

CHARTER AMENDMENTS

The text of those Charter Amendments with an explanation of each is as follows:

QUESTION #1:

Article II. Town Council

Sec. 2.06. Proceedings of the Council.

(a) Meetings.

Add to the end of the Subsection the following: “The Chair, and the Vice Chair when acting as Chair, shall exercise full privileges of Council membership including participation in deliberations on all issues before Council and the right to vote on all issues.”

(b) Rules.

Add to the end of the Subsection the following: “The term limits for each office shall be administered separately and a term as Vice Chair, shall not preclude the Vice chair from being elected the Chair.”

EXPLANTION: To clarify that the Chair and Vice Chair, when acting as Chair, are full voting members of the Council on all issues and to clarify that term limits are administered separately for the Chair and Vice Chair.

QUESTION #2:

Article II. Town Council

Sec. 2.08. Ordinances.

Amend by deleting the stricken text and adding the underlined text as follows:

(a) Procedure. An ordinance may be introduced by any Councilor at any regular or special meeting of the Council ~~and may not be enacted except after public hearing thereon.~~ All Ordinances shall be submitted in writing....

EXPLANATION: To require that all Ordinances be submitted in writing.

QUESTION #3:

Article II. Town Council

Sec. 2.11. Vacancies; Forfeiture of Office; Filling of Vacancies.

(b) *Forfeiture of Office.* A councilor ~~shall~~may forfeit the office if the Councilor (1) lacks at any time during his or her term of office any qualifications for the office prescribed by this Charter or by law, (2) knowingly and willfully violates any express prohibition or other provision of this Charter, of the terms of their oath of office, the Town's Ethics Policy, or any other Town provision relating to the conduct of a Councilor, including violation of confidentiality requirements (3) is convicted of any crime or offense which is reasonably related to his or her ability to serve as councilor, ~~or~~(4) fails to attend three consecutive regular meetings of the Council without being excused by the Council, (5) malfeasance of office, (6) failure to carry out the duties of the office, or (7) misappropriation of funds.

In its review of a Council member, the Council shall have the authority to issue a public reprimand, to cause a reduction of elimination of salary, to suspend the member for a specific period of time, or to cause removal of a Council member which shall result in the seat being declared vacant. A Councilor charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand of that Councilor. Notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one (1) week in advance of the hearing.

EXPLANATION: To clarify the circumstances where a Councilor may face forfeiture of office and Council's authority to police its own membership.

QUESTION #4:

Article II. Town Council

Sec. 2.11. Vacancies; Forfeiture of Office; Filling of Vacancies.

Amend by deleting the stricken text and adding the underlined text as follows:

(c) Filling of Vacancies. If a seat on the Town Council becomes vacant more than six (6) months prior to the next regular Town election, the vacancy shall be filled for the unexpired term by a special election ~~held within sixty (60) days from the date the vacancy occurred.~~ The Town Council shall follow the time frames for the availability, and filing of nomination petitions and the date of the special election in Section 7.02 of this Charter except that shorter time frames may be prescribed by Council where it can be assured that the time frames for circulating nomination petitions and for the Town Clerk to prepare ballots is adequate. If a seat on the Town Council becomes vacant within six (6) months prior to the next regular Town election, the Council shall appoint a qualified person to fill the vacancy. If the vacancy is a seat of a District Councilor, the person elected or appointed to fill the vacancy shall be a resident of the applicable Voting District. Should a Councilor who is elected from a particular District change his residence from that District to another District within the Town of Lisbon, that Councilor shall be allowed to serve out that portion of his term until the next election during which Councilors are elected. At that time, his seat shall be declared vacant for the remainder of that Councilor's term and a new Councilor qualified from that District shall be elected to fulfill the remainder of

the term. If by virtue of a change in District lines, a Councilor elected from a particular District, without having physically moved the Councilor's residence, is nevertheless located in a District other than that from which he was elected, he shall be permitted to serve out the remainder of the term but shall not be eligible for reelection as a Councilor from the original District.

