

3-12-1974

Charter of the Town of Hermon, Maine

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CHARTER
of the
TOWN of HERMON, MAINE

<i>Effective Date:</i>	<i>March 12, 1974</i>
<i>Amendment Date:</i>	<i>March 8, 1976</i>
<i>Amendment Date:</i>	<i>December 5, 1977</i>
<i>Amendment Date:</i>	<i>November 7, 1989</i>
<i>Amendment Date:</i>	<i>November 8, 1994</i>
<i>Amendment Date:</i>	<i>November 2, 1999</i>
<i>Amendment Date:</i>	<i>November 8, 2005</i>
<i>Amendment Date:</i>	<i>November 3, 2009</i>
<i>Amendment Date:</i>	<i>November 6, 2012</i>

Attest a True Copy: *Ruth A. Nickerson, Clerk*

ARTICLES SUMMARY

ARTICLE I

Grant of Powers to the Town. *The Town continues as a municipal corporation and will have all powers possible for a municipality under the Constitution and laws of Maine.*

ARTICLE II

The Town Council. *The Town Council will consist of seven members, elected at large, with three-year staggered terms. Any qualified voter at least 21 years of age is eligible to serve. The Town Council, after public hearing, will pass on all ordinances. The Town Council shall appoint the Town Manager, Town Treasurer, Road Commissioner, Tax Collector, Town Attorney, Planning Board and the Zoning Board of Appeals.*

ARTICLE III

Town Meeting. *An annual Town Meeting will be held for the consideration of the Budget and the transaction of other Town business.*

ARTICLE IV

The Town Manager. *The Town Manager will appoint the Town Clerk, and all Department heads subject to confirmation of the council.*

ARTICLE V

Personnel Administration. *A personnel administration system is created that institutes the merit principle for appointment and promotion of town officers and employees under the supervision of the Manager. Comprehensive personnel rules must be adopted within two years after the Charter is passed.*

ARTICLE VI

School Committee. *A Department of Education is created with seven School Committee members, five elected at large from Hermon, being responsible for the care and management of the public schools of the town, and two from S.A.D. #23 empowered to vote on Secondary Education matters.*

ARTICLE VII

Board of Assessors. *The Board of Assessors shall consist of three members elected at large, who shall perform all duties and responsibilities provided for Assessors under General Law.*

ARTICLE VIII

Budget. *A system is established governing the preparation, public hearing, and adoption of the budget by the Council. All expenditures of \$25,000 or more for capital projects or the issuances of bonds in that amount must be voted upon by the citizens of the Town.*

ARTICLE IX

Nominations and Elections. *Any qualified voter at 21 years of age is eligible to serve on the Town Council or School Committee. Elections will be non-partisan and political parties will not be able to nominate candidates for municipal offices at a caucus.*

ARTICLE X

Initiative, Referendum and Recall. *Comprehensive initiative, referendum and recall provisions have been included in Hermon Charter. This article provides an adequate check and balance on the power of Hermon's elected officials and their official acts. Councilmen and School Committeemen are subject to recall.*

ARTICLE XI

General Provisions. *Conflict of interest and prohibited activities for elected officials are clearly defined in the Charter.*

ARTICLE XII

Transitional Provisions. *A detailed method for the transition from our present form of government is prescribed.*

A municipality like a corporation must have a legislative body and a management team that has sufficient authority to make decisions and to solve problems as they occur.

The Commission feels that the Council-Manager form of government is the best form of government for Hermon and for the future. We sincerely hope that you the citizens agree with us.

The Charter Commission held a meeting on Monday, April 23, 1973, at 7:30 P.M. in the meeting room at the Municipal Building for the purpose of answering questions on the proposed Charter. All Hermon citizens were urged to attend. The Charter will be voted on at a later date and if passed will become effective on March 12, 1974.

ARTICLE I

GRANT OF POWERS TO THE TOWN

Sec. 1.01 - POWERS OF THE TOWN

The inhabitants of the Town of Hermon shall continue to be a municipal corporation by the name of the Town of Hermon. The Town shall have all powers possible for a municipality to have under the Constitution and laws of Maine.

Sec. 1.02 - 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 this article.

Sec. 1.03 - 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 divisions or agencies thereof, or with the United States or any agency thereof.

ARTICLE II
TOWN COUNCIL

Sec. 2.01 - NUMBER, ELECTION AND TERM

The Town Council shall be composed of 7 members, each of whom shall be elected by the registered voters of the entire Town and will serve 3 year staggered terms.

Sec. 2.02 - QUALIFICATIONS

1. Councilpersons shall be at least 21 years of age, shall be registered voters of the Town and shall reside in the Town during their term of office. After serving three full consecutive terms as a Councilperson, an individual must wait one year before serving on the Council again. A Councilor shall provide the Town Clerk with the address of their residence, which shall be in the Town of Hermon, upon request of the Town Council. A Councilor will be allowed temporary absences upon approval of the Council.

(Amended 11/8/1994 Effective 7/1/1995; Amended 11/2/99 Effective 7/1/00;
Amended 11/08/05 Effective 7/1/06; Amended 11/06/12 Effective 11/06/12)

2. Procedures and specific Councilor Rules:

- a. The Town Council shall adopt a policy governing its rules and procedures.
- b. No Councilor or immediate family member of the Councilor shall have a contract with the Town. Any councilor having a contract with the Town must immediately forfeit the contract or resign from the council. Failure on the part of the councilor to forfeit the contract or resign will result in removal from office pursuant to Section 2.08.
- c. No Councilor shall be an employee of the town or obtain employment with the town within one year from the date he/she left office. Employee of the Town does not include school employees.

(Amended 11/08/05 Effective 7/1/06)

- d. The Town Council shall approve the creation of any new full time, permanent position of employment with the Town.

(Amended 11/06/12 Effective 11/06/12)

- e. No Councilor, during the term for which that Councilor has been elected and for one year thereafter, or any member of the Councilor's immediate family, be appointed to any position of employment in the Town which was created by action of the Council during the Councilor's term.

(Amended 11/06/12 Effective 11/06/12)

Sec. 2.03 - COMPENSATION

Members of the Council shall receive the sum of \$1,500 per year in full compensation for their services, same payable quarterly. The Chairperson shall be paid an additional \$250.00 per year and the Vice-Chairperson shall be paid an additional \$100.00 per year.

