

2010

# Council-Manager Charter of the Town of Mechanic Falls

Mechanic Falls (Me.)

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**COUNCIL-MANAGER CHARTER  
OF THE  
TOWN OF MECHANIC FALLS**

(As adopted by vote on November 2, 2010)

**ARTICLE I: GRANT OF POWERS TO THE TOWN**

Section 1 - INCORPORATION.

The inhabitants of the Town of Mechanic Falls, within the limits as now established or as hereafter established or as hereafter established in the manner provided by law, shall be a Municipal Corporation, by the name of the Town of Mechanic Falls.

Section 2 - POWERS AND DUTIES.

A. The Town 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 to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof.

B. The administration of all the fiscal, prudential and municipal affairs of said Town, with the government thereof, and also except as otherwise provided by this Charter, shall be and are vested in one body of five (5) members, which shall constitute and be called the Town Council, all of whom shall be inhabitants of said Town, and shall be sworn in the manner hereinafter prescribed.

C. The Town may acquire property for any Town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage and control such property as its interest may require.

D. In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the Town would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the Town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the Town may assume pursuant to State laws and to the provisions of the State Constitution.

Section 3 - INTERGOVERNMENTAL RELATIONS.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil sub-divisions or agencies thereof, or with the United States or any agency thereof, in accordance with the terms of the Interlocal Cooperation Act and other statutory provisions.

## **ARTICLE II: TOWN COUNCIL**

### Section 1 - NUMBER, ELECTION, TERM.

- A. The Town Council, hereinafter called the "Council", shall be and constitute the municipal officers of the Town and shall be composed of five (5) members, each of whom shall be elected by the registered voters of the entire Town.
- B. Each Councilor's term shall be for a term of three years and until his successor is elected and qualified. Councilor's terms shall be staggered with two (2) seats opening the year of this charter's adoption, two (2) the year after and one (1) seat being open in the third year. This method of staggered terms shall be construed to be a continuation of the practice initially set forth under the most recent charter.
- C. No Councilor shall serve more than three consecutive terms in office except that, after a Councilor has been out of office for at least one full year following the end of the most recent term to which he or she was elected, he or she may again serve for up to three consecutive terms in office.

### Section 2 - QUALIFICATIONS, VACANCIES.

- A. Councilors shall be qualified voters of the Town and shall reside in the Town during their term of office.
- B. Holding other office: Except where otherwise allowed by law, or pursuant to an agreement under the Interlocal Cooperation Act, no Councilor shall hold other Town office or full-time or permanent part-time Town employment during the term for which they were elected to the Council. With the exception of the Fire and Rescue Chiefs, membership in the Mechanic Falls Fire and Rescue Departments, alone, shall not be grounds for disqualification from holding office as a Councilor.
- C. Forfeiture of office:
  - 1. A Councilor shall forfeit their office if they are found, by an affirmative vote of at least three (3) Councilors, to: (1) lack at any time during their term of office any qualification for the office prescribed by the Charter or by law, (2) have violated any express prohibition of this Charter, (3) have been convicted of a felony or other crime or offense involving moral turpitude, or (4) have failed to attend three (3) consecutive regular meetings of the Council without being excused for due cause by the Council.
  - 2. Removal from office: At least thirty (30) days before such removal shall become effective, the Council shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for the Councilor's removal. The Councilor may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing if one is requested, and after full consideration, the Council, by an affirmative vote of at least three (3) members, may adopt a final resolution, thereby permanently removing the Councilor in question from office. The Councilor under consideration for removal shall not be permitted to take part in the final resolution vote.

### 3. Recall

#### a. Procedure

Any five or more qualified voters may commence recall proceedings by filing with the Clerk an affidavit stating that they will constitute the recall committee and be responsible for circulating the recall petition and filing it in proper form, stating their names and street addresses, specifying the mailing address to which all notices to the committee are to be sent and setting out in full the name, address and office of the Town Councilor sought to be recalled and a statement detailing the reason or reasons therefore. Promptly after the affidavit of the recall committee is filed, the Clerk shall issue the appropriate petition blanks to the recall committee.