Article VII. Nomination and Elections

Sec. 7.02. Nomination by Petition.

Amend by deleting the stricken text and adding the underlined text as follows:

(a) Petitions. ...No nomination petitions shall be issued by the Clerk more than ~~thirty (30)~~ forty (40) days prior to the earliest date upon which a completed petition could legally be accepted by the Clerk....

Article VIII. Initiative, Referendum, Recall and Special Town Meeting

Sec. 8.31. [Generally.]

Amend by deleting the stricken text and adding the underlined text as follows:

(d) Actions on Petitions. The Council shall, within 30 days following a final determination that the recall petition is sufficient, hold a municipal election for the purpose of submitting the question of recall to a vote of the qualified voters of the Town or, in the case of recall of a Council or Budget Advisory Board member elected from a district, the qualified voters of that district. Pending the outcome of the election, the elected official who is the subject of the recall petition shall continue to exercise all of the privileges of his or her office. An official shall be recalled when a majority of those voting thereon shall have voted in the affirmative so long as the total number of votes cast for and against recall is at least equal to 30% of the total number of qualified voters who cast votes for Governor in the most recent gubernatorial election. ~~The Council shall within 30 days after the voters have recalled an official hold a special election to fill the vacancy.~~ Where the voters have recalled an official, the Council shall fill the vacancy thus created in accordance with the provisions of Section 2.11 of this Charter.

EXPLANATION: To make consistent the provisions for filling Council vacancies and to provide for forty (40) days for the circulation of nomination petitions.

QUESTION #5:

Article V. Administrative Organization and Departments

Sec. 5.23. Personnel Rules.

Add a Paragraph at the end of this Section as follows:

Where there is a conflict between the Rules adopted by Council under this Provision, with Collective Bargaining Agreements, the provisions of the Collective Bargaining Agreements shall govern.

EXPLANATION: To clarify that the provisions of Collective Bargaining Agreements shall supersede conflicting Council adopted rules.

QUESTION #6:

Article VI. Financial Provisions

Sec. 6.02 Submission of Budgets; Budget Messages.

Amend by deleting the stricken text and adding the underlined text in the first sentence, as follows:

On or before the third Tuesday ~~first day~~ of March each year, the Town Manager and the School Committee shall submit to the Town Council line item budgets for the ensuing fiscal year....

Sec. 6.04. Council Action on Budget.

(b) Budget Deliberations. The Town Council shall review the proposed budgets at budget sessions which may be informal but which shall be open to the public. The Council shall complete its review of the budgets no later than the last Tuesday in June ~~June 1~~.

(d) Adoption. ~~The final votes on the budgets shall be taken on or before the first day of June. If the Council fails to adopt a budget for either the Town or the School Department by the first day of June, the budget as presented by the Town Manager or the School Committee shall automatically become the budget for the fiscal year.~~

1. Town Budget. The final vote on the Town Budget shall be taken on or before the last Tuesday of June. If Council fails to adopt a Budget for the Town by the last Tuesday in June, the Budget as presented by the Town Manager shall become the Budget to be implemented on a month to month basis until such time as a final Budget is approved.
2. School Budget. Until such time as the Town of Lisbon becomes certified as a member of a Regional School Unit by the Commissioner of the Maine Department of Education, the Town Council shall act as the Board of the Regional School Unit, approving the Budget with or without amendment, and providing for Referendum vote on the Budget in accordance with the procedures and time frames provided in LD499 as amended.

EXPLANATION: To change the date of Budget submissions to Council from March 1st to the third Tuesday of March; to provide for completion of review and passage of the Town Budget by the last Tuesday in June and for the School Budget as required under Maine Statute.

QUESTION #7:

Article VI. Financial Provisions

Sec. 6.05. Amendments After Adoption.

