerk. At the time of its submission, the petition must contain an oath by each of the circulators that (1) all signatures contained on the petition circulated by the particular circulator were made in his or her presence and (2) to the best of his or her knowledge the signatures are the signatures of the persons whose names they purport to be. The Town Clerk shall stamp on the petition the date it was received. No further signatures and no alterations to the petition may be made after that date.

Upon receiving the signed recall petition, the Town Clerk shall determine (1) whether or not the names appearing on the petition appear on the list of registered voters of the Town, (2) whether or not the petition has been signed by enough registered voters to equal 15 percent of the number of persons voting in the Town of Fairfield in the last gubernatorial elections, and (3) whether or not the petition complies with the other provisions of this ordinance. The signatures of any persons who are

not registered voters of the Town shall not count toward the number of signatures necessary to call a recall referendum.

Within 7 days of receiving the signed recall petition, the Town Clerk shall certify to the Town Council, under oath, (1) whether or not the signed petition was received in his or her office within 30 days of the date the petition blanks were provided to the recall circulators, (2) that the names appearing on the petition which are not lined out also appear on the list of registered voters of the Town, (3) whether or not, to the best of his or her knowledge, the petition complies with the provisions of this ordinance, and (4) whether or not there are enough valid signatures on the petition to equal 15 percent of the number of persons voting in the Town in the next previous gubernatorial election. In making the above determinations, the clerk may exercise his or her discretion with regard to the validity of the signatures on the petition. The oaths required of the circulators and the Town Clerk shall be made before a person authorized by law to administer oaths.

Upon receipt of the certification and signed petition from the Town Clerk, the Town Council if all the above certifications are in the affirmative, shall schedule and hold within 60 days from the date it received the certification and petition, a municipal referendum for the purpose of submitting to vote the question of recall. In any question is certified in the negative, no further action shall be taken, and no further petition for recall of that elected official may be initiated for the same reasons until 180 days after the petition was received by the Town Clerk. No later than 7 days before the scheduled referendum on the recall the Town Council shall schedule and hold a public hearing on said recall.

An elected official of the Town shall be immediately recalled, and his office deemed to be immediately vacant, if (1) the number of persons who vote at the recall referendum is equal to or greater than 25 percent of the number of persons who voted in the Town at the last gubernatorial election, and (2) a majority of those voting at the scheduled referendum vote to recall.

Within 45 days after the voters have voted to recall an elected official of the Town, the Town Council shall schedule a special election to fill said vacancy.

An elected official who is recalled by the voters shall be allowed to seek re-election at the special election called for the purpose of filling the vacancy created by the recall. Qualified voters who seek to fill the vacancy created by the recall shall have until the 15th day preceding the date of the special election to file with the Town Clerk their nomination petitions. The nomination petitions shall be made available by the Town Clerk at least 10 days before the final date for filing.

Until recalled by vote at a recall referendum, an elected official with respect to whom a recall proceeding has been initiated, shall continue to exercise all the privileges and duties of his or her office.

The ballot for recall shall contain the following question: "Shall (name of person subject to recall) be removed from the office of (name of office)?" To the left of such question shall be printed two squares with "YES" above one and "NO" above the other.

ARTICLE IX. MISCELLANEOUS

SECTION 901. ADOPTED NOVEMBER 6, 1985

Any person hired by the Town who is not a member of a collective bargaining unit which negotiates with the Town for collective bargaining agreements, but who is subject to being called to work in emergency situations, shall reside in such a place that normal travel time to his usual place of reporting for work shall not exceed 20 minutes by normal modes of conveyance.

In hiring any employees, preference will be given to Fairfield residents where the qualifications of the Fairfield resident are at least equal to those of other best qualified candidates.

Present Department heads and Town Manager in office at adoption of this Charter are exempted from the provisions of this section.

SECTION 902. TERMS OF OFFICE OF INCUMBENT

Upon the adoption of this Charter, the terms of office of incumbent Councilors shall continue uninterrupted except that commencing on January 2, 1980 the term of Councilors elected in March 1977 shall expire, and on January 2, 1981 the terms of Councilors elected March 1978 shall expire, and provided further that on January 2, 1982, the terms of Councilors elected in March 1979 shall expire.

SECTION 903. SEPARABILITY CLAUSE

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 circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby. If any provision of this Charter is held invalid by reason of conflict with State or Federal Law, the provisions of the applicable State or Federal Law shall automatically become incorporated in this Charter in place of the invalid Charter provision.

SECTION 904. REPEALING CLAUSE

All acts and parts of acts of the private and special laws of the State of Maine relating to the Town of Fairfield, inconsistent with the provisions of this Charter, are repealed.

SECTION 905. ORDINANCES NOT INCONSISTENT CONTINUE IN FORCE

All ordinances of the Town of Fairfield in force at the time this Charter takes effect, not inconsistent with the provisions of this Charter shall continue in full force until amended or repealed.

SECTION 906. EXISTING CONTRACTS NOT INVALIDATED

All rights, actions, proceedings, prosecutions and contracts of the Town shall be enforced, continued, or completed in all respects as though begun or executed hereunder.

SECTION 907. POWERS REMAIN WITH TOWN MEETING

All legislative powers not assigned elsewhere in this charter remain with the Town Meeting.

A TRUE COPY ATTEST: Tracey L. Stevens, Town Clerk