(Amended 12-5-77) (Amended 11/7/89 Effective 7/1/90; Amended 11/2/99 Effective 7/1/00; Amended 11-06-12 Effective 7/1/13)

Sec. 2.04 - INDUCTION OF COUNCIL INTO OFFICE

The term of Councilors-elect shall commence on July 1st. They shall be required prior to that date to be sworn to the faithful discharge of their duties by the Town Clerk, Deputy Town Clerk or by a person qualified by law to administer oaths.

(Amended 11/7/89 Effective 7/1/90)

Sec. 2.05 - COUNCIL TO BE THE 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 the power to subpoena witnesses and require production of records, but the decision of the council in any such cases shall be subject to review by the courts.

Sec. 2.06 - REGULAR MEETINGS

The Town Council shall, at its first meeting or as soon as possible thereafter, establish by resolution a regular place time for holding its regular meetings and shall meet regularly at least once a month. It shall also provide a method for calling special meetings. All meetings of the Town Council shall be open to the public in accordance with the revised statutes of the State of Maine. A specific agenda item shall be provided at all regular meetings to allow public input.

(Amended 11/8/1994; Effective 7/1/1995)

Town Council meeting agendas and all Public Hearings shall be posted, in no fewer than three (3) public locations to be specifically identified in the Town Council Rules; one location must be the Town Office. Town Council meeting agendas and Public Hearings shall be posted on the Town's website. Should a posting location become unavailable, the Council shall immediately identify an alternative location for posting Town Council meeting agendas and Public Hearings.

(Amended 11/06/12 Effective 11/06/12)

Sec. 2.07 - RULES OF PROCEDURE; JOURNAL

The Town Council shall keep a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same; the record shall be retained and disposed of in accordance with the State Law. The Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. All appropriation orders or resolves shall be confined to the subject of appropriations only. The yeas and nays shall be taken on the passage of all ordinances, orders, and resolves and entered on the record of the proceedings of the Council by the Clerk. Whether a Councilor's

vote is recorded as a yea or a nay, all Councilors will sign, as necessary, orders or resolves passed by a majority of the Council.
(Amended 11/08/05 Effective 7/1/06).

The Town Clerk shall establish a record of all Town Council votes for all ordinances, orders, or resolves and record the vote on all ordinances, orders or resolves.
(Amended 11/06/12 Effective 11/06/12).

Before any ordinance shall be passed, at least one public hearing shall be held by the Council, notice of which shall be given at least 7 days in advance by publication in a newspaper having a circulation in said Town and by posting a notice in at least three public places in Hermon.

Every ordinance shall require on passage the affirmative vote of a majority of the members of the Council. Such ordinances shall be effective 30 days after such passage subject to the provisions of the Article on Referendum and Initiative.
(Amended 11/8/94 Effective 7/1/95)

Sec. 2.08 - VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES

1. Vacancies: The office of councilperson shall become vacant upon the death, resignation, removal from office in any manner authorized by law or forfeiture of his/her office.

2. Forfeiture of Office: A Councilperson shall forfeit his/her office upon final conviction of a felony or crime of moral turpitude or if he/she lacks at any time during his/her term of office any of the qualifications of the office prescribed by this Charter or by law.

3. Filling Vacancies: If a seat in the Town Council becomes vacant more than 6 months prior to the next regular election, the Council shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat in the Council becomes vacant less than 6 months prior to the next regular election, the Council may call a special election.

4. Forfeiture for Attendance Reasons: A Councilor shall forfeit his/her office if he/she fails to attend five regular meetings of the Council in a fiscal year, without being excused by the Council.
(Amended 11/7/06 Effective 7/1/07)

Sec. 2.09 – QUORUM AND PRESENT AND VOTING

1. A majority of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members. 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 the adjournment was taken.

2. A councilor must be present for the entire consideration of a matter in order to participate in deliberations or vote on the matter, without leave of the Council.
(Amended 11/08/05 Effective 7/1/06)

Sec. 2.10 - CHAIRMAN

At its first meeting in July, the Council shall elect, by majority vote, one of its members as Chairperson and one as Vice-Chairperson for the ensuing year and the Council may fill, by majority vote, for an unexpired term, any vacancies in the offices of Chairperson and Vice-Chairperson that may occur. The Chairperson shall preside at the 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 he/she shall have no regular administrative duties. The Chairperson shall be entitled to vote, and his/her vote shall be counted upon all matters and things as a vote of other members of the Council.

(Amended 11/7/89 Effective 7/1/90)

Sec. 2.11 - TOWN CLERK

In addition to the statutory duties required of the Town Clerk, Deputy Town Clerk or Assistant Clerk; the Town Clerk, Deputy Town Clerk or Assistant Clerk shall act as Clerk of the Council and shall keep a public record of all proceedings of the Council, including all votes.

(Amended 11/8/94 Effective 7/1/95)

Sec. 2.12 - INDEPENDENT ANNUAL AUDIT

Prior to the end of each fiscal year, the Council shall designate public certified accountants who, at the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town Government and shall submit their report to the Town Council and Town Manager. This Audit Report in a summarized manner will be made a part of the Annual Town Report. 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.

(Amended 11/7/89 Effective 7/1/90; Amended 11/06/12 Effective 11/06/12)

Sec. 2.13 - ENUMERATION OF POWERS

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

1. Appoint and remove the Town Manager, Town Treasurer, Road Commissioner, Tax Collector, General Assistance Director, Town Attorney, members of the Planning Board, members of the Zoning Board of Appeals, and members of the Assessment Review Board.

(Amended 11/8/94 Effective 7/1/95)

2. The Council may, where appropriate and not prohibited by law, vest in the Town Manager, or his/her appointee, all or part of the duties of any office.

(Amended 11/8/94 Effective 7/1/95; Amended 11/08/05 Effective 7/1/06)

3. Provide for an annual audit.

4. By ordinance create, change and abolish offices, departments and agencies, other than those offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments, or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

5. Make, alter, and repeal ordinances, including the power to enact ordinances providing for the grant of licenses and permits for the conduct of any business, as set forth in the statutes of the State of Maine, for such periods of time and in accordance with such rules and regulations not inconsistent with law and upon payment by the licensee of such fees as the Town Council may establish in such ordinance.

6. Ordinances in General.

(a) Form: Every proposed ordinance shall be introduced in writing and in the form required for the final adoption. The enacting clause shall be "The Town of Hermon hereby ordains..." Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(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, and shall publish the same as defined in Section 2.07 together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing shall follow the publication by at least seven days, 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 herein before required in the case of a newly introduced ordinance.

(c) 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 plus one member shall be required for adoption. After its adoption the ordinance shall be posted in at least three public places in Hermon. 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 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.

