

TOWN OF HOWLAND CHARTER

ARTICLE 1: FORM AND POWERS OF TOWN GOVERNMENT

A. Powers of the Town

The inhabitants of the Town of Howland, Maine shall continue to be a body corporate and politic by the name “the Town of Howland” (hereinafter referred to as the “Town”). The Town shall have all the rights, powers, immunities and privileges possible for a municipality to have under the Constitution and laws of Maine subject to the limitations set forth in this Charter. The Town may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, to the extent permitted by law.

B. Construction

The powers of the Town under this Charter shall be construed liberally in favor of the inhabitants of the Town.

C. Form of Town Government

The municipal government of the Town shall be vested in a Town Meeting, Board of Selectmen (hereinafter referred to as the “Board”) and Town Manager, all as further set forth herein.

ARTICLE 2: TOWN MEETING

A. Powers of the Town Meeting

Except as otherwise provided by this Charter, the legislative authority of the Town shall be vested in the registered voters of the Town assembled in the Town Meeting. Town Meetings shall have the exclusive power and responsibility to:

- (1) determine the Town's budget;
- (2) authorize long-term indebtedness of the Town;
- (3) enact ordinances, except as otherwise provided by statute;
- (4) deal with such other business as may be presented to it in articles of the warrant for the Meeting or as may be required by law;
- (5) exercise all powers of the Town not specifically delegated to the Board or to other Town officers; and
- (6) at an annual Town Meeting only, amend this Charter in accordance with law.

B. Annual Town Meeting

The annual Town Meeting shall be held on a date selected by the Board of Selectmen each year. The election of all elected officials of the Town shall be held at the annual Town Meeting. The Board shall present to the Town at least ten (10) days before the annual Town Meeting an annual report which shall:

- (1) detail the Town's income and expenditures and the activities of the various departments and other recipients of Town funds during the previous year;
- (2) include the report of the annual audit of the Town's accounts;
- (3) enumerate actions taken at special Town Meetings during the year, including any ordinances enacted; and
- (4) explain as may be necessary other matters requiring adoption, amendment, or repeal at the annual Town Meeting.

C. Special Town Meeting

A special Town Meeting may be called at any time by vote of the Board. When presented with a petition calling for or necessitating action by Town Meeting and signed by registered voters numbering at least ten percent of the votes cast by Town voters in the most recent gubernatorial election, the Board shall either include the subject of the petition in the warrant for the next scheduled Town Meeting or call a special Meeting to be held within sixty (60) days for its consideration.

D. Town Meeting Warrant

A warrant is a required notice and warning to the voters of proposed articles of business for a Town Meeting; only business proposed in the warrant may be transacted. The Board shall draw up the warrant for each Town Meeting, stating in distinct articles the business to be acted on, and this warrant shall be posted in the town office and in all post offices in Town, and published in a newspaper of general circulation in the Town, not less than seven (7) days before the date of the Meeting.

E. Warrant Articles

The warrant shall be organized into articles for:

- (1) the election of officers and other officials as required;
- (2) the appropriation of funds;
- (3) the enactment, modification, or repeal of ordinances; and

(4) such other business as may properly be addressed.

Each article in the Town Meeting warrant must be clearly worded and shall be written so that an affirmative vote is in favor of the article. Each article, other than articles regarding the budget, shall be limited to a single subject. Each article for the appropriation of funds shall be drafted so as to fairly allow the Town Meeting to vote on a single category of proposed expenditures.

When required by applicable Maine statutes the Board shall hold a public hearing on such articles for consideration at Town Meeting no fewer than ten (10) days prior to the Meeting. Notice of such hearing must be posted in the town office and in all post offices in Town not less than seven (7) days before the date of the Meeting.

F. Town Meeting Procedures

Immediately upon commencement of any Town Meeting, a moderator shall be elected by raise of hands, and sworn in by the Clerk. Once 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. All voting shall be conducted in accordance with the applicable provisions of the laws of the State of Maine and this Charter.

ARTICLE 3: BOARD OF SELECTMEN

A. Number, Election and Term

The Board of Selectmen shall be comprised of five (5) members, each of whom shall be elected by the registered voters of the entire Town. Selectmen will serve staggered two (2) year terms.

B. Eligibility

Members of the Board of Selectmen shall be registered voters of the Town and US citizens of at least eighteen (18) years of age, and shall reside in the Town during their term of office.

C. Compensation

Members of the Board of Selectmen shall receive such compensation as is approved at the annual Town Meeting.