#### b. Signatures

Recall petitions must be signed by qualified voters of the Town at least equal in number to 15 percent of the total number of qualified voters who cast votes for Governor in the most recent gubernatorial election or, in the case of a recall of a Councilor elected from a district, signed by qualified voters of the district equal in number to at least 15 percent of the total number of qualified voters from that district who cast votes for Governor in the most recent gubernatorial election.

#### c. Filing

All papers of a petition shall be uniform in size and style and shall be assembled as one document for filing. Each signature shall be executed in ink and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full name, address and office of the person sought to be recalled and a statement detailing the reason or reasons therefore.

#### d. Affidavit of Circulator

Each paper of a petition shall have attached to it when filed an affidavit which has been executed by the circulator. The circulator shall state in the affidavit that the circulator personally circulated the paper, the number of signatures thereon, that each signature was affixed in the circulator's presence, that the circulator believes it to be the genuine signature of the person whose name it purports to be, and that each signer had an opportunity before signing to read the full name, address and office of the person sought to be recalled and the statement detailing the reason or reasons therefore. At any time prior to the issuance of the Clerk's certificate, a signer may have his or her name removed from the petition by filing a signed written request that this be done.

#### e. Time for Filing

A recall petition must be filed within 30 days of the issuance of the petition blanks to the recall committee.

#### f. Procedure After Filing

Within 20 days after the petition has been filed, the Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, why it is defective. The Clerk shall promptly send a copy of the certificate to the

recall committee by mail. A petition certified as insufficient for lack of the required number of valid signatures may be amended once if the recall committee files a notice of intention to amend it with the Clerk within two days after receiving the copy of the Clerk's certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Within five days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the recall committee by mail as in the case of an original petition. If a petition or amended petition is certified as sufficient, or if a petition or amended petition is certified as insufficient, and the recall committee does not elect to amend or request Council review within the time required, the Clerk shall promptly present the certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

g. Council Review.

If a petition or amended petition has been certified as being insufficient, the recall committee may, within two days after receiving the 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. The Council's determination shall then be a final determination as to the sufficiency of the petition.

h. Court Review

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.

i. Actions on Petitions.

The Council shall, within 30 days following a final determination that the recall petition is sufficient, hold a municipal election for the purpose of submitting the question of recall to a vote of the qualified voters of the Town. Pending the outcome of the election, the elected official who is the subject of the recall petition shall continue to exercise all of the privileges of his or her office. An official shall be recalled when a majority of those voting thereon shall have voted in the affirmative so long as the total number of votes cast for and against recall is at least equal to 30% of the total number of qualified voters who cast votes for Governor in the most recent gubernatorial election. Where the voters have recalled an official, the Council shall fill the vacancy thus created in accordance with the provisions of Article II. 2. D of this Charter.

j. Candidacy of Incumbent.

An 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 by filing a notice with the Town Clerk that he or she wishes to have his or her name appear on the ballot. The request shall be filed no later than the fifteenth day preceding the election. The official shall not be required to circulate a nomination petition. Other qualified voters who seek to fill the vacancy created by the recall shall have until

the fifteenth day preceding the election to file with the Town Clerk a petition as required by the Charter for a regular municipal election.

k. Recall Ballot

The ballot for recall shall contain the following question: "Shall (name of person being subjected to recall) be recalled from the office of (name of office)?" 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 indicate his or her vote.

D. Filling of vacancies: In case of a vacancy caused by death, resignation or other cause, the vacancy shall be filled at the next regular Municipal election for the unexpired term. The Council shall fill vacancies in its number occurring between regular Municipal elections by an affirmative vote of at least three (3) members, and the term of office of any member of the Council so chosen shall expire at the next Municipal election.

Section 3 - ENUMERATION OF POWERS.

