

Town of Clinton

Home Rule

Charter

2001

TOWN OF CLINTON
HOME RULE CHARTER

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TOWN OF CLINTON HOME RULE CHARTER

ARTICLE I

GRANT OF POWERS TO THE TOWN

Section 1.01 Powers of the Town. The Inhabitants of the Town of Clinton shall continue to be a Municipal Corporation by the name of the Town of Clinton and shall have , exercise, and enjoy all the rights, immunities, powers, privileges, 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 under the Constitution and laws of the State of Maine, and provide for the imposition of penalties for the breach thereof, as provided by the laws of the State of Maine.

Section 1.02 Construction. The powers of the Town under this Charter shall be construed liberally in favor of the Town to the end that the Town shall have all the powers necessary, or convenient, for the conduct of its municipal affairs, and specific mention of particular powers in the Charter shall not be construed to exclude, or limit in any way, the general power stated in this article.

Section 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 of the United States, or agencies thereof, to the fullest extent allowed by law.

Section 1.04 Form of Government. The form of government provided by this Charter shall be: Selectmen/Town Meeting by Secret Ballot/Town Manager. Except as otherwise provided in this Charter, the legislative authority of the Town of Clinton shall continue to be vested in the inhabitants of the Town acting by means of Town Meeting as provided in Article VI.

ARTICLE II

SELECTMEN

Section 2.01 Composition, Term, and Eligibility. The Board of Selectmen shall consist of five (5) members, each of whom shall be elected by the registered voters of the entire Town by secret ballot, as provided in Article VI. Three (3) positions on the Board of Selectmen shall consist of three-year staggered terms, and two (2) positions shall consist of two-year staggered terms. A Selectman's term of office shall terminate at the end of the Selectman's two or three-year term, as the case may be, when the Selectman's successor has been elected and qualified. A candidate for the Board of Selectmen shall run for a specific seat. Only qualified voters who reside in the Town shall be eligible to hold the office of Selectman. Selectmen shall physically reside within the limits of the Town during their term of office, and shall be a citizen of the United States.

Section 2.02 Compensation. The Selectmen shall be compensated biannually at a rate established annually by an Article in the Town Warrant at the Annual Town Meeting. Selectmen shall be paid for time served. Selectmen shall be reimbursed for documented actual and reasonable expenses incurred in the performance of their official duties of office, as such expenses occur.

Section 2.03 Procedures and Organization. The members of the newly constituted Board of Selectmen shall meet as soon as practical in the month of July after the Annual Town Meeting, and they shall organize to the extent possible as follows:

- (a) To be sworn to the faithful discharge of their duties by any person authorized by the laws of the State of Maine to administer oaths.
- (b) The Board of Selectmen shall elect from among its members a Chairman and Vice-Chairman, each for a term of one (1) year. The procedures for electing the Chairman and Vice-Chairman shall be using Roberts Rules of Order, to make open nominations for the Chairman followed by a secret ballot vote of the members of the Board. The person receiving the highest number of votes cast shall be elected as Chairman. The same procedure shall then be followed to elect the Vice-Chairman. The Chairman shall preside at all meetings of the Board of Selectmen, and shall call special meetings of the Board of Selectmen when such special meetings are warranted or called by a majority of the Board. The Vice-Chairman shall act in the absence or disability of the Chairman.
- (c) Establish by resolution a time and a place for regular Board of Selectmen meetings, and procedures to provide appropriate notice thereof to the public.
- (d) Provide procedures for calling Emergency Meetings by the Board of Selectmen and Special Town Meetings, providing appropriate notice thereof to the public.
- (e) After consulting with the Town Manager, adopt the Board's rules of procedures and order of business, which shall conform to Section 2.04.
- (f) Adopt procedures for receiving, investigating, and responding/resolving citizen complaints about town government action or inaction.
- (g) Adopt procedures for identifying citizens interested in being appointed to town boards, commissions or committees.

Section 2.04 Regular and Special Meetings of the Board.

- (a) Regular Meeting: The Board of Selectmen shall meet at least once per month, and all meetings of the Board of Selectmen shall be open to the public. In the event of a special or emergency meeting of the Board of Selectmen, public notice of such special or emergency meeting shall be posted in at least five (5) conspicuous places, spread throughout the Town, whenever practical.
- (b) Executive Sessions: The Board of Selectmen may recess for the purpose of discussing, in a closed executive session, any matter that is an allowable topic for executive sessions under I M.R.S.A. § 405(6), as amended. The Board of Selectmen shall conduct executive sessions in accordance with I M.R.S.A. § 405, as amended.
- (c) Voting: Except when voting for Chairman and Vice-Chairman, voting by the Board of Selectmen shall be by a show of hands, except also that if the vote is not unanimous, a roll call vote shall be taken and shall be recorded in the minutes of the Board's meetings. Three (3) members of the Board shall constitute a quorum. No action by the Board, except adjourning a meeting or tabling a matter, shall be valid or binding unless adopted by the affirmative vote of three (3) or more Selectmen.
- (d) Clerk for the Board: The Town Clerk, or Deputy Town Clerk acting on the Town Clerk's behalf, shall act as clerk for the Board of Selectmen and shall keep minutes of all proceedings of the Selectmen's meetings, including a record of all roll-call votes and a record of attendance of the Board of Selectmen. The minutes of the Board of Selectmen's meetings shall be a public record. The Clerk for the Board of Selectmen shall electronically record all Board of Selectmen's meetings, except that those portions of Board meetings held in Executive Session shall not be recorded.

Section 2.05 Abstentions from Voting; Conflicts of Interest.

- (a) No member of the Board of Selectmen, including the chairman, shall be permitted to abstain from voting on any matter before the Board unless the procedure for abstention set forth herein has been followed and the Selectman has been excused from voting by the Chairman or Vice-Chairman. The refusal of any Selectman to vote, absent an excusal by the Chairman or Vice Chairman, shall constitute a refusal to perform a duty of office under 30-A M.R.S.A. § 2607, as amended.
- (b) A member of the Board of Selectmen may abstain from voting on any matter before the Board by so notifying the Chairman or Vice-Chairman of such intent, immediately, after the agenda item is introduced. The Selectman shall then briefly describe the conflict of interest, which in that person's estimation prevents the Selectman from considering and deciding the matter in a manner consistent with the duties of an elected Selectman. The Chairman or Vice-Chairman will note, for the record, the Selectman's intent to abstain from voting, and thereafter that Selectman will be excused from the debate on the question and will be excused from voting. An abstaining Selectman shall not participate in any discussion on the matter for which the Selectman has abstained.

- (c) In the event that a Selectman first becomes aware of a conflict of interest after the discussion of the matter has already commenced, that Selectman shall immediately notify the Chairman or Vice-Chairman of the conflict and in all other regards comply with paragraph (a) of this Section. The Selectman shall also inform the Chairman or Vice-Chairman of the reason why the Selectman did not abstain immediately after the agenda item was introduced, and what information had become available that made the Selectman recognize the conflict.