Amend by adding the underlined text as follows:

(a) Supplemental Appropriations. If during the fiscal year, the Town Manager, in the case of the Town's budget, or the Superintendent of Schools, in the case of the School budget, certifies that there are available for appropriation revenues from state or federal sources or from private gifts or bequests, or from other sources, in excess of those estimated in the budget, the Town Council may make supplemental appropriations for the fiscal year up to the amount of the estimated excess. All supplemental appropriations shall be in the form of an Ordinance and approved in accordance with the provisions of Section 2.08 of this Charter.

EXPLANATION: To provide that all supplemental appropriations shall be approved as Town Ordinances.

QUESTION #8:

Article VI. Financial Provisions

Sec. 6.08. Capital Program.

Amend by adding the underlined text as follows:

(c) Planning Board Review. The Planning Board shall review the proposed capital program each year to determine, where appropriate, that the capital expenditure is consistent with the provisions of the Town Comprehensive Plan and forward its recommendations to the Town Council no later than the first day of February.

EXPLANATION: To clarify the Planning Board's role in reviewing the Town's capital program.

QUESTION #9:

Article IX. General Provisions

Sec. 9.03. Conflict of Interest.

Amend by adding the underlined text as follows:

If any elected or appointed officer, official, employee, or the spouse of any such person, has a substantial financial interest, direct or indirect, in any contract with the Town or in the purchase or sale of any land, material, supplies, or service to the Town or to a contractor supplying the Town, that person shall make known that interest and shall refrain from voting or otherwise participating in his or her capacity as an elected or appointed officer, official, or employee in making any such purchase or sale or in making such contract. Any such person who willfully conceals said financial interest or that of his or her spouse, or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the same. Any contract made in violation of this section shall be voidable by the Town. An elected or appointed officer, official, employee or spouse of any such person may participate in a commercial transaction with the Town only where that commercial transaction is governed by a competitive bid process.

EXPLANATION: To provide that Town officials and employees may only engage in commercial transactions with the Town under a competitive bid process.

QUESTION #10:

Article I. Grant of Power to the Town

Add new Sec. 1.05, as follows:

Sec. 1.05. Separation of Powers.

The Town of Lisbon, pursuant to authority granted by the Home Rule Amendment to the Maine Constitution and statutory authority under the Maine Revised Statutes, exercises both legislative and administrative powers in carrying out its governmental functions. Legislative powers are vested solely and exclusively with the Town Council. This Legislative function pertains to the enactment of Ordinances, Regulations, Resolutions and Orders, and with the establishment of Policy, the purpose of which is to determine a course of conduct for Town government, and to formulate Rules of Conduct consistent therewith. Administrative powers are vested in the Town Manager and Town Staff. These executive functions vested in the Town Manager and his Staff exist for the purpose of carrying out administratively the Legislative Policies adopted, approved and set down by the Town Council. This Charter recognizes a firm line of division between these two governmental functions and herein expresses the principal that members of the Town Council shall not be involved in the exercise of the administrative powers of the Town, except to determine that the Legislative Enactments and Policies adopted by Council are being carried out by Town Administration.

EXPLANATION: To clarify the separate of legislative and administrative powers under the Town's Council/Manager form of government.

QUESTION #11:

Article VI. Financial Provisions

Add a new Sec. 6.10 as follows:

Sec. 6.10. Borrowing in Anticipation of Taxes.

In anticipation of the collection of taxes, the Council may by Order authorize borrowing by the issuance of notes, which said notes may be renewed, but all such notes or renewals thereof, shall mature and be paid no later than the end of the fiscal year in which the borrowing occurred. In the absence of a contrary provision on an Order authorizing said notes, the Town Finance Director with the approval of the Chairman of the Town Council and the Town Manager, shall determine the date or dates, maturities, denominations, interest rate or rates, and other details of each issue of notes or renewals thereof and shall provide for the sale thereof.

EXPLANATION: To provide appropriate procedures for tax anticipation borrowing.

For more information please contact Steve Eldridge at 353-3000 ext. 102