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

A. Appoint, by majority vote of its members, the Manager for a term, not to exceed three (3) years, and remove the Manager by the same vote. At least thirty (30) days before such removal shall become effective, the Council shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for the Manager's removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing if one is requested, and after full consideration, the Council by majority vote of its members may adopt a final resolution, the Council may suspend the Manager from duty for not longer than three (3) months, but the regular salary of the Manager shall continue to be paid to him during the period of suspension. However, in no case shall the Manager receive pay while on suspension or in any form of severance agreement, that, in total, exceeds three (3) month's salary.

B. Determine by ordinance the number to serve, appoint and remove members of the various Boards and Commissions as delineated in ART II, Sec. 12.

C. By ordinance, create, change and abolish departments, other than the departments established by this Charter. The Council, by ordinance, may assign additional functions or duties to departments established by this Charter, but may not discontinue or assign any function or duty assigned by this Charter to any other department. The Council may, however, where not prohibited by law, vest in the Town Manager all or part of the duties of any office under this Charter.

D. The Council may make investigations into the affairs of the Town and the conduct of any Town department, office or agency. For this purpose the Council shall enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

E. Adopt, modify and carry out plans, amendments, and or revisions to the Zoning Ordinance proposed by the Planning Board.

F. Approve an annual budget and recommend same to the Budget Referendum, subject to the provisions of this Charter, and shall appoint a Budget Committee to assist them in this duty.

G. Establish the tax overlay, the annual tax commitment and the tax mil rate, upon recommendation of the Town Manager.

H. Approve the wording, format and order of the warrant articles, as recommended by the Town Manager, to be submitted annually to Budget Referendum.

I. (1) Serve as the Directors of the Water Department, and in that capacity, exercise all financial and borrowing powers, review and approve the annual budget prepared by the Town Manager, purchase and dispose of property, enter into contracts, and exercise all legislative and other powers given by the statutes of the State of Maine. Any debt incurred by the Water Department shall be construed to an overlapping debt of the Town of Mechanic Falls.

(2) The Directors of the Water Department shall be subject to legislative limitations in accordance with the Public Utilities Commission regulations.

(3) The Directors of the Water Department shall provide for adequate supervision of the operation of the Water Department through the Town Manager, who shall oversee the Water Department's personnel and operations.

J. Provide for an annual audit.

K. Exercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Referendum except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns. The legislative powers herein described shall be liberally construed to include the creation, amendment and repeal of by-laws, regulations, resolves and ordinances.

#### Section 4 - COMPENSATION.

A. Each Councilor shall receive not less than five hundred dollars (\$500) per year in compensation for their services. Any increases in said stipends may be granted by a majority of the voters at the annual budget referendum. Payment for all services under this section shall be made by the Treasurer, no more frequently than quarterly, and only after having completed that portion of their term. The term for which the compensation is earned, shall be that of the fiscal year.

B. The Town Council by order shall fix the salaries of officials appointed by the Town Council, including the salary of the Town Manager.

C. Salaries of the appointees of the Town Manager shall be fixed by the Town Manager subject to the review and discretion of the Council.

## Section 5 - INDUCTION OF COUNCIL INTO OFFICE.

The Town Council shall meet at the usual place for holding meetings within thirty 30 days, but not later than the June 30th following the regular Town election and at said meeting, Councilors-elect shall be sworn to the faithful discharge of their duties by a Notary Public, or by the Town Clerk, and a record made thereof.

## Section 6 - COUNCIL TO JUDGE OF QUALIFICATIONS OF ITS MEMBERS.

The Council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require production of records, but the decision of the Council in any such case shall be subject to review of the courts.

## Section 7 - REGULAR MEETINGS.

A. The Council shall meet regularly at least once a month with the exception of the month of July in which the Council shall choose only to meet if necessary. It shall also provide a method for calling special meetings. During each meeting there shall be opportunity for public discussion upon each item on the agenda.

B. The agendas for all regular and special meetings of the Town Council shall be advertised in public places as the Council may designate at least five (5) days prior to said meetings.

## Section 8 - RULES OF PROCEDURE; JOURNAL.

The Council shall determine its own rules and order of business except as otherwise set forth in this Charter. It shall keep a record of its proceedings and the record shall be open to public inspection.