Section 2.06 Powers and Duties. The Board of Selectmen shall have the following enumerated powers in addition to those powers granted by laws of the State of Maine, or granted to the Board of Selectmen at a Regular or Special Town Meeting, or elsewhere provided in this Charter:

- (a) The Board of Selectmen shall appoint members of all Boards, Committees, and Commissions, except those required to be elected under this Charter or applicable law. The Selectmen shall also have the right to initiate Boards, Committees or Commissions as they deem necessary for Town affairs, and to terminate any such Boards, Committees, or Commissions so created or existing on the effective date of this Charter and not required by applicable law, ordinance, or the provisions of this Charter.
- (b) The Selectmen shall serve as Overseers of the Poor, which function may be delegated in whole or in part to a qualified Town Employee.
- (c) The Selectmen shall serve as Assessors of the Town. The Board of Selectmen may appoint, as required, a Certified Municipal Assessor as an Assessors Agent to provide assistance to the Board, under contract.
- (d) The Board of Selectmen shall appoint the Town Manager in accordance with Article III, and shall appoint a General Assistance Director, Road Commissioner, Tax Collector and Treasurer.
- (e) The Board of Selectmen shall appoint the ten (10) member budget committee and shall appoint five (5) regular Conservation Commissioners and two (2) alternate Conservation Commissioners to the Town's Parks and Recreation Board.
- (f) The Board of Selectmen shall be responsible for establishing user fees for all Town property, leases, rentals, and services, and shall review all fees and agreements annually.
- (g) The Board of Selectmen shall be responsible for procuring and signing all contracts on behalf of the Town of Clinton.

Section 2.07 Prohibitions.

- (a) Holding Other Office: Except where clearly authorized by law, no Selectman shall hold any other Town or public office or employment during the term for which he or she was elected to the Board, and no former Selectman shall hold any compensated appointive Town office or Town employment until one (1) year after the expiration of the term for which he or she was elected to the Board of Selectmen. No Selectman may serve on an appointed board or committee of the Town.
- (b) The Board of Selectmen or its members shall deal with the administrative services of the Town solely through the Town Manager and shall not give orders to any subordinates of the Town Manager, either publicly or privately. The Board of Selectmen, however, may appoint committees or commissions of its own members, or of citizens, to conduct investigations into the conduct of any Town official or department, or any matter relating to the welfare of the Town.

Section 2.08 Vacancies.

- (a) A vacancy in a Town office may occur by the following means: Non-acceptance, resignation, recall, death, removal from the Town, permanent disability or incompetence, failure of the Town to elect a person to office, and failure to qualify for the office within ten (10) days after written demand by the Board of Selectmen.
- (b) Vacancy in Office of Selectman: When a seat on the Board of Selectmen becomes vacant more than six (6) months prior to the next Annual Town Meeting, the Board of Selectmen shall call a Special Town Meeting to elect a qualified person to fill the unexpired term. A Special Town Meeting shall be held within sixty-five (65) days from the date the vacancy occurred. When a seat on the Board of Selectmen becomes vacant less than six (6) months prior to the next Annual Town Meeting, the seat shall remain vacant until the next Annual Town Meeting.
- (c) Other Elected Boards or Appointed Offices: When there is a vacancy in any elected Town Office, Board, Committee or Commission, other than the Board of Selectmen, the Board of Selectmen shall appoint a qualified person to fill the vacancy. When there is a vacancy in an appointed Town office, the Town Manager shall appoint a qualified person to fill the vacancy unless the vacancy is in an office listed in Section 2.06. The person appointed to fill a vacant office must qualify in the same manner as one chosen in the regular course of Town activities.

ARTICLE III

TOWN MANAGER

Section 3.01 Appointment, Qualifications, and Compensation. The Board of Selectmen, by a majority vote of its full membership, shall appoint a Town Manager for an indefinite term, unless otherwise specified by contract, and shall fix his/her compensation. The Town Manager shall be appointed solely on the basis of his/her executive and administrative qualification, including education/training in public administration, and/or work experience in municipal government. The Town Manager need not be a resident of the town or state at the time of his/her appointment but must become a resident of the town, unless otherwise specified by contract with the Board of Selectmen. The Town Manager is prohibited from serving as moderator, selectman, assessor, or member of the school committee.

Section 3.02 Removal or Suspension of Town Manager. The Board of Selectmen may remove or suspend the Town Manager for cause by majority vote of the full Board membership in accordance with the procedures established in 30-A M.R.S.A. § 2633.

Section 3.03 Absence or Disability of Town Manager. The Town Manager shall designate, subject to confirmation by the Board of Selectmen, a qualified administrative official of the town to exercise the powers and perform the duties of Town Manager during a temporary absence or disability. During such absence or disability, the Board of Selectmen may revoke such designation at any time and appoint another qualified administrative official to serve until the Town Manager returns or the disability ceases. In the event of failure of the Town Manager to make such designation during a temporary absence or disability, the Board of Selectmen may by resolution appoint a town official to perform the duties of the Town Manager.

Section 3.04 Powers and Duties of Town Manager. The Town Manager shall be the chief executive and administrative officer of the Town and shall be responsible to the Board of Selectmen for the effective administration of all Town affairs placed in the Town Manager's charge, by laws of the State of Maine, this Charter, adopted ordinance, and Board resolutions. The Town Manager shall have the following powers and duties:

- (a) Direct and supervise the administration of all departments, offices and agencies of the town except as otherwise provided by this Charter, adopted ordinance or directive of the Board of Selectmen.
- (b) Attend meetings of the Board of Selectmen, unless excused by the Board of Selectmen, attend all Annual and Special Town Meetings, and attend such other meetings and public hearings as determined by the Board of Selectmen.
- (c) See that all laws of the State of Maine where applicable, provisions of this Charter, town ordinances. and resolutions of the Board of Selectmen, subject to the Town Managers direction and supervision are faithfully executed.

- (d) Collect the necessary data and submit a proposed Annual Operating Budget and Capital Improvement Program for the town to the Board of Selectmen and Town Budget Committee as provided in Article V. Sections 5.03 and 5 .04 of this Charter.
- (e) Submit to the Board of Selectmen and Town Budget Committee, and make available to the public, a monthly fiscal update, as well as a complete annual report on the finances and administrative activities of the town as of the end of each fiscal year.
- (f) Make such other reports as the Board of Selectmen may require concerning operations of town departments, offices, and agencies subject to the Town Managers direction and supervision.
- (g) Advise the Board of Selectmen as to the financial condition and fixture needs of the town, and make recommendations to the Board of Selectmen for the more efficient operation of the Town.
- (h) Assist residents and taxpayers, insofar as possible, in discovering their lawful remedies in cases involving complaints of unfair vendor, government, or administrative actions or practices.
- (i) Serve as department head of any department when so directed by the Board of Selectmen.
- (j) Appoint annually, on the basis of merit and fitness alone, all department heads (when a department is not headed by the Town Manager) and the Code Enforcement Officer, subject to the confirmation of the Board of Selectmen. The Fire Chief however, shall be appointed as provided in Section 4.02(b)(2).
- (k) Unless otherwise provided by this charter or by ordinance, the Town Manager shall appoint, supervise, and control all town officials required by State law, and shall appoint, supervise and control all other town employees, except members of boards, commissions, or committees.
- (l) Remove for cause, and in accordance with town personnel policies, all persons whom the Town Manager is authorized to appoint, and report all removals to the Board of Selectmen.
- (m) Maintain inventories of all town fixed assets, including land, buildings, furniture, equipment, machinery and vehicles.
- (n) Serve as the Town Personnel Director and perform day-to-day administration of the personnel system, including the maintenance of personnel records and enforcement of personnel rules and regulations, unless the Town Manager appoints a Personnel Director as provided in Section 4.03(b).
- (o) Perform such other duties as specified in this charter or may be required by the Board of Selectmen.