(d) Authentication and Recording: Codification; and Printing:

(1) Authentication and Recording: All ordinances adopted by the Council shall be authenticated by the signature of the Clerk of the Council and recorded in full by the Clerk in a properly indexed book kept for the purpose.

(2) Codification: Within three years after adoption of this Charter and at least every ten years thereafter, the Council shall provide for the preparation of a general codification of all ordinances, except those required by Section 2.13 (5). The general codification shall be adopted by the Council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and other rules and regulations as the Council may specify. Any codification ordinance may be published by title. This compilation shall be known and cited officially as the Hermon Code. Copies of the code shall be furnished to officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price.

(Amended 11/7/89 Effective 7/1/90)

(3) Printing of Ordinances: The Council shall cause each ordinance, except those required by Section 2.13 (5) and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and Charter amendments shall be distributed or sold to the public at reasonable prices.

(Amended 11/7/89 Effective 7/1/90)

7. Inquire into the conduct of any office department or agency of the Town and make investigation as to municipal affairs.

8. Recommend the annual budget to the Town meeting.

Sec. 2.14 - PROHIBITIONS

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 subordinates are empowered to appoint; but the Council may discuss with the Manager the appointment and removal of such officers and employees.

(Amended 11/08/05 Effective 7/1/06)

Except for the purpose of inquiry, the Council and its members shall deal with the administrative services solely through the Manager and neither the Council or any Councilor shall give orders to any subordinates of the Manager, either publicly or privately.

(Amended 11/08/05 Effective 7/1/06)

ARTICLE III

TOWN MEETING

Sec. 3.01 - ANNUAL AND SPECIAL TOWN MEETINGS

An Annual Town Meeting for the consideration of the budget and the transaction of other Town business shall be held on a date to be established annually by the Town Council.

The Annual Town Meeting and any Special Town Meeting shall be governed by the latest edition of Maine Moderator's Manual, published by Maine Municipal Association. The Manual shall be kept and maintained by the Council Chairperson for reference, which must be physically available to him or her at the time of the meeting. The Annual Town Meeting shall be attended by the Town Attorney or his or her designee.

(Amended 11/06/12 Effective 11/06/12)

The Annual and Special Town Meetings shall be called by the Council in the manner provided for calling Town Meetings in accordance with provisions of the statutes of the State of Maine.

(Amended 12-5-77)

Sec. 3.02 - PURPOSE OF THE TOWN MEETING

Town Meeting is required for approval of the following:

(a) Annual Budget.

(b) Any appropriation of \$25,000 or more in addition to or supplementary to the annual budget appropriation.

(Amended 11/7/89 Effective 7/1/90; Amended 11/06 Effective 11/06/12)

(c) The issuance of bonds or notes, except notes in anticipation of taxes to be paid within the fiscal year in which issued.

(1.) The issuance of any bond or note shall be posed as a question on a secret ballot and each qualified voter who desires to cast an absentee vote at a regular or special town meeting shall be entitled to an official ballot and the right to cast such ballot in accordance with the provisions of the State Law.

(Amended 11/3/09; Effective July 1, 2010).

(d) Funding of a reserve account.

The above appropriations shall become effective only after approval at a Town Meeting by the vote of a majority of those voting on the article at such meeting.

(Amended 11/7/89 Effective 7/1/90)

The Town Meeting Shall:

(a) Not increase the amount of any appropriation above the amount recommended by the Council.

(b) Not make any appropriation not recommended by the Council, and

(c) Not increase the amount of any Bond Issue above the amount recommended by the Council. (Amended 11/7/89 Effective 7/1/90)

Sec. 3.03 – METHOD OF ABOLISHING THE TOWN MEETING

At any time after the adoption of this Charter, not less than 10% of the registered voters of the Town may petition over their personal signatures for a special Town Meeting to vote upon the question of submitting to a referendum vote on the ballot at a special Town election the proposition of abolishing the Town Meeting. The Council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the Town Clerk, and shall within 14 days after said public hearing call a special Town Meeting for the purpose of submitting to a referendum vote the question of abolishing the Town Meeting in the Town of Hermon. If at such special election a majority of the voters of the Town voting on the question shall vote for the abolition of the Town Meeting of the Town of Hermon, the powers heretofore vested in the Town Meeting shall be conferred upon and exercised by the Town Council.

In the event the Annual Town Meeting is abolished, by amendment of the Town Charter, a substitute process for adoption of the annual budget for the Town of Hermon must be approved by the voters by a concurrent vote..

(Amended 11/06/12 Effective 11/06/12)

ARTICLE IV

TOWN MANAGER

Sec. 4.01 - APPOINTMENT; QUALIFICATION

The Town Council shall appoint a Town Manager for an indefinite term and fix his/her compensation. The Manager shall be appointed on the basis of his/her executive and administrative qualifications. He/She need not be a resident of the Town or State at the time of his/her appointment but may reside outside the Town while in office only with the approval of the Council.

Sec. 4.02 - REMOVAL

The Council may remove the Manager from office in accordance with the following procedures:

(Amended 11/7/89 Effective 7/1/90)

(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 30 days. A copy of the resolution shall be delivered within 96 hours to the Manager.

(2) Within 5 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 10 nor later than 20 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 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/she has not requested a public hearing, or at any time after the public hearing, if he/she has requested one.

(4) The Manager shall continue to receive his/her salary until the effective date of final resolution or removal. In addition, he/she shall receive severance pay and other allowances at the discretion of the Town Council.

Sec. 4.03 - ABSENCE OF TOWN MANAGER

By letter filed with the Town Clerk the Manager shall designate, subject to approval of the Town Council, a qualified Town administrative officer to exercise the powers and perform the duties of Manager during his/her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the Town to serve until the Manager shall return or his/her disability shall cease. In the event of failure of the Manager to make such designation, the Council may by resolve appoint any

administrative officer of the Town to perform the duties of the Manager until he/she shall return or his/her disability shall cease.

Sec. 4.04 - POWERS AND DUTIES OF TOWN MANAGER

The Town Manager shall be the chief administrative officer of the Town. He/She shall be responsible to the Council for the administration of all Town affairs placed in his/her charge by or under this Charter. He/She shall have the following powers and duties:

(1) The Town Manager shall appoint the Town Clerk, Tax Assessor and department heads subject to the confirmation of the Town Council and shall have the power to remove such appointees when necessary. He/She shall appoint and remove when necessary all other administrative officers and Town employees, except as he/she may authorize the head of department or office to appoint and remove subordinates in such department or office and except as otherwise provided in this Charter.