## Section 9 - THE PRESIDING OFFICER.

At the first meeting after the regular Municipal election, the Council shall elect from among its members, officers of the Town who shall have the titles of Chairperson and Vice-Chairperson each of whom shall serve at the pleasure of the Council. The Chairperson shall preside at meetings of the Council, and shall be recognized as head of the Town Government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no administrative duties. The Vice-Chairperson shall act as Chairperson in the Chairperson's absence.

## Section 10 - QUORUM.

A majority of the Council shall constitute a quorum for the transaction of business. A simple majority of votes of those Councilors present shall be registered in favor of passage of an ordinance, order or resolution. A smaller number may adjourn from time to time. At least 24 hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

## Section 11 - ORDINANCES IN GENERAL.



A. FORM: Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be "Be it ordained by the Mechanic Falls' Town Council..."

B. PROCEDURE: A proposed ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Secretary to the Council shall distribute a copy to each Council member and to the Town Manager; shall file a reasonable number of copies in the office of the Clerk and such other public places as the Council may designate. A notice setting out the time and place for a public hearing shall be given at least seven (7) days in advance by publication in a newspaper having a general circulation in said Town before any ordinance shall be passed, but nothing herein shall be deemed to require publication of the ordinance itself. The public hearing may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it; but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedure hereinbefore required in the case of a newly introduced ordinance.

C. EFFECTIVE DATE: Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

D. EMERGENCY ORDINANCES: To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least the majority shall be required for adoption. After its adoption the ordinance shall be posted in three (3) public places. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency notes shall stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

## Section 12 - MEMBERS OF BOARDS AND COMMISSIONS

A. Membership in the various Boards and commissions of the Town of Mechanic Falls include, but are not necessarily limited to, the Budget Committee, the Planning Board, the Board of Appeals, the Recreation Committee, the Trustees of the Public Library, and the Mechanic Falls Development Commission.

B. A majority of the membership shall be required to constitute a quorum and to act on any and all matters. In the event a quorum is not met by only one vote and it is determined by the membership in attendance that it is in the best interest of all parties involved, the Council assigned as the liaison to the group shall be granted voting privileges for the benefit of reaching a quorum for that particular vote. That Council liaison shall have no voting privileges at any other time.

C. The term of the members of the various Boards and Commissions shall be for three (3) years. At the expiration of said term, the member of the Board or Commission may be reappointed or removed by the Town Council.

D. Members of the various Boards and Commissions may be removed by the Council, but only for good cause. Members are entitled to address and appeal said cause in a public hearing by notifying the Town Council within five (5) days of notification of the Council's removal.

E. Each of the various Boards and Commissions shall annually elect a chairperson from their ranks to serve for a term of one year. Annually, the Chairperson shall hold a review with the other members to focus on their purpose, powers, duties, and limitations, as well as the guidelines under which they operate, and shall make an annual report to the Council of their activities.

F. The powers and duties of the Budget Committee shall include: Meet in conjunction or apart from the Council to hear the Town Manager's proposed budget, to make comment on said budget, to make recommendations, either separately or jointly with the Council on the annual Town Warrant, and to attend the public budget hearing to answer questions about said recommendations. The Budget Committee's recommendations in all regards will be strictly advisory in nature, and shall not be binding upon the Town Council.

G. The powers and duties of the Planning Board shall be liberally construed to include: Advising the Council of changes to the Town of Mechanic Falls Zoning Ordinance or any part thereof, changes to the zoning districts and maps, the approval or rejection of permits and applications as delineated in the Zoning Ordinance as being the domain of the Planning Board.

H. The powers and duties of the Board of Appeals shall include: Using the appeal criteria in the Zoning Ordinance to hear and make binding decisions in regard to decisions of the Planning Board, to hear and make binding decisions in regard to decisions of the Code Enforcement Officer, and to grant or reject variances.

I. The Powers and Duties of the Recreation Committee shall include: Establishing recreational programs and associated policies, to recommend an annual budget for recreation to the Town Manager, to manage the expenditure of approved appropriations, to advise the Town Manager on the hiring and removal of staff used in recreational programs, and to work with the Town Manager in implementing recreational programs.