ARTICLE IV

ADMINISTRATIVE ORGANIZATION

Section 4.01 Town Departments.

- (a) Departments: Protecting the health, safety and welfare of residents of the Town of Clinton, and planning for and managing portions of town property, shall be accomplished through the following administrative departments under the Town Manager's direction:

Administrative Department
 Fire and Rescue Department
 Police Department
 Highway Department
 Library Department
 Solid Waste Transfer and Recycling Department

Each Town department shall submit a report of activities to the municipal officers to be included in the Annual Town Report.

- (b) Additional administrative departments may be created by the voters by secret ballot at an Annual or Special Town Meeting, pursuant to the procedures set forth in Article VI of this Charter.

Section 4.02 Appointed and Elected Positions.

- (a) **Elected Positions:** A candidate for elected position must be a resident of the Town of Clinton. Residency status must be maintained for the duration of the elected term of office. Compensation for elected positions shall be determined at the Annual Town Meeting. Elected positions of the Town shall include:
- (1) Selectmen - A five-member Board of Selectmen, as provided in Article II.
 - (2) Moderator - A Moderator to preside at the Annual Town Meeting shall be elected by written ballot at the commencement of the Annual Town Meeting. A Moderator for special Town Meetings shall be elected at each Special Meeting by written ballot at the commencement of the Special Town Meeting. The moderator shall preside over and supervise the voting at the town meeting, and may appoint a deputy moderator to assist the moderator as provided in Title 30-A M.R.S.A § 2524(3).

- (3) Directors of School District - The number of directors and their terms of office shall be determined pursuant to laws of the State of Maine.
- (4) Brown Memorial Library - The Brown Memorial Library shall be a department of the Town. The Library shall be managed by a Board of Trustees consisting of three (3) members elected at large by the voters of the Town for three-year staggered terms. Library Trustees must be residents of Clinton throughout their three-year term. The Town Treasurer shall annually make available to the Board of Trustees, for Library maintenance purposes, a sum equal to seven percent (7%) per annum of the interest from the Brown Memorial Library Fund. All donations, gifts, and bequeaths made to the Brown Memorial Library shall be submitted to the Town Treasurer and shall be accepted or rejected by the voters of the Town as provided by State law. Any donations, gifts, and bequeaths made to the Brown Memorial Library that are accepted by the voters shall be placed in a Library Reserve Fund and used for library purposes in accordance with any conditions placed on the donation, gift, or bequeath and State law. Any expenditure of donations or bequeaths by the Trustees shall be accounted for to both the Board of Selectmen and the Town Treasurer on a quarterly basis. The Board of Trustees and the Librarian shall annually submit a written report of their activities and financial affairs to the municipal officers to be included in each Annual Town Report.

(b) Appointed Positions:

- (1) The Board of Selectmen shall appoint the following officers: Town Manager, General Assistance Director, Road Commissioner, Tax Collector, and Treasurer, and may appoint an Assessor's Agent.
- (2) The Town Manager, subject to confirmation by the Board of Selectmen, shall appoint the Fire Chief nominated by the fire fighters, Police Chief, Highway Department Head, Solid Waste Transfer and Recycling Center Director, and Code Enforcement Officer(s).
- (3) The Town Manager shall appoint the following officers: Animal Control Officer, Building Inspector, Plumbing Inspector, Electrical Inspector, Civil Emergency Preparedness Director, E-911 Municipal Coordinator, Health Officer, Registrar of Voters, and Town Clerk and may appoint an Emergency Medical Services Director and/or a Personnel Director, and all other fire officers nominated by the fire fighters.
- (4) The Town Clerk shall appoint a Deputy Town Clerk and Ballot Clerk.
- (5) The Library Board of Trustees shall appoint the Librarian and all other Library personnel.
- (6) Each appointed position shall have a term of one (1) year, with the exception of the positions of Registrar of Voters and Ballot Clerk, which shall each have a term of two (2) years. Any appointee holding an appointed position listed in this Section 4.02 (b) may be removed from office for cause, after notice and hearing.

(7) All appointed terms shall begin on the first business day in July and end on the last day before the first business day in July of the last (or only) year of the term. Any appointment to complete an unexpired term shall begin on the day of appointment and end on the last day before the first business day in July of the last year of the unexpired term.

(8) To the extent possible, all appointments shall be made within thirty (30) days following the commencement of the fiscal year, with the exception of the Registrar of Voters and Ballot Clerks, which shall be governed by laws of the State of Maine.

(c) **Appointed Boards and Committees:** Unless provided otherwise by statute or this Charter, the Board of Selectmen shall appoint members to all Town Boards and Committees. Appointed Boards and Committees of the Town shall include:

(1) Planning Board - There shall be a Planning Board consisting of five (5) regular members and two (2) alternate members with staggered three-year terms for regular members and one-year terms for alternate members. Regular members shall elect their Chairman, Vice Chairman, and Secretary. An alternate member may vote only in the absence of a regular member. The Planning Board shall:

- (a) advise the Board of Selectmen and Town Manager on any matter affecting the physical development of the town;
- (b) propose modifications to the Town's Comprehensive Plan and bring such proposals to the voters;
- (c) review and make recommendations to the town administration and public regarding any proposed land use ordinances; and
- (d) review subdivisions in accordance with laws of the State of Maine.

Three (3) members of the Planning Board shall constitute a quorum and no action by the Planning Board, except adjourning a meeting or tabling a matter, shall be valid or binding unless adopted by a vote of three (3) or more voting members. The Planning Board shall adopt and publicize operating procedures and/or bylaws consistent with laws of the State of Maine and this Charter. The Chairman shall submit a written report of activities to the municipal officers to be included in the Annual Town Report.

(2) Board of Appeals - There shall be a Board of Appeals consisting of five (5) regular members and two (2) alternate members with staggered three-year terms. Regular members shall elect their Chairman, Vice Chairman and Secretary. An alternate member may vote only in the absence of a regular member. The jurisdiction of the Board of Appeals is limited to the following: (1) The Board of Appeals shall have jurisdiction to hear and decide any appeals by any person aggrieved by any decision, order, determination, regulation, or failure to act by (a) the Code Enforcement Officer, (b) the Planning Board, (c) any other board or official responsible for enforcing the Town's land use ordinances, including any codes of regulations or enforceable standards incorporated by reference into such ordinances; and (2) the Board of Appeals may grant a variance from the Town's land use ordinances consistent with 30-A M.R.S.A. § 4353.

