

Town of Sanford, Maine



CHARTER

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PREAMBLE

We the people of Sanford, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment to the constitution of the State of Maine do hereby adopt the following Charter for the Town of Sanford.

ARTICLE I GRANT OF POWERS TO THE TOWN

Section 101. Incorporation

The inhabitants of the Town of Sanford, within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation by the name of the Town of Sanford, Maine, provided, however, that is and when the number of inhabitants of the Town of Sanford equals or exceeds 30,000 according to the latest federal decennial census, the name of the Town of Sanford shall be changed to the "City of Sanford" and all references to the word "town" in this Charter shall be changed to "city" and all references to the word "town" shall be changed to "city".

Section 102. Powers of the Town

The Town shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise, pertaining to or incumbent upon said Town as a Municipal Corporation or to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, to be recovered for such uses as said by-laws, regulations or ordinances shall provide.

The administration of all the fiscal, prudential and municipal affairs of said Town, with the government thereof (except (i) the general management, care, conduct and control of the schools of said Town, which shall be vested in a municipal School Committee as provided by the laws of the State of Maine, and as hereinafter provided, and (ii) as otherwise provided by this Charter) shall be and are vested in one body of seven (7) members, which shall constitute and be called the Town Council, all of whom shall be inhabitants of said Town, and shall be sworn in the manner hereinafter prescribed. All legislative powers of the Town shall be vested in the Town Council, except that the municipal budget and school budget shall be adopted by the voters at the representative annual town meeting, as provided in Article VI of this Charter.

The Town may acquire property within or without its corporate limits for any Town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage, maintain and control such property as its interest may require.

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

Section 103. Intergovernmental Cooperation

The Town may exercise any of its powers to perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil sub-divisions or agencies thereof, or with the United States or any agency thereof, in accordance with the provisions set forth in 30-A M.R.S.A. §§ 2201-2207, as amended from time to time, and other statutory provisions.

ARTICLE II TOWN COUNCIL

Section 201. Number, Election, Term

The Town Council shall be composed of seven (7) members with staggered terms, each of whom shall be elected by the registered voters of the entire Town. Each member shall be elected for a term of three (3) years and until a successor is elected and qualified. At the first regular election under the 2002 Sanford Town Charter, the three (3) selectmen with terms extending beyond December 31, 2002 shall complete the terms of their office as Town Councilors, the four (4) remaining candidates shall then be elected as follows: the three (3) candidates receiving the greatest number of votes shall be in office for a term of three years, the one (1) candidate receiving the next greatest number of votes shall be in office for a term of two (2) years. Town Council members shall then be elected as the terms of their office expire for a term of three (3) years.

Section 202. Qualifications

Councilors shall be qualified electors of the Town and shall have their principal place of residence in the Town during their terms of office. No Councilor shall hold any paid office or position of employment with the Town. If a Councilor shall cease to possess any of these qualifications or shall be convicted of a crime punishable by imprisonment for more than six months, the office of that Councilor shall immediately become vacant.

Section 203. Powers and Duties

The members of the Town Council shall be and constitute the municipal officers of the Town of Sanford for all purposes required by statute, and except as

otherwise specifically provided in this Charter, shall have all powers and authority given to, and perform all duties required of, municipal officers under the laws of this State and this Charter.

Section 204. Enumeration of Powers

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

204.1

Appoint the Town Manager, the members of the Planning Board, Zoning Board of Appeals, Board of Assessment Review, and Housing Authority, each of which body shall have such powers and perform such duties as are provided for by the laws of the State of Maine; appoint a Town Attorney and Town Auditor who shall serve at the will of the Council; and appoint members of all other Town boards, commissions, and committees created by the Council or established by the Charter. Appointments shall be made by procedures adopted through rules of the Council.