J. The powers and duties of the Trustees of the Public Library shall include: Establishing programs and policies for the public Library, assisting the Librarian with the development of the annual budget request, and acquisition and disposal of the property of the Public Library.

K. The powers and duties of the Mechanic Falls Development Commission shall include: The oversight of development and grant monies, to make decisions regarding the lending of said funds, to collect said loans, to promote the development of the Town, to provide for an annual audit of said funds and to hire staff or consultants as needed.

Section 13 - TOWN CLERK.

- A. The Town Clerk shall perform those duties established by law and shall act as Secretary of Council, and shall keep a public record of all proceedings of the Council, including all roll call votes.
- B. Statutory fees collected by the Town Clerk shall be turned over to the Town.
- C. The Town Manager shall set the salary of the Town Clerk, subject to the review and discretion of the Town Council.

Section 14 - INDEPENDENT ANNUAL AUDIT.

Prior to the end of each fiscal year, the Council shall designate the State Department of Audit or private Certified Public Accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transaction of the Town Government and shall submit their report to the Council and the Town Manager. Such accountants shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the Town Government.

**ARTICLE III: TOWN MANAGER**

Section 1 - TOWN MANAGER, QUALIFICATIONS.

The Town Manager shall be chosen by the Council solely on the basis of character and executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth. At the time of the Manager's appointment, the Manager need not be a resident of the Town or State. The Town Manager shall, however, be a resident of the Town within nine (9) months of his or her appointment, and the Council retains the authority to extend that time period as they deem appropriate.

Section 2 - POWERS AND DUTIES OF TOWN MANAGER.

- A. The Town Manager shall be the Chief Administrative Officer of the Town. The Town Manager shall be responsible to the Council for the administration of all Town affairs placed in the Town Manager's charge by or under this Charter or by direction of the Council. The Town Manager shall have the following powers and duties:
- B. The Town Manager shall be Tax Collector, Town Treasurer, Code Enforcement Officer, Road Commissioner and Overseer of the Poor, and shall have and exercise all powers and perform all the duties conferred or imposed by law upon said respective offices. No Councilor shall receive appointment to the office of Town Manager during the term for which they shall have been elected, nor within one (1) year after the expiration of their term, nor shall any member of the Council act in that capacity. The Town Manager shall give bond for the faithful discharge of his/her duties to the Town of Mechanic Falls in such sum as the Council shall determine and direct, and with surety or sureties to be approved by the Council. The premium on the Town Manager's bond shall be paid by the Town.

C. The Town Manager shall appoint and remove the Town Attorney, the Assessor or other contracted agents, subject to confirmation by the Council. All other administrative officers and Town employees shall be appointed and removed by the Town Manager, except as the Town Manager may authorize the head of a department or office to appoint or remove subordinates in such department, and except as otherwise provided by law, by this Charter, or by personnel rules adopted pursuant to this Charter.

1. At the time the Town Manager appoints an Administrative Officer (employee), the employee need not be a resident of the Town or State. The employee shall reside within ten driving miles of the Town Office within nine (9) months of his or her appointment. The Council retains the authority to extend that time period as they deem appropriate.

2. Administrative Officers are defined as the Finance Director, Fire Chief, Chief of Police, Water Department Superintendent, and Public Works Director. The Finance Director shall be exempt from the residency requirement.

D. The Town Manager shall direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law.

E. The Town Manager shall attend Council meetings, except when his/her removal is being considered, and shall have the right to take part in discussions but may not vote.

F. The Town Manager shall see that all laws, provisions of this Charter and acts of the Council, and all acts of those within his or her supervision are faithfully executed.

G. The Town Manager shall prepare and submit the Annual Budget and Capital Program to the Council and be responsible for its administration after adoption.

H. The Town Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year, and cause such annual Town Report to be published and made available to the public no later than five (5) days prior to the annual Budget Referendum.

I. The Town Manager shall prepare and submit to the Council such reports and shall perform such duties as the Council may require, shall keep the Council advised of the financial condition and future needs of the Town, and shall make such recommendations to the Council concerning the affairs of the Town as the Town Manager deems desirable.