The Board of Appeals shall conduct its hearings de novo. Three (3) members of the Board of Appeals shall constitute a quorum and no action by the Board of Appeals, except adjourning a meeting or tabling a matter, shall be valid or binding unless adopted by a vote of three (3) members. The Board of Appeals shall adopt and publicize operating procedures and/or bylaws consistent with laws of the State of Maine and this Charter. The Chairman shall submit a written report of activities to the municipal officers to be included in the Annual Town Report.

- (3) Budget Committee - There shall be a Budget Committee consisting of ten (10) members with one-year terms. The Budget Committee shall have those powers and duties as set forth in Article V of this Charter and laws of the State of Maine.
- (4) Cemetery Committee - There shall be a Cemetery Committee consisting of five (5) members with one-year terms. The Cemetery Committee shall have responsibility for the care and maintenance of cemeteries, and shall submit a written report of activities to the municipal officers to be included in the Annual Town Report.
- (5) Economic Development Committee - There shall be an Economic Development Committee consisting of seven (7) members with one-year terms.
- (6) Personnel Advisory Board - There shall be a Personnel Advisory Board consisting of three (3) members with three-year staggered terms. The Personnel Advisory Board shall have those powers and duties as set forth in Section 4.03(c) of this Article IV.
- (7) Parks and Recreation Board - There shall be a Parks and Recreation Board consisting of five (5) regular Conservation Commissioners appointed by the Board of Selectmen for three year terms, and two (2) alternate Conservation Commissioners appointed by the Board of Selectmen for one year. An alternate Conservation Commissioner may vote only in the absence of a regular Conservation Commissioner.
- (8) Water District Board of Trustees - The number of Water District Trustees and their terms of office shall be pursuant to the Water District's charter.
- (d) **Conflicts of Interest and Abstention from Voting by Members of Appointed Boards:** All individuals serving on appointed boards and committees shall adhere to conflict-of-interest provisions of laws of the State of Maine, and shall avoid the appearance of a conflict of interest.
- (e) **Records of Activities of Appointed Boards and Committees:** All appointed boards and committees shall hold meetings that are open to the public and issue public notice of meetings, including items for discussion. Boards and Committees shall maintain written records of meetings, including the results of all motions and votes. One copy of the minutes of each meeting shall be filed with the Town Clerk within ten (10) working days after approval by the board or committee.

Section 4.03 Personnel System.

- (a) **Merit Principle:** All appointments and promotions of Town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination, performance, or other evidence of competence.
- (b) **Personnel Director:** The Town Manager, or an appointee of the Town Manager, shall be the Personnel Director. The Personnel Director shall administer the personnel system of the Town.
- (c) **Personnel Advisory Board:** The Personnel Advisory Board shall assist the Personnel Director in the administration of the personnel system of the town. The Personnel Advisory Board will have the responsibility of providing advice and counsel on all aspects of town personnel administration including, but not limited to, employee grievances. The Personnel Director shall administer a set of personnel rules governing all municipal employees. The Board of Selectmen may amend these rules as it deems necessary. The Personnel Director shall update the personnel files at a minimum of three (3) year intervals with Board of Selectmen review and approval. These rules shall provide for:
- (1) The classification of all Town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances.
 - (2) A written job description of all Town positions, which must include an annual performance review for all municipal employees.
 - (3) A pay plan for all Town positions, which must be reviewed annually, and any modifications must be approved by the Board of Selectmen.
 - (4) Methods for determining the merit, performance and fitness of candidates for appointment or promotion.
 - (5) Policies and procedures regulating reduction in force and disciplinary measures such as suspension, demotion, or dismissal.
 - (6) A retention and retirement plan for town employees.
 - (7) Policies regulating the hours of work, attendance regulations, and provisions for sick and vacation leave.
 - (8) Policies and procedures governing persons holding provisional appointments.
 - (9) Policies and procedures governing relationships with employee organizations not inconsistent with law.

- (10) Policies regarding in-service training programs.
- (11) Grievance procedures, including procedures for the hearing of grievances by the Personnel Advisory Board, which shall render advisory opinions based on its findings to the Town Manager with a copy to the aggrieved employee.
- (12) Policies regarding a standard of employment conduct.
- (13) Other practices and procedures necessary to the administration of the town personnel system

Section 4.04 Bonds. All officials required by laws of the State of Maine to post bonds, shall do so in accordance with said laws. The Board of Selectmen may require a bond from a surety company approved by the Board, for such other officials as the Board of Selectmen deem advisable. The premium on all bonds is to be paid by the Town.

ARTICLE V

FINANCIAL PROCEDURES

Section 5.01 Applicability of General Law. In all matters concerning finances and financial procedures of the Town, the provisions of the laws of the State of Maine shall apply, together with such other requirements as are provided by this Charter.

Section 5.02 Fiscal Year. The fiscal year of the Town government shall begin the first Q day of July and shall end on the thirtieth day of June of each year. 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.

Section 5.03 The Annual Budget.

- (a) For the purpose of enabling the Town Manager to make up the annual estimate of expenditures, all department heads, boards, and committees shall, upon the Town Manager’s written request, submit to the Town Manager, in writing, a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments for the ensuing fiscal year.
- (b) On or before January fifteenth in each year, the Town Manager shall submit, to the Board of Selectmen and Budget Committee, a complete, detailed estimate in writing of the probable expenditures of the Town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the Town, and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the Town for the same purposes in the two preceding years and an estimate of the expenditures for the current year.

- (c) The Town Manager shall also submit a statement showing all revenues received by the Town in the two preceding fiscal years and an estimate of the amount of income from all sources of revenue, exclusive of taxes upon property, in the ensuing year.
- (d) The Town Manager shall also submit a budget message which shall:
 - (1) explain the budget both in fiscal terms and in terms of work programs.
 - (2) outline the proposed financial policies of the Town for the ensuing fiscal year.
 - (3) describe the important features of the budget.
 - (4) indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes.
 - (5) summarize the Town's debt position, and
 - (6) include such other material as the Town Manager deem appropriate. ,
- (e) The Budget Committee shall consider the tentative budget submitted by the Town Manager and shall, by a vote of the majority of the Committee, make recommendations relative to the proposed budget as the Budget Committee deems expedient and proper in the interests of the Town. On or before March fifteenth of each year, the Budget Committee shall transmit a copy of the budget, together with its recommendations, to the Board of Selectmen.
- (f) The Board of Selectmen shall consider the tentative budget together with the recommendations of the Budget Committee and shall, by a vote of the majority of the Board of Selectmen, determine whether to recommend each proposed appropriation.
- (g) The Board of Selectmen shall conduct at least two (2) public hearings on the proposed budget - the first of which shall be not less than fifty five (55) days, the final not being less than ten (10) days - before the Annual Town Meeting, at which Meeting the proposed budget shall be submitted for adoption. The Board of Selectmen shall publish, in one (1) or more newspapers of general circulation in the Town, a general summary of the budget and a notice stating: (a) the times and places where copies of the budget and budget message shall be available for inspection, and (b) the dates, times and places, not less than fourteen (14) days after such publication, when the public hearings on the budget proposal shall be conducted. The Budget Committee and the Board of Selectmen shall issue printed recommendations and make copies available at the time of the public hearing. If a particular article to be voted on by secret ballot requests an appropriation of money by the Town, the article, when printed in the warrant and on the ballot, must be accompanied by a recommendation of the Board of Selectmen and of the Budget Committee.