(Amended 3-8-76)

(2) To direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law.

(Amended 11/7/89 Effective 7/1/90)

(3) To attend Council Meetings and shall have the right to take part in discussions but may not vote.

(Amended 11/8/94 Effective 7/1/95)

(4) To see that all laws, provisions of this Charter and acts of the Council, subject to his/her direction and supervision, are faithfully executed.

(Amended 11/7/89 Effective 7/1/90)

(5) To prepare and submit the annual budget and capital program to the Council.

(Amended 11/7/89 Effective 7/1/90)

(6) To 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.

(Amended 11/7/89 Effective 7/1/90)

(7) To make such other reports as the Council may require concerning the operations of Town departments, offices and agencies subject to his/her direction and supervision.

(Amended 11/7/89 Effective 7/1/90)

(8) To keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as he/she deems desirable.

(Amended 11/7/89 Effective 7/1/90)

(9) To prepare a personnel policy and job descriptions as required, to be proposed to the Council, and the Council may, adopt them with or without amendment.

(Amended 11/7/89 Effective 7/1/90; Amended 11/08/05 Effective 7/1/06)

(10) He/She, or an official designated by him/her, shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
(Amended 11/7/89 Effective 7/1/90)

(11) To perform such other duties as are specified in this Charter or may be required by the Council. (Amended 11/7/89 Effective 7/1/90)

ARTICLE V

PERSONNEL ADMINISTRATION

Sec. 5.01 -

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

Sec. 5.02 -

The Town Manager or a person appointed by him/her shall be designated Personnel Director and shall administer the personnel system of the Town.
(Amended 11/7/89 Effective 7/1/90)

ARTICLE VI

SCHOOL COMMITTEE

Sec. 6.01 - NUMBER, ELECTION AND TERM

The School Committee shall consist of five (5) members, each of whom shall be nominated and elected by the registered voters of the entire Town to administer and provide oversight for the School Department.

Each member shall be elected for a term of three (3) years and shall serve until his/her successor is elected and qualified. After serving three full consecutive terms as a School Committeeperson, an individual must wait one year before serving on the Committee again. (Amended 11/8/94 Effective 7/1/95; Amended 11/06/12 Effective 11/06/12)

In addition to the five (5) members above, there shall also be two (2) members of the School Committee to be appointed by the directors of R.S.U. #87 for as long as secondary school tuition students from RSU #87 d/b/a SAD #23 are contracting with the Town of Hermon compromise no less than 25% of the secondary education student population at Hermon High School. The School Committee shall have all the powers and duties prescribed for school committees by the general laws of the State of Maine, except as otherwise provided by this Charter and as follows:

(a.) A specific agenda item shall be provided at all regular meetings to allow public input.

(b.) The School Committee shall provide for keeping a verbatim record of its proceedings to be retained and disposed of in accordance with the State Law. (Amended 11/8/94 Effective 7/1/95; Amended 11/08/05 Effective 07/01/06; Amended 11/06/12 Effective 11/06/12)

Sec. 6.02 - QUALIFICATIONS

School Committee candidates shall be at least 21 years of age and registered voters of the Town, and shall reside in the Town during their term of office, except members seated by S.A.D. #23 as provided in Section 1. A committeeperson shall provide the Town Clerk with the physical address of their residence, which shall be in the Town of Hermon, upon the request of the School Committee. A vacancy may occur if a Committeeperson no longer resides in Hermon. A Committeeperson will be allowed temporary absences upon approval of the Committee. (Amended 11/2/99 Effective 7/1/00; Amended 11/08/05 Effective 07/01/06)

Sec. 6.03 - COMPENSATION

Excluding those members seated from RSU #87 d/b/a SAD #23, members of the School Committee shall receive the sum of \$1,500 per year in full compensation for their services same payable quarterly. The Chairperson shall be paid an additional \$250 per year and the Vice-Chairperson \$100. (Amended 11/7/89 Effective 7/1/90; Amended 11/2/99 Effective 7/1/00; Amended 11/06/12 Effective 07/01/13)

Sec. 6.04 - INDUCTION OF MEMBERS INTO OFFICE

The Terms of the School Committee members-elect commence on July 1st. They shall be required prior to that date to be sworn to the faithful discharge of their duties by the Town Clerk, Deputy Town Clerk or by a person qualified by law to administer oaths.
(Amended 11/7/89 Effective 7/1/90)

Sec. 6.05 - VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES

1. VACANCIES: The office of Committeeperson shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law or forfeiture of his/her office.

2. FORFEITURE OF OFFICE: A Committeeperson shall forfeit his/her office upon final conviction of a felony or crimes of moral turpitude or if he/she lacks at any time during his/her term of office any of the qualifications of the office prescribed this Charter or by law.

3. FILLING VACANCIES: If a seat on the School Committee becomes vacant more than 6 months prior to the next regular election, the Council shall call a special election to fill the unexpired term within 60 days from the date that the vacancy occurred. If a seat on the School Committee becomes vacant less than 6 months prior to the next regular election, the Council may call a special election.

4. FORFEITURE FOR ATTENDANCE REASONS: A Committeeperson shall forfeit his/her office if he/she fails to attend three consecutive meetings of the Committee without being excused by the Committee.

Sec. 6.06 - CHAIRPERSON

At its first meeting in July, the School Committee shall elect by majority vote, one of its members as Chairperson and one as Vice-Chairperson for the ensuing year. The Chairperson and Vice-Chairperson must be residents of the Town of Hermon.
(Amended 11/7/89 Effective 7/1/90)

Sec. 6.07 - PROHIBITIONS

Except for the purpose of inquiry, the Committee and its members shall deal with the administrative services solely through the Superintendent of Schools and neither the Committee nor any member thereof shall give orders to any subordinates of the Superintendent of Schools, either publicly or privately.

Sec. 6.08 - BUDGET

The School Committee shall submit its proposed annual budget to the Town Manager no less than thirty (30) days prior to the Annual Town Meeting or Special Town Meeting called for adoption of the school budget along with explanation of any pending items.
(Amended 3-8-76; Amended 11/06/12 Effective 11/06/12)

The School Budget will be voted upon at either the Annual or at a special Town Meeting called for that purpose. The proposed expenditures in the School Budget shall be divided into no fewer than the following line items: Debt Service, Reserves, Capital Improvements, and All Other School Expenditures.