J. The Town Manager shall assist, insofar as possible, residents and taxpayers in discovering their remedies in cases involving complaints of unfair vendor, administrative and governmental practices.

K. The Town Manager shall act as purchasing agent for all departments of the Town and provide for cooperative purchasing arrangements where feasible, and shall submit to competitive bids any transaction in excess of the amount annually set by order of the Council, to be determined at their first regular meeting following the annual Budget Referendum.

L. The Town Manager shall be responsible for administration of the "Personnel Policy" and shall submit revisions to the Council, for their approval, as necessary.

M. Council not to interfere in appointments or removals: Neither the Council nor any of its members shall direct or request the appointment or removal of any person directly or indirectly subordinate to the Town Manager. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager and neither the Council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately.

N. Vacancy in Office of Town Manager: During any vacancy in the office of Town Manager, and during the absence or disability of the Town Manager, the Council shall designate a properly qualified person, not a member of the Council, to perform the duties of Manager and fix his compensation. While so acting, the appointee shall have the same powers and duties as those given to and imposed on the Town Manager. Before entering the Town Manager's duties, they shall give bond to the Town of Mechanic Falls in a sum and with surety or sureties to be approved by the Council. The premium on said bond shall be paid by the Town.

#### **ARTICLE IV: BUDGET**

##### Section 1 - FISCAL YEAR.

A. The fiscal year of the Town Government shall begin the first day of July and shall end on the 30th day of June, or such other fiscal year as the Council may decide. Such fiscal year shall constitute the budget and accounting year as used in the Charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

B. The credit of the Town shall in no manner be loaned to any individual, association or corporation, except as provided by law.

##### Section 2 - PREPARATION AND SUBMISSION OF THE BUDGET.

A. The Town Manager, within no later than (60) days prior to the annual Budget Referendum, shall submit a budget to the Council with an explanatory budget message.

B. CONTENTS. This budget shall contain:

1. A statement of financial condition of the Town.
2. An itemized statement of appropriations recommended for current expenses, with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures from the preceding fiscal year. An increase or decrease in any item shall be indicated.
3. Proposed capital expenditures during the ensuing fiscal year detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital expenditure.

4. An itemized statement of estimated revenue from all sources, other than taxation, and a statement of taxes required, comparative figures from current and ]next preceding year.

5. Such other information as may be required by the Council.

### Section 3 - CAPITAL PROGRAM.

A. SUBMISSION TO COUNCIL. The Manager shall prepare and submit to the Council a five-year capital program no later than sixty days (60) prior to the beginning of the new fiscal year

B. CONTENTS. The Capital Program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing and recommended time schedules for each improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

C. The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### Section 4 - REVIEW AND ENACTMENT BY THE COUNCIL

A. The proposed budgets prepared by the Manager shall be reviewed by the Town Council and Budget Committee. They shall recommend, either jointly or separately, the budget with or without amendments.

B. The Town Council shall hold a public hearing in regards to the proposed budgets no later than seven (7) days in advance of the annual Budget Referendum.

C. The complete Town warrant, as approved by the Council, shall be printed and distributed. The warrant shall be submitted to the annual Budget Referendum, no later than ten (10) days prior to the beginning of the new fiscal year.

### Section 5 - BUDGET ESTABLISHES APPROPRIATION.

From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

Section 6 - BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY TAX;  
CERTIFICATION OF TOWN ASSESSOR.

From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the Town in corresponding fiscal year. A copy of the budget as finally adopted shall be certified by the Manager with the Town Assessor, whose duty it shall be to levy such taxes for the corresponding fiscal year.

Section 7 - EXPENDITURES AND DEPARTMENTAL REVENUE.

The budget for all departments shall include all proposed expenditures; and the Council shall make a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of a majority of the Council.

Section 8 - TRANSFERS OF APPROPRIATIONS.