- (h) From the date of the adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several departments and purposes therein named.
- (i) From the date of the adoption of the budget, the amount 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 the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Town Clerk and filed by the Town Clerk with the Town Board of Assessors, whose duty it shall be to levy such taxes for the corresponding tax year.

Section 5.04 Capital Improvement Program.

- (a) The Town Manager shall prepare and submit to the Board of Selectmen and Budget Committee a five year Capital Improvement Program at least two (2) months prior to the final date for submission of the budget to the Board of Selectmen and Budget Committee. The Capital Improvement Program shall include:
 - (1) A clear summary of its contents.
 - (2) A list of all capital improvements which are proposed for the successive five fiscal years. with proper supporting information as to the necessities of such improvements.
 - (3) Cost estimates, methods of financing, and recommended time schedules for such improvements.
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired, if any.
- (b) The above required information shall be reviewed and extended each year with regard to capital improvements still pending or in the process of construction or acquisition. Procedures governing the review and approval of the Capital Improvement Program shall be the same as under Section 5.03 of this Article V where applicable. All items in the current year's portion of the five year Capital Improvement Program, as approved by the Board of Selectmen, shall be included on the warrant and ballot as separate articles presented to the Annual Town Meeting.
- (c) The Board of Selectmen shall have the authority to create reserve funds as authorized by laws of the State of Maine or that they shall deem advisable. The resolution creating such fund shall include a statement as to the intent and purpose of the fund, the funding mechanism, and the authority to use and withdraw from the fund.

Section 5.05 Public Records. Copies of the budget and the Capital Improvement Program as adopted shall be public records and shall be made available to the public at suitable places in the Town.

Section 5.06 Amendments After Adoption.

- (a) **Supplemental Appropriations:** If during the fiscal year the Town Manager certifies that there are available from Federal or State grants revenues in excess of those estimated in the budget, the Board of Selectmen by resolution may authorize the use of such excess grant revenues in the project for which the grant money was received.
- (b) **Emergency Appropriations:** To meet a public emergency affecting life, health, property or the public peace, the Board of Selectmen may make emergency appropriations. Any such emergency appropriation shall be so declared in an emergency preamble thereto, separately voted on and receiving the affirmative vote of at least four of the full Board of Selectmen. To the extent that there are no available, unappropriated revenues to meet such appropriations, the Board of Selectmen may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals for 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.
- (c) **Reduction of Appropriations:** If at any time during the fiscal year it appears probable to the Town Manager that revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Board of Selectmen without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The Board of Selectmen shall then take such further action, as it deems necessary, to prevent or minimize any deficit, and for that purpose it may reduce one or more appropriations.
- (d) **Transfer of Appropriation:** At the request of the Town Manager the Board of Selectmen may by resolution transfer any unencumbered (i.e., unobligated) account balances, or portion thereof, including surplus, between the general accounts, except that no education appropriations shall be transferred. Transfer of funds in any one fiscal year shall not to exceed one percent of total Town non-education appropriations.
- (e) **Limitations; effective date:** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the encumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

Section 5.07 Administration of Budget.

(a) **Collections:** Except as otherwise provided by the laws of the State of Maine, all monies and fees received by the Town or by any division, department, office, agency, officer or employee thereof, to the extent that they exceed \$100.00, shall, upon their receipt by such division, department, officer or employee, be presented to and recorded daily into the Town accounts by the Town Treasurer.

(b) **Disbursements:** Unless otherwise provided by laws of the State of Maine. the Town Treasurer shall disburse money only on the authority of a warrant prepared and signed by the Town Treasurer for the payment of Town funds, in accordance with the laws of the State of Maine, and affirmatively voted and signed by at least three (3) members of the Board of Selectmen, except that the Board of Selectmen may adopt a written policy to permit the disbursement of employees' wages and benefits when a disbursement warrant has been signed by at least one (1) designated member of the Board of Selectmen. If the Board of Selectmen adopts any written disbursement policy pursuant to this subsection (b) of Section 5.07, the policy must be filed with the Town Clerk and the Town Treasurer and must be renewed annually by a vote of the Board of Selectmen.

(c) **Monthly Reporting and Adjustments:** The Town Manager shall monthly prepare financial reports for each municipal department, office, or agency that reflect expenditures and revenues (if applicable). Periodic assessment will be made by the Town Manager to determine if departmental expenditures or appropriations require adjustment. Adjustment to departmental appropriations shall be accomplished pursuant to section 5.06 of this Article V.

(d) **Payments and Obligations Prohibited:** No payment shall be made or obligation incurred against any allotment or appropriation, except in accordance with appropriations duly made, and unless the Town Manager, or Town Manager's designee, first certifies that there is a sufficient unencumbered balance in such allotment or appropriation, and the 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 the officer shall also be liable to the town for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the Board of Selectmen from making or authorizing payments or contracts for capital improvements to be financed wholly or partly by the issuance of notes or bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by resolution.

Section 5.08 Lapse of Appropriations. Every 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 by vote of the people.

Section 5.09 Interim Expenditures. In the event that there is not an approved budget, or portion thereof at the start of the fiscal year, the amounts appropriated for operations in the prior fiscal year shall be deemed adopted for the new fiscal year on a month-to-month basis until such time as the budget for the new fiscal year is adopted.

Section 5.10 Budget Committee.

- (a) A Budget Committee of ten (10) members shall be appointed by the Board of Selectmen for one-year terms of office. The Budget Committee shall elect from its membership for one-year terms of office, a Chairman, a Vice-Chairman, and a Secretary. The Town Manager shall have ex-officio membership, without voting rights, on the committee. No elected or appointed Town officer or compensated Town employee shall serve on the committee. Committee members shall serve without compensation.
- (b) Vacancies on the Budget Committee shall be filled promptly by the Board of Selectmen for the remainder of the unexpired term.
- (c) The Budget Committee shall carry out its duties in accordance with the provisions of laws of the State of Maine and this Charter, and it shall have regular and free access and inspection rights to all books and accounts of any Town department or office. The committee shall carefully examine all budget and appropriations proposals, conferring with department heads when deemed necessary by the Budget Committee, and shall issue its recommendations thereon.

Section 5.11 Financial Management Standards. The Board of Selectmen shall by resolution establish reasonable standards relating to the management of financial systems and practices. Any standards adopted shall conform to modern concepts of financial management.