(Amended 11/7/89 Effective 7/1/90; Amended 11/2/99 Effective 7/1/00; Amended 11/06/12 Effective 11/06/12)

ARTICLE VII
TAX ADMINISTRATION

Sec. 7.01 -

There shall be established a division of Assessment, the head of which shall be the Town Tax Assessor.

(Amended 3-8-76) (Amended 11/7/89 Effective 7/1/90)

Sec. 7.02 - DUTIES

(a) The assessor shall be empowered with the powers and subject to the duties prescribed in the state Law.

(b) The Town Council is authorized to confer jurisdiction over appeals arising from any town Ordinance upon the Board of Assessment Review. In which case, the Board shall be known as the Board of Appeals.

Sec. 7.03 - BOARD OF ASSESSMENT REVIEW

There shall be a Board of Assessment Review consisting of three (3) members who shall be appointed by the Town Council for a term of 3 years, except that of those first appointed, one shall be for a term of 2 years and one for a term of 1 year: and two alternates: one of the alternates must be appointed for 1 year and one alternate for 2 years. A Quorum shall be a majority of the voting members and they shall elect their own Chairperson. Vacancies in the membership of such a board shall be filled by appointment by the Town Council for the unexpired term.

(Amended 11/8/94; Effective 7/1/95)

Sec. 7.04 - BOARD OF ASSESSMENT REVIEW; POWERS; DUTIES

The Board of Assessment Review shall have the power to: (a) Review, on complaint of property owners, and revise assessed values for the purpose of taxation of real and personal property within the town limits made by the Town Tax Assessor.

(b) Administer oaths.

(c) Take testimony.

(d) Hold Hearings; and

(e) Adopt regulations regarding the procedure of assessment review not inconsistent with statutory provisions.

(f) Shall make findings of fact and conclusion of values.

(Amended 11/7/89 Effective 7/1/90)

ARTICLE VIII

BUDGET

Sec. 8.01 - FISCAL YEAR

The fiscal year of the Town government shall begin the first day of July and shall end on the last day of June of each calendar year, or such other fiscal year as the Council may decide. Such fiscal year shall constitute the budget and accounting year as used in this Charter. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered. (Amended 12-5-77)

Sec. 8.02 - PREPARATION AND SUBMISSION OF THE BUDGET

The Town Manager, at a time to be determined by the Town Council, shall submit to the Council a budget and an explanatory budget message. The budget authority of the Town Council shall include amending or approving the budget proposed by the Town Manager and determining the total appropriations made to various municipal offices, departments or agencies. The school budget will be presented to the Town Council, and the Town Council will forward the School Committee's recommendation to the voters in accordance with State law. This budget shall contain:

(Amended 12-5-77; Amended 11/06/12 Effective 11/06/12)

(a) A statement of the financial overview of the Town shall be submitted to the Council in time to be included in the published Town budget.

(Amended 3-8-76; Amended 11/06/12 Effective 11/06/12)

(b) An itemized statement of appropriation recommended for current expenses, and for permanent improvements, with comparative statements in parallel columns of estimated expenditures for the next preceding fiscal year. An increase or decrease in any item shall be indicated.

(c) 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.

(d) Such other information as may be required by the Town Council.

The proposed budget prepared by the Manager shall be reviewed by the Town Council which shall approve the budget with or without amendments. The complete Town budget, including the school budget, as approved by the Town Council shall be published and the Town Council shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing. The Council shall then review the budget and recommend it, with or without change, to the annual Town Meeting. Each Article shall be accompanied with a record of the School Committee's and Town Council's vote.

(Amended 11/08/05; Effective 07/01/06)

Sec. 8.03 - BUDGET ESTABLISHED APPROPRIATIONS

Upon adoption of the budget all amounts appropriated shall be so appropriated to the respective offices, departments and agencies of the Town and limit overlay expenditures. (Amended 11/06/12 Effective 11/06/12)

Sec. 8.04 - BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY TAX; CERTIFICATION TO THE ASSESSOR

(Amended 3-8-76, Amended 11/8/94)

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, excluding State allowable overlay for the purposes of the Town in the corresponding tax year: the overlay shall be established at the time of the determination of the valuation and tax commitment. A copy of the budget as finally adopted shall be certified by the Clerk and filed by him/her with the Assessor, whose duty it shall be to levy such taxes for the corresponding tax year. (Amended 11/8/94 Effective 7/1/95)

Sec. 8.05 - BUDGET SUMMARY

With the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and shall be also by departments and kinds of expenditures, in such a manner as to present to taxpayers a simple and clear summary of detailed estimates of the budget. (Amended 11/08/05; Effective 07/01/06)

Sec. 8.06 - EXPENDITURES AND DEPARTMENTAL REVENUE

The budget for all departments, including the school department, shall include all proposed expenditures; and the Town Meeting shall make a gross appropriation for department, including the school department, for ensuing fiscal year. The gross appropriation for each department shall not be exceeded. The school budget shall be expended under the direction and control of the School Committee. All budgets shall be considered to be line item budgets and monies shall not be transferred from one appropriation to another except as provided in Section 8.08. The School Budget shall contain the following four line items: Debt Service, Reserves, Capital Improvements, and All Other School Expenditures. (Amended 3-8-76; Amended 11/2/99 Effective 7/1/00)

Sec. 8.07 - WORK PROGRAM; ALLOTMENTS

The head of each office, department or agency, shall submit to the Town Manager a work program of the year, showing the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The Town Manager shall review the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The Town Manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriations available to said office, department or agency for the budget year. (Amended 11/08/05; Effective 07/01/06)

Sec. 8.08 - TRANSFERS OF APPROPRIATIONS

At the request of the Manager, the Council may by resolution transfer any unencumbered appropriations balance or portion thereof, from one department to another, for expenditures encumbered during the last 3 months of the fiscal year providing, that no such transfer shall occur more than thirty days following the close of the fiscal year. In the case of the School budget this may be done at the request of the Superintendent with the approval of the School Committee, pursuant to State Law, and notification of the Council, for transfers between Reserves and Capital Improvements. Transfers involving the line item entitled "All Other School Expenditures" shall require approval of the School Committee, pursuant to State Law. (Amended 3-8-76) (Amended 11/7/89 Effective 7/1/90; Amended 11/2/99 Effective 7/1/00; Amended 06/12/12 Effective 07/01/12)

Sec. 8.09 - INTERIM EXPENDITURES

In the period between the beginning of the fiscal year and the appropriation of funds, the council may authorize expenditures for current departmental expenses chargeable to the appropriations for the year when made in amounts sufficient to cover the necessary expenses of the departments.