The Town budget shall be expended as adopted by the Budget Referendum. No transfer between various warrant articles shall be allowed except as a final adjustment following the close of the fiscal year. Final adjustments shall be in amounts of no more than ten percent (10%) from accounts with surplus balances to accounts that have overdrafts.

Section 9 - WORK PROGRAM; ALLOTMENTS.

Before the beginning of the budget year, the head of each department shall submit to the Town Manager a work program of the year, which shows the requested allotments of appropriations for such department. The Town Manager shall review the requested allotments in the light of the work program of the department concerned, and may revise, alter or change such allotments before approving the same.

Section 10 - AMENDMENTS AFTER ADOPTION.

A. Emergency Appropriations: To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by Emergency Ordinance. To the extent that there are no available unappropriated funds to meet such appropriations, the Council may by Emergency Ordinance authorize the issuance of temporary notes, which may be renewed from time to time, but the temporary notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

B. Reduction of Appropriations: If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by Ordinance reduce one or more appropriations.

Section 11 - LAPSE OF APPROPRIATIONS.

Every General Fund appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

**ARTICLE V: TAX ADMINISTRATION**

Section 1 - APPOINTMENT OF ASSESSOR.

The Council shall appoint an assessor who shall perform the duties and responsibilities under the laws of the State of Maine pertaining to Tax Assessing.

Section 2 - ASSESSMENT REVIEW.

The Assessor shall provide a method for the informal review of assessments. Town residents may further appeal the Assessor's findings by submitting the assessment findings to the Androscoggin County Board of Assessment Appeals.

Section 3 - TAX ABATEMENTS.

The Council shall be empowered to grant tax abatements under the laws of the State of Maine, for reasons of assessment error, hardship or poverty, in consultation with the Assessor.

**ARTICLE VI: NOMINATIONS AND ELECTIONS**

Section 1 - MUNICIPAL ELECTIONS.

The regular election for the choice of members of the Council and the Sanitary District Trustees as well as any referenda that may be required, shall be held the day of the Budget Referendum (see Article VII). Such elections shall be conducted on a nonpartisan basis and without party designations on the election ballot.

Section 2 - NOMINATION.

Any qualified voter of the Town may be nominated for the Council or the Sanitary District Trustees by the use of nomination papers in accordance with the Statutes of the State of Maine.

Section 3 - CONDUCT OF MUNICIPAL ELECTIONS.

The provisions of the Statutes of the State of Maine relating to the qualifications of voters, the registration of voters, the nomination for any office, the manner of voting, the duties of election officers and all other particulars relative to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter.



Section 4 - VOTING PLACES.

The voting place for municipal elections shall be the Town Office.

Section 5 - ELECTION OFFICIALS.

The Town Council shall, no less than ten (10) days before election, appoint a Warden, in addition to the regular Ballot Clerks, for the voting place.

**ARTICLE VII: THE BUDGET REFERENDUM**

Section 1 - BUDGET REFERENDUM AND SPECIAL TOWN MEETINGS.

An annual Budget Referendum for the consideration of the budget and the transaction of other Town business which voters are authorized to vote upon shall be held on Election Day in June (generally the second Tuesday).

Section 2 - WHEN ACTION BY REFERENDUM REQUIRED.

The annual budget, as provided in Article IV, and any appropriation of ten thousand dollars (\$10,000) or more in addition to or supplementary to the annual budget appropriation, the issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued, shall become effective only after it has been adopted by referendum of a majority of those voting and entitled to vote at such referendum.

Section 3 – BUDGET REFERENDUM BALLOT

All ballot questions shall be closed ended. Amendments by write in shall not be permitted. The form of ballot for the proposed budget shall be substantially as follows: "Do you wish to raise and appropriate by taxation \$(dollar amount) for (specific budget or department)? " Voters shall indicate their yes or no vote of choice by marking the ballot as the ballot instructs.

Section 4 – FAILURE TO PASS A BUDGET

If any or all proposed budgets fail to pass by majority vote following the budget referendum, additional referendum votes shall be conducted specifically for the failed budget items until a proposed budget has passed by majority vote. Failure to pass any or all proposed budgets by the start of the fiscal year shall cause the previous year's budgeted amount for the failed item(s) to be temporarily enacted for the purposes of a budget to begin the fiscal year until the passage of said budget by referendum.

