

2010

## Fort Kent Town Charter

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# STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED FORTY-FIVE

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H. P. 655 – L. D. 265

## **AN ACT to Provide a Town Council and Manager Form of Government for the Town of Fort Kent, in the County of Aroostook.**

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**Emergency preamble.** Whereas, the citizens of the town of Fort Kent have made plans to operate under council-manager form of government, and

Whereas, the regular town meeting of Fort Kent comes in March and unless this act is made effective without delay it will not be possible to elect officers and plan the year's business at the regular town meeting, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

*Be it enacted by the People of the State of Maine, as follows:*

**Sec. 1. Date of town meetings.** On and after the passage of this act and its adoption by the town as hereinafter provided, annual town meetings shall be held in the town of Fort Kent, in the county of Aroostook on the 4<sup>th</sup> Monday of March in each year, and the voters shall then choose by ballot, as now provided by law, a moderator.

**Sec. 2. Election of officers.** At such meetings the voters shall choose by ballot a member or members of the council as hereinafter provided, who shall be inhabitants of the town.

At the 1<sup>st</sup> meeting held under the provisions of this act, 5 councilors shall be chosen, as follows: 2 for the term of 1 year, 2 for the term of 2 years and 1 for the term of 3 years, who shall constitute the council; and thereafter at each of said annual meetings 2 councilors shall be chosen as herein provided, each for a term of 3 years provided, however, that in each 3<sup>rd</sup> year but 1 councilor shall be chosen; and provide further, that vacancies in the office of councilor, due to death, resignation or other cause, shall be filled by having the remaining

councilors appoint an eligible person to fill the lesser of, the unexpired term of the vacant seat or until the regular municipal election.

The council shall select a treasurer, property tax collector, excise tax collector, municipal clerk, auditor, code enforcement officer, plumbing inspector, building inspector, health officer, police officer, animal control officer, emergency preparedness director, election clerks, registrar of voters as now provided by general law; and when a vacancy exists, shall select a town manager, with the duties hereinafter defined, for a term not to exceed 3 years. The Council shall appoint Planning Board, Zoning Board, Budget Committee, School Committee, and any other standing or ad hoc committee members that may be necessary. Except as hereinafter provided, all other necessary town officers provided by this act or now or hereafter provided under any statute or by-law shall be appointed by the town manager, subject to approval by a majority of the council (Amended 11/02/2010).

**Sec. 3. Councilors serve ex officio as certain officers.** The councilors provided for in section 2 shall serve instead of selectman, overseers of the poor and assessors of taxes provided by general statute and shall have the same powers and be subject to the same duties.

**Sec. 4. Organizations meeting.** The council elected as herein provided shall meet within 24 hours after its election and shall choose by ballot one of its members to be chairman, and shall appoint a secretary, an affidavit of such choice of chairman with the appointment of the secretary, signed by a majority of the council, shall be recorded by the town clerk in the records of said town and thereafter records shall be kept of all the doings of said council. Said records shall be public records and shall be open at all times to the inspection of any citizen of said town.

**Sec. 5. Duties of council.** Said council elected as herein provided, shall serve instead of board of road commissioners, road commissioner or road commissioners as provided for by general statute and shall have the same powers in relation to repairs of bridges, roads, and sidewalks of said town, as boards of road commissioners, road commissioner or commissioners, and municipal officers have under general statute, and be subject to the same duties in relation thereto. The council shall meet bi-monthly on the second and fourth Monday of each month, and 3 members of said council shall constitute a quorum for the transaction of business. A minimum of 3 affirmative votes are required to approve an action. Special meetings of said council may be called by the chairman of said council or by a majority of all the members of said council. Notice of such special meeting shall be mailed to, served upon, or left at the usual dwelling place of each councilor and to the town manager, at least 24 hours before such meeting (Amended 11/02/2010).

**Sec. 6. Compensation.** Each councilor shall receive annual compensation and their actual and necessary expenses incurred in the performance of their duties outside of such meetings, subject to appropriated funds (Amended 11/02/2010).

**Sec. 7. Town Manager.** Said council shall by a majority vote, appoint a town manager, said office of town manager being hereby created, who shall not be a member of said council. Said council as overseers of the poor, as herein provided, may authorize the town manager, at the time of his or her appointment aforesaid, or at any time thereafter, to be clerk or agent for them as said overseers of the poor. Such town manager shall, on and after his or her appointment as aforesaid, be the superintendent of roads of said town (Amended 11/02/2010).

**Sec. 8. Special power of council.** At any regular meeting, the council may vote to combine the officers of collector of taxes and town manager.

**Sec. 9. Terms of town officers.** All appointed officers and boards shall hold office at the pleasure of the appointing power, except that of town manager, who can only be removed upon written charges and a public hearing before the council, upon the question. Previous to the date of his removal, but pending such hearing, the council may suspend them from office.

**Sec. 10 Powers and duties of town manager.** The town manager shall be chosen by the council solely on the basis of his or her executive and administrative qualifications, and he or she shall be the administrative head of the town government, and shall be responsible to the council for the administration of all departments of the town over which the council has control under this act, and the general statutes, and his or her powers and duties, where not otherwise herein provided, shall be generally as follows:

- (a.) To see that the laws and ordinances are enforced.
- (b.) To exercise control over all departments created herein or that may hereafter be created, either by general law or ordinance.
- (c.) To act as purchasing agent for all departments of the town, and to submit to competitive bids any transaction so ordered by the council.
- (d.) To attend the meetings of the council, except when his or her removal is being considered, and recommend for adoption such measures as he or she may deem expedient.
- (e.) To keep the council fully advised as to the business, financial condition, and future needs of the town.

(f.) To perform such other duties as may be prescribed by the council  
(Amended 11/02/2010).

**Sec. 11. Duties of purchasing agent.** As purchasing agent of said town, the town manger shall purchase all supplies and materials for the town and for the several departments and shall see to the delivery of such supplies and materials to each department, and shall take and file receipts thereof, and all accounts for the purchase of supplies and materials and work performed for said town, shall bear the approval of the town manager when presented to the council for payment (Amended 11/02/2010).

**Sec. 12. Salary.** The town manger shall devote his or her time to said office, and shall receive for his or her services a rate of compensation to be fixed by the council and actual and necessary expenses incurred in the performance of his or her duties (Amended 11/02/2010).

**Sec. 13. Officers to be sworn.** All town officers elected or appointed shall be sworn by the town clerk, or by any officer authorized to administer oaths, to the faithful performance of the duties of their respective offices.

**Sec. 14. Compensation of officers.** When not otherwise provided herein the compensation and fees of officers of said town shall be fixed by a vote of the council.

**Sec. 15. Payments from treasury limited.** No money shall be paid out of the town treasury except by order issued and signed by the councilors or their representative authorized for the purpose and presented to the treasurer of said town at the time of payment.

**Sec. 16. Bonds of officials.** The councilors of said town shall require a bond with sufficient surety or sureties satisfactory to said council, from all persons trusted with the collection, custody or disbursement of any of the moneys of the said town; and may require such bond from such officials as it may be deem advisable.

**Sec. 17. Ratification.** This act shall not become operative until it is ratified by said town of Fort Kent, at an annual town meeting or at a special town meeting called for that purpose by an appropriate article inserted in the call for said meeting, prior to April 1, 1946. Voting shall be by checklist and this act when so ratified shall take effect on the 4<sup>th</sup> Monday in March next following said ratification.

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.