Sec. 8.10 - LAPSE OF APPROPRIATIONS

General Fund appropriations, except for reserve accounts funded by the Town Meeting action and accounts designated by the Council to be continuing, shall lapse at the end of the fiscal year, to the extent that it has not been expended or encumbered. Nothing in this section is intended to prohibit transfers under the provisions of Section 8.08 of this Charter. (Amended 11/2/99 Effective 7/1/00)

Sec. 8.11 - PAYMENTS AND OBLIGATIONS PROHIBITED

No payment shall be made or obligation incurred against any allotment or appropriations except in accordance with appropriations duly made and unless the Manager or his/her designees first certifies that there is sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he/she shall also be liable to the Town for an amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided such action is made or approved by ordinance.

Sec. 8.12 - CAPITAL PROGRAM

The Town Council shall adopt a Capital Program policy that at least includes a 5-year capital program that is adopted at least 4 months prior to the end of the fiscal year.

(Amended 11/08/05 Effective 07/01/06; Amended 11/06/12 Effective 11/06/12)

Sec. 8.13 – RESERVE ACCOUNTS

Reserve accounts may be established by the Town Council. Reserve accounts are defined by State Law M.R.S.A. Title 30, Section 5801.

Town Meeting is required for approval of the following:

(a) Town Meeting is required for approval for funding of a reserve account.

(b) Any expenditures of \$25,000.00 or more from a reserve account excluding the Sewer Maintenance Reserve Account. Expenditures by the Town Council from a given reserve account shall be limited to a total of \$24,999.99 during the fiscal year without a Town Meeting vote.

(c) Transfer of funds from one reserve account to another.

(d) Funding for each reserve account will be contained in an Article to be voted upon at the Town Meeting. Such Article shall contain a breakdown of each reserve account. The total of the reserve accounts approved shall be part of the total appropriation.

(Amended 11/8/94 Effective 7/1/95; Amended 11/08/05 Effective 07/01/06)

**Sec. 8.14 – BORROWING FROM RESERVE ACCOUNTS
IN ANTICIPATION OF TAX REVENUE**

The Town Council, upon the affirmative vote of no less than five (5) members to utilize up to 25% or \$750,000.00, whichever is less, of Town Reserve Accounts to meet the projected cash flow needs of the Town. Use of Reserve Account funds for this purpose is upon the express condition that: The funds be repaid to the Reserve Account during the then current Fiscal Year.

(Amended 11/06/12 Effective 11/06/12)

ARTICLE IX

NOMINATIONS AND ELECTIONS

Sec. 9.01 - CONDUCT OF ELECTIONS

The regular municipal election shall be held on a date to be established annually by the Town Council. Except as otherwise provided by this Charter, the provisions of the laws of the State of Maine shall apply to elections held under this Charter according to State Law. Qualified voter shall mean any person qualified and registered to vote under law. (Amended 12-5-77) (Amended 11/7/89 Effective 7/1/90)

Sec. 9.02 - NOMINATIONS

1. Petitions:

Candidates for election to the Council and the School Committee shall be nominated by petition. Any qualified voter of the Town, being at least 21 years of age, may be nominated for election as Councilperson, or School Committeeperson by a petition signed by not less than 25, qualified voters nor more than 100 qualified voters of the Town. The signature to nominating petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in his/her presence and that he/she believes each signature to be the genuine signature of the person whose name it purports to be. The signature shall be executed in ink or indelible pencil. Each signer shall indicate next to his/her signature the street address where he/she resides. (Amended 11/8/94 Effective 7/1/95)

2. Filing and Acceptance of Nominations Petitions:

All separate papers comprising a nominating petition shall be assembled and filed with the Municipal Clerk as one instrument in compliance with M.R.S.A. Title 30-A as amended regulating the distribution of nomination papers unless otherwise specified by the Council. The Clerk shall make a record of the date and time each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination. (Amended 11/8/94 Effective 7/1/95; Amended 11/2/99 Effective 7/1/00)

3. Procedure after Filing Nomination Petitions:

Within five days after the filing of a nominating petition, the Clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this Charter. If a petition is found insufficient the Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The Clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

Sec. 9.03 - NAMES ON BALLOTS

The names and addresses of all candidates nominated for Councilperson and for School Committeeperson, except those who have withdrawn, died, or become ineligible, shall be printed

on the official ballots without party designation under headings "Nominees for Councilperson" and "Nominees for School Committeeperson", respectively. The names shall appear LAST NAME, First Name, and optional Middle Initial. If the candidate wishes to use a nickname by which they are more commonly known, the name shall appear as LAST NAME, First Name (Nickname) and optional Middle Initial on the ballot providing the full name plus nickname also appeared on the candidate's nomination paper.

(Amended 3/8/76; Amended 11/2/99 Effective 7/1/00)

Sec. 9.04 - DETERMINATION OF ELECTION RESULTS

1. Number of Votes:

Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.

2. Plurality:

Election shall be determined by plurality vote. In case of a tie, a run-off election shall be held between (or among, as the case may be) the tied candidates. A runoff election shall be held within 14 days of the date a tie was determined.

(Amended 11/8/94; Effective 7/1/95)

Sec. 9.05 - BALLOTS FOR ORDINANCES

An Ordinance to be voted on pursuant to Article X shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and 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: "Shall the above described ordinance be adopted?" Immediately below such question shall appear in the following order, the words "yes" or "no" and to the right of each a square in which the voter may cast his/her vote.

Sec. 9.06 - VOTING MACHINES

The Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

Sec. 9.07 - ORDERING CANDIDATE SURNAMES

When two or more candidates have been nominated for any office, the names of said candidates shall appear on the ballot in alphabetical order by surname.

(Amended 11/8/94 Effective 7/1/95).

Sec. 9.08 - ABSENTEE VOTING

Each qualified voter who desires to cast an absentee vote at a regular or special election shall be entitled to an official ballot and the right to cast such ballot in accordance with the provisions of State Law.

ARTICLE X

INITIATIVE, REFERENDUM AND RECALL

Sec. 10.01 - ENACTMENT OF ORDINANCES BY INITIATIVE

The qualified voters of the Town shall have the power to propose ordinances to the Council, provided that such power shall not extend to any ordinance relating to the budget, to the capital program, or to the appropriation of money, levy of taxes, or salaries of officers or employees. If the Council should fail to adopt in substance any ordinance so lawfully proposed, the qualified voters of the Town shall have the power to adopt or reject the proposed ordinance at an election.