Section 5 - METHOD OF DISCONTINUING THE BUDGET REFERENDUM.

At any time, not less than ten percent (10%) of the registered voters of the Town may petition over their personal signatures for a referendum vote on the ballot at a general or special Town election on the proposition of discontinuing the Budget Referendum. The proper election officials of the Town shall take such steps as may be necessary to place such question upon the ballot at the next General Election or at a Special Election called for that purpose. If at such General Election or Special Election, a majority of the electors of the Town, (which shall be no less than two-thirds (2/3) of the number of voters in the most recent presidential election),

voting on the question, shall vote for the discontinuing of the Budget Referendum of the Town of Mechanic Falls, then the Budget Referendum shall be deemed to be discontinued. The powers heretofore vested in the budget adoption shall be conferred upon and exercised by the Town Council.

## **ARTICLE VIII: INITIATIVE AND REFERENDUM**

### Section I - PETITION FOR OVERRULE OF ACTION BY COUNCIL.

A. All ordinances, resolutions or votes, except those making appointments of removals or regulating exclusively the internal procedure of the Council, shall be subject to overrule by a Referendum as follows:

B. If, within thirty (30) days after the enactment of any such ordinance, resolution or vote, a petition signed by not less than ten percent (10%) of the registered voters of the Town of Mechanic Falls is filed with the Town Clerk requesting its reference to a Referendum, the Council shall call a Public Hearing to be held within fourteen (14) days from the date of the filing of such petition with the Town Clerk and shall, within fourteen (14) days after said Public Hearing, call for a Referendum Vote on the question of adopting the referred ordinance, resolution or vote. Upon the proper filing of the petition to overrule a Council ordinance, resolution or vote, the referred ordinance, resolution or vote shall be suspended from going into operation until it has received an affirmative vote of the majority of the voters voting on said question.

### Section 2 - PETITION FOR ENACTMENT OF ORDINANCES.

A. Not less than ten percent (10%) of the registered voters of the Town may at any time petition for the enactment of any proposed lawful ordinance by filing such petition, including the complete text of such ordinance, with the Town Clerk. The Council shall call a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk, and shall within thirty (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 ordinance, unless prior to the call for said Town election, such ordinance shall be enacted by the Council. Such ordinance shall take effect on the tenth (10th) day after the conclusion of such referendum, provided a majority of those voting thereon shall have voted in the affirmative.

B. Any such proposed ordinance shall be examined by the Town Attorney before being submitted to referendum. The Town Attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but shall not materially change its meaning and effect.

### Section - 3 FORM OF BALLOT.

The form of ballot for the proposed ordinance, or repeal of such ordinance, resolution or vote shall be substantially as follows: "Shall the proposed ordinance (resolution, vote or Charter amendment), a copy of which is printed herein or attached hereto, be adopted?" Voters shall indicate their vote of choice by marking the ballot as the ballot instructs.

**ARTICLE IX: GENERAL PROVISIONS**

Section 1 - OATH OF OFFICE.

A. Every officer of the Town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk.

B. "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Mechanic Falls and statutes of the State of Maine, and will faithfully discharge the duties of the office of . . . ."

Section 2 - SHORT TITLE.

This Charter shall be known and may be cited as the "Council-Manager Charter of the Town of Mechanic Falls". The Clerk shall cause it to be printed and made available to the public promptly.

Section 3 - ORDINANCES NOT INCONSISTENT CONTINUE IN FORCE.

All ordinances of the Town of Mechanic Falls 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.

Section 4 - EXISTING CONTRACTS NOT INVALIDATED, UNLESS INCONSISTENT.

All rights, actions, proceedings, prosecutions and contracts of the Town or any of its departments, pending or unexecuted when this Charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as through begun or executed hereunder.

Section 5 - REPEALING CLAUSE.

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

Section 6 - SEPARABILITY CLAUSE.

If any portion of this act shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.