Section 5.12 Assessor Agent. The Board of Selectmen may delegate their responsibility of assessing to a single certified municipal assessor hired by the Board of Selectmen. If the Board of Selectmen delegates their responsibility of assessing to an Assessor Agent, the Assessor Agent shall perform all duties and responsibilities provided for assessors under the laws of the State of Maine, Town ordinance and this Charter. The salary, hours, and working conditions of the Assessor Agent shall be determined by the Board of Selectmen. The Assessor Agent may be removed for cause after notice and hearing. Cause shall not include any disagreement with respect to an assessing practice employed by the Assessor Agent where such practice is generally accepted and lawful.

Section 5.13 Tax Anticipated Borrowing. During any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes, or other evidences of indebtedness, as evidence of such borrowing. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty per cent (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued.

Section 5.14 Authorization to Borrow. The Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue of notes or issue and sale of its general obligation bonds in the manner prescribed bylaws of the State of Maine.

Section 5.15 Payment of Indebtedness. The Town may not exceed the municipal debt limit provided by State law. The power and obligation of the Town to pay any and all notes, bonds, or other evidences of indebtedness issued by it, shall be unlimited, and the Town shall levy ad valorem taxes upon all the taxable property of the Town for the payment of such notes, bonds, or other evidences of indebtedness and interest thereon, without limitation of amount, provided the Town does not exceed the municipal debt limit provided by State law. The faith and credit of the Town is hereby pledged for the payment of the principal and the interest on all notes, bonds, or other evidences of indebtedness, hereafter issued under the authority of this Charter, whether or not such pledge be stated in the notes, bonds, or other evidences of indebtedness, or in the resolution authorizing their issuance.

Section 5.16 Annual Audit.

(a) **Audit Report:** An audit report of the Town's financial transactions shall be performed annually in accordance with laws of the State of Maine. Prior to the end of the fiscal year, the Board of Selectmen shall designate the State Department of Audit or qualified Public Accountants who, as of the end of the fiscal year, shall make an independent audit of all Town accounts and any separate or subordinate accounts kept by any other office, department, or agency of the town government.

(b) **Filing:** A finalized audit report will be submitted by the appointed Auditors to the Board of Selectmen no later than four months after the close of the books for that fiscal year. The audit reports shall be included in the Town Report.

(c) **Action of the Board of Selectmen:** In addition to accepting the audit report by resolution, the Board of Selectmen shall review and advise the Town Manager on the implementation of changes in the Town's financial policies and procedures as recommended by the auditor.

ARTICLE VI

TOWN MEETINGS AND ELECTIONS

Section 6.01 Annual Town Meetings. An Annual Town Meeting shall be held in Clinton on a Tuesday in June of each year. Unless otherwise specified in this Charter, the Annual Town Meeting shall be conducted in accordance with laws of the State of Maine. A moderator shall be elected by written ballot immediately upon commencement of the Annual Town Meeting, after the moderator has been elected and sworn in, voting on the remaining warrant articles shall proceed, and the moderator shall preside over and supervise the voting at the meeting. As legislative body of the Town, the Town Meeting shall have the final authority for the enactment of ordinances, budgets and other legislation of the Town.

Section 6.02 Election of Officers and Other Matters to be Determined by Secret Ballot.

Elections shall be as provided by laws of the State of Maine. Except for the moderator, who shall be elected by written ballot at the beginning of each Annual Town Meeting or Special Town Meeting, the election of officers and all other articles on the Town warrant shall be by secret ballot in accordance with applicable provisions of the laws of the State of Maine and the Town's Secret Ballot Ordinance.

Section 6.03 Special Town Meetings. Special Town Meetings shall be called in accordance with laws of the State of Maine.

Section 6.04 Articles for the Warrant.

- (a) The Board of Selectmen, on their own initiative, may, by majority vote, place on the warrant any article relating to the welfare of the municipality.
- (b) Any qualified voter may request the Board of Selectmen to place an article, which shall be in accordance with laws of the State of Maine, in the Town Meeting warrant and shall present in written form the substance of the article. If the request is denied by the Board of Selectmen, on the written petition of an number of voters equal to at least ten percent (10%) of the number of votes cast in the Town in the last gubernatorial election, but in no case less than twenty(20), and in accordance with the laws of the State of Maine, the municipal officers shall either insert the article in the next Town Meeting warrant issued, or shall within sixty(60)days call a Special Town Meeting for its consideration.
- (c) All articles for inclusion on the Town Meeting warrant must be clearly worded and have a distinct single subject and shall be written so that an affirmative vote is in favor of the article.

Section 6.05 Public Hearings and Timeline to Voting.

- (a) At least fifty-five (55) days before the date set for the Annual Town Meeting, the Board of Selectmen shall hold a public hearing on each article to be considered at the Town Meeting. The Board of Selectmen shall post notice of this public hearing at least seven (7) days before the public hearing in the same manner provided for posting a warrant under the laws of the State of Maine.
- (b) At least forty-five (45) days before the date for the Annual Town Meeting, the Board of Selectmen shall order ballots to be printed to include each specific article to be included on the warrant for the secret ballot town meeting. Changes may be made in the warrant, by the Board of Selectmen, until this date.

(c) At least ten (10) days before the date set for any Annual Town Meeting, the Board of Selectmen shall hold a public hearing on each article to be considered at the Town Meeting. The Board of Selectmen shall post notice of this public hearing at least seven (7) days before the public hearing in the same manner provided for posting a warrant under the laws of the State of Maine. A sample copy of the warrant, with a brief explanation of each article, shall be mailed to each household in the town at least ten(10) days before the date for the Town Meeting.

(d) At least seven (1) days before the date set for the Annual Town Meeting, the warrant for the Annual Town Meeting and a sample of the printed ballot to be voted on by secret ballot shall be posted in the same manner provided for posting a warrant under Maine law.

Section 6.06 Absentee Ballots. Absentee ballots may be cast at all town meetings and elections in accordance with provisions of 30-A M.S.R.A. § 2529.

ARTICLE VII

INITIATIVE, REFERENDUM, AND RECALL

Section 7.01 Initiative and Referendum. Nothing in this Charter shall be construed to diminish any rights of initiative and referendum granted by laws of the State of Maine.

Section 7.02 Recall Procedures. Any elected officer or official of the Town of Clinton may be recalled and removed from office by the registered voters of the Town as herein provided.

(a) **Petition Committee:** Any five (5) qualified voters of the Town may commence recall proceedings by filing with the Town Clerk a single affidavit: (1) stating that the five (5) voters will constitute the Petitioners Committee and be responsible for circulating the petition and filing it in proper form with the Town Clerk; (2) stating each Petitioners Committee member's names and address; (3) specifying the address to which all notices to the committee be sent; (4) stating the name of the person being petitioned for recall and setting out, in full, the reasons for the recall; and (5) signed under oath by each member of the Petitioners Committee. Within two (2) municipal business days after the affidavit of the Petitioners Committee is filed, the Town Clerk shall issue to the Petitioners Committee recall petition blanks prepared by the Town.