Any five qualified voters may begin initiative proceedings by request in writing to the Town Clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. These five qualified voters shall be referred to as the Requesting Committee during the initiative procedure.

The Requesting Committee shall have 30 days from the acceptance date of the request by the Town Clerk to cause the petitions to be signed by 10% of the number of votes cast in the Town at the last Gubernatorial Election. The petition shall be signed only by qualified voters of the Town and each voter's signature shall be followed by his address, affidavit-of-the-circulator, similar to that which is required, in MRSA Title 30A, Sec2102 (3) (b) (3) will be required.

Within 7 days after the petition circulation period ends, the Clerk shall certify to the Council that the petition has been signed by not less than 10% of the total of qualified voters who cast votes in the last Gubernatorial Election. (Amended 11/8/94 Effective 7/1/95)

Should fewer qualified voters than required by the Charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. A request to initiate the same ordinance may not be accepted by the Clerk until 120 days after the expiration of the previous filing period. Upon receipt of certification the Council shall within 30 days hold a public hearing and shall within 60 days after said public hearing hold a municipal election for the purpose of submitting to vote the question of adopting such ordinance, unless such ordinances shall be enacted by the Council prior to the call for said Town election. (Amended 11/7/89 Effective 7/1/90)

Any such proposed ordinance shall be examined by the Town Attorney before being submitted to the voters. 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 he/she shall not materially change its meaning and effect.

Every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

Sec. 10.02 - REFERENDUM

The qualified voters of the Town shall have power to require reconsideration by the Council of all ordinances and if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election provided that such power shall not extend to any emergency ordinance, levy of taxes, or salaries of officers or employees.

Any five qualified voters may begin referendum proceedings by request in writing to the Town Clerk for the appropriate petition blanks, within 7 days after enactment of any ordinance subject to referendum by the Charter. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance sought to be reconsidered. These five registered voters shall be referred to as the Requesting Committee during the referendum procedure.

The Requesting Committee shall have 30 days from the date of enactment *of the ordinance to cause the petitions to be signed by 10%* of the number of votes in the Town at the last gubernatorial election. Only qualified voters of the Town may sign the petition and each voter's signature shall be followed by his/her address. An affidavit-of-the-circulator, similar to that which is required in MRSA Title 30A, Sec. 2102(3)(b)(3) will be required. *Corrected 1/25/05; italicized phrase omitted from printed Charters since November 7, 1989 amendment.*

Within 7 days after the petition circulation period ends, the Clerk shall certify to the Council that the petition has been signed by not less than 10% of the total who cast votes in the last Gubernatorial Election.

(Amended 11/8/94 Effective 7/1/95)

Should fewer qualified voters than required by the Charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated.

Upon receipt of certification the Council shall within 30 days hold a public hearing and shall within 60 days after said public hearing hold a municipal election for the purpose of submitting to vote the question of repealing such ordinance unless it shall be repealed by the Council prior to the call for said Town election. Such ordinance shall be repealed when a majority of those voting thereon shall have voted in the affirmative.

(Amended 11/7/89 Effective 7/1/90)

After a petition has apparently received sufficient signatures, the referred ordinance shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question or upon certification by the Town Clerk to the Council that the petition does not contain the signatures of 10% of the qualified voters.

Sec. 10.03 - ORDINANCES SUBMITTED TO POPULAR VOTE

The Town Council shall submit any ordinance appropriating \$7,000 or more for a single capital improvement, and any ordinance authorizing general obligation bonds or notes for capital improvements to the voters at a regular or special Town Meeting.

(Amended 11/8/94 Effective 7/1/95)

Sec. 10.04 - RECALL

Any 5 qualified voters may begin at any time proceedings to recall a Councilperson or a School Committeeperson by requesting in writing to the Town Clerk for the appropriate petition blanks. These five registered voters shall be referred to as the Recall Committee. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. Printed at the top or bottom of each set of petition papers shall be the statement detailing the reason or reasons for recall and the names of the Recall Committee.
(Amended 11/2/99 Effective 7/1/00)

The Recall Committee shall have 30 days from the acceptance date of the request by the Town Clerk to cause the petition to be signed by 25% of the number of votes cast in the Town in the last Gubernatorial Election. Other registered voters, in addition to Recall Committee members, may obtain petitions from the Clerk's Office and act as circulators. Each voter's signature shall be followed by his/her address. An affidavit-of-the-circulator, similar to that which is required in MRSA Title 30A, Sec. 2102(3) (B)(3) will be required. Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating:

- (a) That the circulator personally circulated the form;
- (b) The number of signatures on the form;
- (c) That all the signatures were signed in the circulator's presence;
- (d) That the circulator believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity to read the petition before signing.

(Amended 11/2/00 Effective 7/1/00)

Within 14 days after the petition circulation period ends the Town Clerk shall certify to the Council that the petition has been signed by not less than 25% of the total of qualified voters who cast votes in the Town at the last Gubernatorial Election.

(Amended 11/8/94 Effective 7/1/95; Amended 11/2/99 Effective 7/1/00)

Should fewer qualified voters than required by the Charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated and request for recall of the same Councilor or member of the School Committee shall not be accepted by the Clerk until 120 days after the expiration of the previous filing period. (Amended 11/7/89 Effective 7/1/90)

Upon receipt of certification the Council shall within 30 days hold a municipal election for the purpose of submitting to vote the question of recall. A Councilor or member of the School Committee shall be recalled when a majority of those voting thereon shall have voted in the affirmative. The Councilperson, or School Committeeperson that recall proceedings have been initiated against shall continue to exercise all the privileges of his/her office until replaced at a Special Election. There shall be a special election to fill the vacancy 28 days after the voters have recalled a Councilor or member of the School Committee.

(Amended 11/7/89 Effective 7/1/90; Amended 11/2/00 Effective 7/1/00)

A Councilperson or School Committeeperson 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. All qualified voters, including those recalled, who seek to fill the seat created by the Recall shall have nomination papers available to them from the Clerk's office, the second day following the Recall vote. Nomination papers shall be available for circulation for 10 calendar days; and, absentee ballots shall be available the 14 days prior to the election to fill the seats made available by the Recall vote.

(Amended 11/2/99 Effective 7/1/00)

Pending action by the voters of the Town, the Councilperson, or School Committeeperson that recall proceedings have been initiated against shall continue to exercise all the privileges of his/her office.

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 with appropriate space to indicate voter's choice.