D. Vacancies

The office of an elected official shall become vacant upon death, resignation, non-acceptance or removal from office in any manner authorized by law or this Charter. If a vacancy in the Board of Selectmen arises more than six (6) months prior to the next

regular election, the Board shall call a special election to fill the vacant seat within sixty (60) days of the date the vacancy occurred. If a vacancy on the Board of Selectmen arises within six (6) months of the next regular election, the Board may, in its sole discretion, call a special election to fill the vacancy or leave the seat vacant until the next regular election. If a vacancy in any other elected office arises, the Board may choose, in its sole discretion, whether to call a special election to fill the vacancy or leave the office vacant until the next regular election.

(1) Recall

Any elected official of the Town may be recalled and removed from elective office by the qualified voters of the Town as herein provided:

- Any elected official of the Town shall be subject to a recall election on the written petition of a number of voters equal to at least ten percent of the number of votes cast in the Town at the last gubernatorial election.
- Where the petition for recall election is based on the alleged conduct of an elected official, the petition shall set forth with particularity the conduct alleged to be the grounds for recall.
- Where the petition for recall election is based on the allegation that an elected official lacks any of the criteria required to be eligible to hold elected office as set forth herein, the petition shall state with particularity the criterion or criteria which the elected official lacks.
- The Board shall call a special Town Meeting not more than forty-five (45) days after receipt and certification of the petition by the Town Clerk. At that Meeting, the merits of the allegations in the petition shall be debated, and a vote in favor of or against recall shall be taken. If a majority of those voting favor recall, the office shall become vacant.

E. Induction into Office

Selectmen elect shall be required to be sworn to the faithful discharge of their duties by a person qualified by law to administer oaths, consistent with the oath of office set forth in Article 7, Paragraph C. The term of Selectmen shall begin when they are sworn in.

F. Conduct of Board Business

(1) Meeting Procedure

The Board shall, as soon as practicable, establish a regular place and time for holding its regular Meetings, which shall be conducted at least twice a month. It shall also provide a method for calling special Meetings. It shall determine the rules of procedure to be followed by the Board in the conduct of all Board Meetings. It shall cause an agenda to

be prepared and made available in advance of all regular and special Meetings, and shall include an item allowing public input on Town business. All Meetings shall be conducted in a manner that encourages citizen attendance and citizen participation to the extent feasible. The Board shall arrange for a record of its proceedings to be made, and said record shall be retained in accordance with state law. However, the Board may by majority vote discuss matters in a closed or executive session to the extent permitted by law. Final action on any matter taken up in such closed or executive session, except any matters which are permitted or required by law to be acted upon in closed session, shall not be taken up by the Board until such matter is placed on the agenda of a regular or special Meeting.

(2) Quorum

A majority of the Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding an adjourned Meeting shall be given to all Board members.

(3) Majority required for Board Action

An affirmative vote of 3/5 of the members of the Board shall be required for any action by the Board, unless this Charter or state law specifically sets a different requirement. The yeas and nays shall be taken for each Board vote, and shall be entered on the record of the proceedings.

(4) Appointment of Officers

At its first Meeting after the annual Town Meeting, the Board shall elect one of its members as Chairperson and one as Vice-Chairperson for the ensuing year. The Board may fill any vacancies in the offices of Chairperson and Vice-Chairperson that arise from time to time at any regular Meeting of the Board. The Chairperson of the Board shall preside at the Meetings of the Board and shall be recognized as head of Town Government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties or additional powers by virtue of such position.

G. Powers and Duties of the Board

The Board:

- (1)** Shall appoint, and have the power to remove the Town Manager, members of the Planning Board, members of the Board of Appeals, and members of other committees as may from time to time be deemed necessary.

- (2) Shall have the power to vest in the Town Manager all or part of any office not specifically reserved to the Town Manager by this Charter or under state law, and to remove from the Town Manager the power to hold such offices.
- (3) Shall, prior to the end of each fiscal year, designate a Certified Public Accountant who, at the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government, and shall submit their report to the Town Manager and the Board. The Board shall prepare a summary of the audit report, which shall be included in the annual Town Report and made available to the public. The accountant selected by the Board shall not maintain any accounts or record of Town business, but shall audit the books and documents kept in any office, department or agency of the Town government.
- (4) Shall have the power by order or resolve to create, change and abolish offices, departments and agencies not created by this charter.
- (5) Shall have the power to adopt or amend administrative and personnel policies of the Town, provided the terms of those policies do not conflict with this Charter or state law.
- (6) Shall have the power to inquire through the Town Manager into the conduct of any department, office or agency of the Town, and to investigate municipal affairs.
- (7) Shall present a complete financial report, as prepared by the Town Manager, to the Town Meeting.
- (8) Shall prepare and present an annual budget to the Town Meeting.
- (9) Shall have the power, without Town Meeting approval, to issue notes of the Town in anticipation of taxes to be paid within the fiscal year of issuance.
- (10) Shall have the power to carry out mandates of Town Meetings as directed to the Board.
- (11) Shall have the power to call regular and special Town Meetings.
- (12) Shall have the power to enact emergency ordinances without Town Meeting approval as authorized by law.
- (13) Shall have the power to approve expenditures from accounts, including reserve accounts, in accordance with the actions of the citizens at Town Meeting.