(b) **Petitions:**

(1) Number of Signatures - Recall petitions must be signed by qualified voters of the Town equal in number to at least fifteen percent (15%) of the total number of qualified, registered voters in the town at the time the petition is filed.

(2) **Form and Content** - All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil, shall include the signer's printed name, and shall state the legal residence of the voter with street or other description sufficient to identify the place of residence. Petitions shall contain throughout their circulation the full text of the statement of the reasons for the recall of an elected official.

(3) **Affidavit of Circulator** - Each petition shall have attached to it, when filed with the Town Clerk, an affidavit executed by the circulator of the petition stating that he/she personally circulated the attached petition; that it was at no time in the hands of any person other than the circulator; the number of signatures thereon; that all the signatures were affixed in the circulator's presence; that the circulator believes them to be the genuine signatures of the persons whose names they purport to be; and that each signer had an opportunity before signing to read the full text of the statement of the reasons for the recall of an elected official.

(c) **Time for Filing:** Recall petitions must be completed and filed with the Town Clerk (" within thirty (30) calendar days from the date the petition was issued to the Petitioners Committee by the Town Clerk.

(d) **Procedure after Filing:**

(1) **Certification by the Town Clerk** - Within ten (10) municipal business days after the petition circulation period ends, the Town Clerk shall examine the petition and determine whether the petition(s) is/are signed by the required number of qualified voters and shall attach thereto the Clerk's certificate showing the results of such examination. Upon examination of the petitions, the Clerk shall certify the validity of the petition to the Board of Selectmen. If found to be sufficient, the Town Clerk shall submit the petition and the Clerk's certification to the Board of Selectmen at the Board's next meeting, and shall notify in writing the official(s) whose removal is/are being sought.

(2) **Termination of Petition** - If within thirty (30) days from the date the recall petition is issued to the Petitioners Committee the petition does not contain the required number of qualified signatures or is otherwise deemed invalid, the petition shall have no further force or effect, and all proceedings thereon shall be terminated.

(e) **Action on Recall Petition**

(1) **Action by Board of Selectmen** - Within ten (10) municipal business days of receipt of the Town Clerk's certification that a recall petition is valid, the Board of Selectmen shall schedule a municipal election for the purpose of submitting, to vote, the question of recall, which election shall be held not less than sixty-five (65) nor more than ninety (90) calendar days thereafter, unless a regular municipal election is to occur within one hundred and twenty (120) calendar days.

(2) Form of Ballot - The form of the ballot for the recall election shall be as follows:

“Shall (name of person being subject to recall) be recalled from the office of (name of office)?”

Yes _____ No _____

The voters shall indicate their choice by completing their ballot as instructed.

(3) Recall - Pending the outcome of the recall election, the elected official against whom recall proceedings have been initiated, shall continue to exercise all the privileges and duties of his/her office. If not then recalled, the Town official shall continue in office for the remainder of his/her unexpired term. The recall is effective only if the total number of votes cast in favor of the recall shall exceed two-thirds (2/3) of either the number of total votes cast for the official when elected, or the number of total votes cast in the recall, whichever is greater. The elected official of Clinton who is recalled by the voters shall immediately vacate his/her elected position upon certification of the recall election results.

(4) The Town Clerk may not accept a Petitioners Committee affidavit requesting a petition to initiate a recall of the same elected official, for substantially the same reason, until one hundred eighty (180) calendar days after the recall vote.

ARTICLE VIII

ORDINANCES

Section 8.01 Ordinances in General

(a) Form: Every proposed ordinance shall be introduced in writing and in the form required for final adoption and shall include the penalty (if any) for a violation of the ordinance. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be, “THE TOWN OF CLINTON HEREBY ORDAINS . . .” Any ordinance that repeals or amends an existing ordinance or part of the Clinton Town Code shall set out in full the 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:**

(1) The Board of Selectmen, on its own initiative, may by majority vote place on the Town Meeting warrant an article relating to or introducing any lawful ordinance, except those ordinances under the Laws of the State of Maine that may be adopted only by the municipal officers.

(2) Any qualified voter may propose the enactment or amendment of any lawful ordinance, except those ordinances under the Laws of the State of Maine that may be adopted only by the municipal officers, by Presenting the Board of Selectmen with the complete text of such ordinance and requesting the Board to place an article relating to such ordinance on the next Town Meeting warrant. If the request is denied by the Board of Selectmen, the voters of the Town may propose enactment of the ordinance by filing with the Town Clerk a petition stating the complete text of the ordinance signed by a number of qualified voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election, but in no case less than twenty (20).

(c) The proposed ordinance must be attested and posted in the manner provided for Town Meetings, as provided by Article VI of this Charter and laws of the State of Maine. The municipal officers shall either insert the proposed ordinance in the next town meeting warrant issued, or shall within sixty (60) days call a Special Town Meeting for its consideration. If the proposed ordinance exceeds ten (10) pages in length, this posting requirement can be satisfied by including in the Town Meeting warrant and warrant article a statement that copies of the proposed ordinance are available from the Town Clerk.

(d) The municipal officers shall certify five (5) copies of the proposed ordinance and the Town Clerk shall make a reasonable number of copies of the certified proposed ordinance available in the Office of the Town Clerk. Copies shall also be made available at the Town Meeting.

(e) All ordinances, except for emergency ordinances and those ordinances under Maine law that may be adopted only by the municipal officers, shall be adopted by the legislative body of the Town, which shall be the Town Meeting. Except for emergency ordinances or those with dates specified by statute, ordinances shall become effective thirty (30) days after adoption unless otherwise specified in the ordinance. Any ordinance that is the subject of a repeal vote shall remain in effect until repealed by the voters at an Annual or Special Town Meeting.

Section 8.02 Ordinance Committees. Before submission to the voters at an Annual or Special Town Meeting, all proposed ordinances shall be examined by a committee of three (3) persons consisting of the Town Manager, the legal counsel retained by the Town, and one (1) resident of the Town, preferably a person who proposed the new ordinance. This Ad Hoc committee 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 texts and preferences and clarity and precision in its phraseology, but they shall not be empowered to materially change its meaning and effect.

Section 8.03 Emergency Ordinances. To meet a public emergency affecting life, health, property or the public peace, the Board of Selectmen may adopt one or more emergency ordinances, but such ordinances may not levy taxes, gent, renew or extend a franchise, or authorize the borrowing of money except as provided in Article V of this Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, alter the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without an amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) Selectmen shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. The emergency ordinance shall become effective upon adoption or at such time as the ordinance may specify. Every emergency ordinance, except one made pursuant to Article V, shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted but this shall not prevent reenactment 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 manner specified in this section for adoption of emergency ordinances.

Section 8.04 Codes of Regulations or Enforceable Standards. Any ordinance adopted by the voters at an Annual or Special Town Meeting may incorporate, by referee, any code of regulations or enforceable standards, or portions of any such code, or any amendment of such a code without setting forth the provisions of the code in full, provided that the ordinance properly identifies the code, amendment, or portion as to date and source. As used in this Section 8.04, "code" has the meaning set forth in 30-A MRSA. § 3003. The procedure for adopting an ordinance that incorporates, by reference, any code shall be as set forth in 30-A M.R.S.A. § 3003.