(Amended 3-8-76; Amended 11/2/99 Effective 7/1/00)

ARTICLE XI

GENERAL PROVISIONS

Sec. 11.01 - ELECTED OFFICERS TERMS

The term of any elected officer shall begin on July 1st. Any officer shall serve for his/her prescribed term or until his/her successor is elected and qualified. If a person is elected to fill a vacancy in office, his/her term shall begin immediately upon taking the oath of office.
(Amended 11/7/89 Effective 7/1/90)

Sec. 11.02 - SWEARING IN OFFICERS

Every Town officer or official shall be sworn to the faithful discharge of the duties incumbent upon him/her according to the Constitution and laws of the State of Maine and the Charter and ordinances of the Town and shall be sworn to support the Constitution of the United States and Constitution of the State of Maine.

Sec. 11.03 - PERSONAL FINANCIAL INTEREST

Any officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the Town or in the sale of any land, material, supplies or services to the Town or to a contractor supplying the Town shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as an officer or employee in making of such sale or in the making or performance of such contract. Any officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Council.

Sec. 11.04 - PROHIBITIONS

1. Activities Prohibited:

- a. No elected Town official shall hold more than one elected Town office concurrently.
- b. No person, shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town position or Town administrative office because of race, sex, political or religious opinions or affiliations.
- c. 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.

d. 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.

e. No person, who holds a compensated appointive Town position, shall solicit any assessments, contributions, or services for any political party from any employee in the municipal service. Staff shall not solicit donations to a political candidate or party from town employees.

f. Nothing herein contained shall affect the of any person to hold membership in, and support, a political party, to vote as he/she chooses, to express privately and publicly his/her n all political subjects and candidates, to maintain political neutrality, and to attend political meeting.

2. Penalties:

a. Any Person found in violation of this section by a Court or competent jurisdiction or by the Council acting in a judicial capacity shall be ineligible for a period of five years thereafter to hold any town office or employment and shall immediately forfeit his/her office or position.

Sec. 11.05 - 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 the 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.

Sec. 11.06 - GENERAL PROVISIONS BOARD PROCEDURES

All Boards shall adopt rules of procedure similar in nature to those of the Town Council. These procedures shall include provisions explaining executive sessions and include a method whereby all votes shall be recorded and the yeas and nays shall be taken. The procedures adopted by appointed boards shall be submitted to the Council for Approval.
(Amended 3-8-76).

ARTICLE XII

TRANSITIONAL PROVISIONS

Sec. 12.01 - FIRST ELECTION

At the time of its adoption, this Charter shall become effective immediately, only for the purpose of conducting the election of necessary municipal officials. Said election shall be conducted in accordance with the provisions of this Charter. The first election shall be held on March 11, 1974. The Selectpersons shall prepare and adopt temporary regulations applicable only to the first election and designed to insure proper conduct and to prevent fraud and provide for recount of ballots in case of doubt or fraud.

Sec. 12.02 - TIME OF TAKING FULL EFFECT

This Charter shall be in full effect for all purposes on March 12, 1974.

Sec. 12.03 - FIRST COUNCIL

1. Initial Staggering of Terms: The terms of Councilpersons elected at the first election under this Charter shall be staggered as set forth below and at the next regular municipal election in March 1975, and thereafter Councilpersons shall be elected to fill the terms of those whose terms expire.

2. At the first election after the adoption of this Charter, 3 Councilpersons shall be elected for terms of 3 years and 1 Councilperson shall be elected for a term of 1 year. Incumbent Selectpersons shall be sworn in as Councilpersons and shall continue to serve as Councilpersons for the remainder of their term or until their successors are elected and qualified.

Sec. 12.04 - FIRST COUNCIL MEETING

1. Date and Action: On March 12, 1974 at 7:30 P.M. the newly elected members of the Council shall meet at the municipal building for the following purposes:

a. For the purpose of electing a chairperson, the appointment of an acting Town Manager and choosing, if it is so desired, one of its members to act as temporary Clerk.

b. For the purpose of adopting ordinances and resolutions necessary by the Council or as required by this Charter.

2. Expiration of Terms: The terms of all members of the present Board of Selectpersons and the appointment of the Town Manager shall expire on the day of the first Council meeting.

3. Temporary Ordinances: In adopting ordinances Council shall follow the procedures prescribed in the Charter except at its first meeting and any meeting held within 60 days thereafter, the Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or

impairment of effective municipal government. Every temporary ordinance shall be plainly labeled as such but be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance shall become effective upon adoption or at such later Garrett Lovett time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, and it shall not be re-adopted, renewed or otherwise contained except by adoption in the manner prescribed in the Charter for ordinances of the kind concerned.

Sec. 12.05 - FIRST SCHOOL COMMITTEE

1. The terms of School Committeepersons elected at the first election under this Charter shall be staggered as provided in the following subsection and at the next regular municipal election in March 1975 and thereafter, School Committeepersons shall be to fill the positions of those whose terms expire.
2. Members of the School Committee in office at adoption of this Charter shall complete their terms, their membership to be counted in making a five (5) member board.
3. On March 18, 1974 the School Committee shall meet and organize.

Sec. 12.06 - FIRST BUDGET

For the first municipal year under this Charter, the budget adopted at the March 11, 1974 annual Town Meeting shall govern.

Sec. 12.07 - CONTINUANCE OF OFFICER, EMPLOYEES

1. 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 Town officers or employees at the time of its adoption.
2. Continuance of Office or Employment: Except as specifically provided by this Charter, if at the time this Charter takes full effect a Town administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he/she shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he/ vacate the office or position.

Sec. 12.08 - DEPARTMENTS, OFFICES AND AGENCIES

1. Transfer of Powers: If a department, office or agency is abolished by or under this Charter, the powers and duties given it by law shall be transferred to the Town department, office agency designated in this Charter or, if the Charter makes no provision, designated by the Council.
2. Property and Records: All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or

agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices or agencies designated by the Council in accordance with this Charter.

Sec. 12.09 - PENDING MATTERS

All rights, claims, actions, orders, contracts and legal or 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 Town department, office or agency appropriate under this Charter.

Sec. 12.10 - MUNICIPAL LAWS

All ordinances, resolutions, orders and regulations in force at the time that this Charter takes effect, not inconsistent with this Charter, shall continue in force until amended or repealed. All rules and regulations of the municipal officers or of any office of the Town Hermon in force at the time that this Charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

Sec. 12.11 - STATE LAWS

Upon the effective date of this Charter, all private and special State Laws relating to the Town of Hermon which are inconsistent in whole or in part with the provisions this Charter are hereby repealed.