H. Prohibitions and Limitations

(1) Interference with Administration

Except for the purpose of inquiry with the Town Manager, the Board of Selectmen shall deal with the administrative services of the Town solely through the Town Manager. Board Members, individually or as a Board, shall not give orders to any subordinate of the Town Manager, or otherwise interfere with the Town Manager's administration of the Town, either publicly or privately.

(2) Limitations on Board Action

The Board shall act as a unit and settle all questions by formal vote in an authorized Meeting. Members of the Board shall not act on Town business individually except as specifically authorized by the Board.

ARTICLE 4: TOWN MANAGER AND OTHER APPOINTED OFFICIALS

A. Appointment, Qualification

The Board shall appoint a Town Manager for a definite term or at the will of the Board, and shall fix the Manager's compensation. The Town Manager shall be appointed on the basis of executive and administrative qualifications, and need not be a resident of the Town or of the State at the time of appointment.

B. Powers and Duties of the Town Manager

The Town Manager shall be responsible to the Board for the administration of all departments of the Town over which the Board, under this Charter and the general statutes, has control; and the Manager's powers and duties, where not otherwise herein provided or set forth by statute, shall be generally to:

- (1) see that the laws, provisions of this Charter, ordinances and acts of the Board are enforced and faithfully executed;
- (2) prepare and administer the budget and capital program;
- (3) except as otherwise provided by ordinance, arrange for and make appointments, subject to confirmation by the Board, of all officials and employees of the Town except elected officials and those whose appointment is within the exclusive jurisdiction of the Board;
- (4) have exclusive authority to remove for cause, after notice and hearing, all persons whom the Town Manager is authorized to appoint, and report all such removals to the Board;

- (5) fix the compensation of his appointees and designate the times of payment subject to confirmation by the Board;
- (6) act as purchasing agent for all departments of the Town;
- (7) attend the Meetings of the Board and recommend for adoption such measures as he or she may deem expedient;
- (8) keep the Board fully informed as to the business, financial condition and needs of the Town;
- (9) assist, insofar as possible, residents and taxpayers in discovering and understanding their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices;
- (10) act as general assistance administrator unless the Board shall appoint another official to serve in that capacity; and
- (11) perform such other duties as may be prescribed by the Board or set forth as duties of the Town Manager by law or in this Charter.

C. Removal

The Board may remove the Town Manager at its discretion, in accordance with the following procedures, but only to the extent that such removal actions are wholly consistent with State Law 30-A MRS § 2633 as amended.

- (1) The Board shall adopt by vote of its members a preliminary resolution which must state the reasons for removal and may (but need not) suspend the Town Manager from duty for a period not to exceed thirty (30) days. A copy of the resolution shall be delivered to the Town Manager within two business days of the vote.
- (2) Within five (5) business days of receiving a copy of the resolution, the Town Manager may file with the Board a written request for a public hearing. If no public hearing is requested, the Board may adopt a final resolution of removal by vote of its members.
- (3) If a public hearing is requested, it shall be held at a Board Meeting not earlier than ten (10) nor later than twenty (20) calendar days after the request is filed. At the hearing, the Manager shall be entitled to present a case against dismissal. After the hearing, the Board may adopt a final resolution of removal and shall notify the Town Manager of its decision within five (5) calendar days.
- (4) The Town Manager may continue to receive his or her salary until the effective date of the final resolution of removal. He or she may also receive severance pay and

other allowances at the discretion of the Board of Selection or as required by law or under any binding contract.

D. Absence of the Town Manager

By letter filed with the Board, the Manager shall designate, subject to Board approval, a qualified administrative officer to exercise the powers and perform the duties of the Town Manager during his temporary absence. During such absence, the Board may revoke such designation at any time, and may appoint and remove any other officer of the Town to serve as Interim Town Manager until the Town Manager returns.