Section 8.05 Authentication, Recording, Codification and Printing of Ordinances.

(a) **Authentication and Recording:** All resolutions adopted by the Board of Selectmen and all ordinances shall be authenticated by the signatures of the Board of Selectmen and recorded in full by the Town Clerk in a properly indexed book kept for that purpose, the original or a copy of which shall be accessible to the public.

(b) **Codification:** Within one (1) year after the adoption of this Charter and at least every five (5) years thereafter, the Board of Selectmen shall provide for the preparation of a general codification of all Town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Board of Selectmen by resolution and shall be published in bound or loose-leaf form, together with this Charter and any amendments thereto, any codes of regulations or enforceable standards incorporated by reference into any Town ordinance, and such other laws, rules and regulations as the Board of Selectmen may specify. This compilation shall be known and cited officially as the "Clinton Town Code." Copies of the Clinton Town Code shall be furnished to Town Department Heads, shall be placed in the Library and public Town offices for free public reference, and shall be made available for purchase by the public at a reasonable price to be fixed by the Board of Selectmen.

(c) **Printing:** The Board of Selectmen shall cause each ordinance and resolution having the force and effect of law and each amendment to the Charter to be printed promptly following its adoption. The printed ordinances, resolutions, and Charter amendments shall be available for purchase by the public at a reasonable price to be fixed by the Board of Selectmen. Following publication of the first Clinton Town Code, all ordinances, resolutions, and Charter amendments shall be printed in substantially the same style as that used in the Clinton Town Code.

ARTICLE IX

GENERAL PROVISIONS

Section 9.01 Elected Officer's Terms. The term of any officer elected at the Annual Town Meeting in June shall begin on the first business day in July following the final determination of the election of said officer. An elected officer shall serve for the prescribed term of office or until a successor has been elected and qualified. Any officer elected at a Special Town Meeting to complete the unexpired term of a vacating officer shall begin upon final determination of the election and serve until the scheduled completion of the unexpired term.

Section 9.02 Swearing in of Officers. Every Town officer or official shall be sworn to the faithful discharge of the duties incumbent upon him or her, according to the Constitution and laws of the State of Maine and the Charter and Ordinances of the Town of Clinton, and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

Section 9.03 Personal Financial Interest. Any officer, official 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 or her capacity as an officer, official, or employee in making of such sale or in the making or performance of such contract. Any officer, official, 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 or her office or position, and shall be ineligible, for the period of five (5) years thereafter, to hold any Town office or Town employment. 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 Board of Selectmen.

Section 9.04 Prohibitions.

(a) Activities Prohibited

(1) No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any Town position or appointive Town administrative office because of race, gender, color, ethnic origin, age, physical disability, sexual orientation, military status, political or religious opinions or affiliations.

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

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

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

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

(6) No Board of Selectmen or other Boards, Committees, or Commissions shall adopt policies that are contradictory to the Charter or tend to circumvent its stated purpose.

(7) No relative of a Selectman or Town Manager shall be appointed to any compensated Town office or hired for a position in any Town department under the direct control of the Board of Selectmen or the Town Manager so long as that Selectman or Town Manager serves on the Board of Selectmen or serves as the Town Manager. If the relative was serving in any such position at the time of the Selectman's election or the Town Manager's appointment, the relative shall not receive any increase in salary unless the voters at an Annual Town Meeting approve such increase. As in this Subsection, the term "relative" means a parent, spouse, brother, sister, child, stepchild, stepparent, adopted child, grandparent, mother-in-law, father-in-law, son-in-law, or daughter-in-law.

(b) Penalties Any person found in violation of this Section, or any ordinance enacted pursuant to this Section, by a court of competent jurisdiction, shall immediately forfeit his or her office of position and shall be ineligible for the period of five (5) years thereafter to hold any Town office or Town employment.

Section 9.05 Gender Neutral Intent. This Charter is intended to be gender neutral; any reference to the male gender applies equally to the female gender. The terms “Selectman” and “Selectmen” are used herein to match the language used in the Maine Revised Statutes Annotated, and apply equally to men and women who hold that position.

Section 9.06 Severability. 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.

Section 9.07 Charter Revisions and Amendments. Future Charter revisions and amendments shall be conducted as provided by the laws of the State of Maine.

ARTICLE X

TRANSITIONS

Section 10.01 Effective Date. This Charter will take effect on the first day of the next municipal year (after voter adoption) as set forth in title 30-A M.R.S.A. § 2105(4).

Section 10.02 Ordinances. All existing codes, ordinances, and policies will remain in effect until altered, amended, or repealed, except where the codes, ordinances or policies are inconsistent with this Charter.

Section 10.03 Initial Staggering of Terms Under Charter. After adoption of this Charter, each Selectman shall continue to hold his or her seat until the Selectman’s term of office expires. The staggering of terms will not change under the Charter for the three seats on the Board of Selectmen with 3-year staggered terms and the one seat with a 2-year term. When the one seat with a 1-year term is up for election after adoption of this Charter, the seat shall become a 2-year seat and the candidate elected to office shall have a 2-year term of office; provided that the 1-year seat and the 2-year seat are not up for election during the same year. If in the first election after the effective date of this Charter the 1-year seat and 2-year seat are up for reelection during the same election, the candidate who wins the highest number of votes among the candidates running for a 2-year seat shall be elected to a 2-year term of office and the candidate to win the second highest number of votes among the candidates running for a 2-year seat shall be elected to a 1-year term of office.

Section 10.04 Transition to Appointed Terms of Office (July 1 through June 30).

After adoption of this Charter, any appointed Town officer, board, commission or committee member shall hold his or her office until the term of such office expires. Upon expiration of any appointed term that commenced other than on the first business day of July, the first appointment to such office after adoption of this Charter shall be for a special transitional term ending on the last day before the first business day in July. Thereafter, all appointed positions shall have the term of office as set forth in Article IV, Section 4.02(b)(7).

Section 10.05 Officers, Employees, and Board, Committee or Commission Members

(a) All elected officials and established Boards, Committees and Commissions not inconsistent with this Charter shall continue in effect until changed by the legislative body, or the Board of Selectmen's action, where applicable, and the incumbent members shall serve their appointed terms or until replaced.

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

(c) Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights, privileges, or benefits of persons who are Town officers or employees at the time of its adoption.

Section 10.06 Pending Matters. All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue, except as modified pursuant to the provisions of this Charter, and in each case shall be maintained, carried on, or dealt with by the Town department, office, or agency appropriate under this Charter.

Section 10.07 State and Municipal Laws. All Town ordinances, orders, and resolutions that are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent the Constitution and laws of the State of Maine permit, all laws relating to or affecting this Town or its agencies, officers or employees, that are in force when this Charter becomes fully effective, are superceded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.