ARTICLE 5: ARRANGEMENTS WITH OTHER GOVERNMENTAL AND QUASI-GOVERNMENTAL ENTITIES

With respect to arrangements for joint action with other political subdivisions of Maine, with agencies of the State or Federal government, or with quasi-municipal corporations such as School Administrative Districts, utility districts and regional councils:

- (1) Unless required to do so by law, the Town shall not, without affirmative vote in Town Meeting, enter into any such arrangement which would commit the Town, without its specific consent, to any future indebtedness or other obligation, and
- (2) The Board shall maintain a current public compilation of all such arrangements and of the statutes, ordinances, contracts or other instruments governing them.

ARTICLE 6: ORDINANCES

This article shall apply only to the enactment of ordinances and shall not apply to resolves or directives of the Board in such a way as to inhibit the ability of the Board to perform its duties.

A. Powers of the Town

The Town may, by the adoption, amendment, or repeal of ordinances, exercise any power or function authorized under the constitution of the State of Maine or state law. Except for ordinances required by state law to be enacted by the Board, all other ordinances shall be enacted by Town Meeting.

B. Powers of the Board

The Board may adopt, amend or repeal ordinances as specifically provided by state law such as traffic ordinances and general assistance ordinances or as specifically provided in this charter.

C. Periodic Reviews

The Board shall review every ordinance of the Town at least every five years to determine if it remains necessary or helpful to the Town, and, if it finds an ordinance unnecessary or unhelpful, may propose it be repealed by Town Meeting. The Board shall be responsible for maintaining a current codification of all ordinances in effect in the Town and shall make copies of said codification available for inspection at the Town office or for purchase at a reasonable price.

ARTICLE 7: GENERAL PROVISIONS

A. Personal Financial Interest

Any officer, official or employee who has any financial interest, direct or indirect, in any contract with the Town or in the sale of any land, materials, 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 the making of such sale or in the making or performance of such contract. 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.

B. Conflict of Interest

Consistent with Maine law:

- 1) Except where clearly authorized by law, no officer, official or employee of the Town shall hold any other town or public office or similar employment during the term for which he or she was elected until one year after the expiration of the term for which he or she was elected.
- 2) No officer, official or employee shall vote on any question in which he or she has a direct or an indirect pecuniary interest.
- 3) Every municipal officer, official and employee shall attempt to avoid the appearance of a conflict of interest by disclosure and/or by abstention.
- 4) The municipal officers shall annually review and update the current Board ethics policy governing the conduct of elected and appointed municipal officials.

C. Oath Of Office

Prior to being inducted into office, all Selectmen and Town officials shall be required to swear the following oath by a person qualified by law to administer oaths:

I, _____, do solemnly swear that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as _____, according to the Constitution and laws of the State of Maine and the Charter of the Town of Howland.

Witness _____

D. General Conduct in Office

With regard to conflicts of interest, ethics considerations, and general conduct of office, the General Statutes of Maine should, while not set forth herein, be considered an integral part of this Charter

E. Not Gender Specific

This charter is not gender specific.

F. Protections

Qualified persons shall not be favored or discriminated against with respect to any Town position on any basis which is not relevant to their ability to perform their duties. Persons receiving compensation from the Town shall not solicit for political purposes from any Town employee. All minutes, meetings, proceedings, documents and other records shall be open to public scrutiny to the fullest extent permitted by law.

G. Separability

If any portion of this Charter is held invalid or unconstitutional, this decision shall not affect the validity of the remaining portions thereof. If the application of this 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. If any provision of this Charter is held invalid by reason of any conflict with state or federal law, the provisions of the applicable state or federal law shall automatically govern in place of the invalid Charter provision.

H. Amendment

This Charter may be revised or amended according to state law. Amendments to this Charter may be proposed by the Board or by petition of the voters to the Board containing the full text of the proposed amendment and signed by voters numbering at least twenty per cent of the votes cast at the last gubernatorial election but no fewer than

ten voters. The Board shall hold a public hearing on any amendment so proposed no later than thirty (30) days after it has been proposed. Vote on any amendment so proposed shall be by written ballot at the next annual Town Meeting.

I. Transitional Provisions

This Charter shall take effect upon adoption by the voters at Town Meeting. No ordinance in effect is repealed by the adoption of this Charter. Upon the effective date of this Charter, all ordinance provisions shall be subject to the provisions of this Charter. Any and all claims, actions, and contracts entered into by the Town prior to the effective date of this Charter shall continue and no legal action or proceeding, whether civil or criminal, pending on the effective date of this Charter, shall be affected or abated by the adoption of the Charter. No term of an elected official shall be abridged by the adoption of this Charter.