204.2

Remove for cause, after a six (6) month probationary period, after notice and hearing and in accordance with state law, the Town Manager, members of the Planning Board, Board of Assessment Review, the Zoning Board of Appeals, and the Housing Authority and members of all other Town boards, commissions, and committees appointed by the Council.

204.3

By ordinance, create, change and abolish offices, departments, agencies, and committees, other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. The Council may, however, vest in the Town Manager all or part of the duties of any office under this Charter, except those of the Department of Education.

204.4

Make, alter and repeal ordinances.

204.5

Develop a set of priorities and objectives for the Town for the ensuing fiscal year.

204.6

Call the annual town meeting or any special town meetings by warrant signed by a majority of the Town Council. The Town Council shall include in the warrant calling the annual town meeting the budget figures adopted by the Finance Committee and submitted to the Town Manager and articles required of the School Department by Maine State Statute. When deemed necessary by the Town Council, it may order an article on the warrant calling for any town meeting to

present to the voters an emergency appropriation to be funded, in whole or in part, by a borrowing in excess of \$250,000.

204.7

Perform an annual performance review of the Town Manager within sixty (60) days following the first day of each new Municipal Year.

204.8

Provide for an annual audit.

204.9

Be responsible for the negotiation of all contracts involving any subject within the Town Council's jurisdiction (except that in the case of the School Department, such negotiations shall be the responsibility of the School Committee) and approve the awarding thereof.

204.10

Adopt, modify and carry out plans proposed by the Planning Board for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction and redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

204.11

Make investigations into the affairs of the Town and the conduct of any Town department, office or agency (except that in the case of the School Department, such investigations shall be made by the School Committee). For this purpose the Council may enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

204.12

Appoint from among the members of the Town Council representatives to serve on the Finance Committee, and the Capital Improvements Committee.

204.13

Neither the Council nor any of its members shall direct or request the appointment of any person to or the removal from office by the Town Manager or by any subordinates. Except for the purpose of inquiry and investigation under Section 204.11, the Council and its members shall deal with the administrative service solely through the Town Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.

204.14

At intervals of not more than ten years, proposed revisions or recodifications of the by-laws and ordinances of the town shall be presented to the Town Council

for re-enactment. Such revisions or recodifications shall be prepared by a committee selected or appointed by the Town Council.

Section 205. Compensation

205.1

Compensation for the Town Councilors shall be fixed each year at the annual Town Meeting.

205.2

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

Section 206. Induction of Council into Office

Councilors elect shall be sworn to the faithful discharge of their duties by the Town Clerk or the Town Clerk's designee at a meeting to be held on the first business day in January, whether a regular, special, or emergency meeting of the Town Council.

Section 207. Town Council to Judge Qualifications of its Members

The Town Council shall be the judge of the election and qualifications of its members.

Section 208. Regular Meetings

The Town Council shall, at its first meeting or as soon thereafter as possible, establish by ordinance, order or resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once every two weeks. It shall also provide a method for calling special meetings and workshop meetings. Public notice shall be given for all meetings of the Town Council in accordance with state law. Meetings of the Town Council shall be open to the public and shall be recorded, unless in executive session, in accordance with 1 M.R.S.A. Sections 401-410 as amended from time to time. No failure to give public notice or to make record of any meeting at which no vote is taken shall invalidate any action of the Council.

Section 209. Chairperson

At its first meeting or as soon thereafter as practicable the Council shall elect, by majority vote of the entire Council, one of its members for the ensuing year as chairperson and one of its members as vice-chairperson, and the Council shall fill, for an unexpired term, any vacancy in the office of chairperson or vice-chairperson that may occur. The chairperson shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but the chairperson shall have no regular administrative duties. In the temporary absence or disability of the chairperson, the vice-chairperson shall exercise all the powers of the chairperson during such temporary absence or disability of the chairperson. It shall be the duty of the chairperson to (1) preside at all meetings of the Council; (2) develop, after consultation with the Town Manager, agenda for Council meetings, provided that no Councilor shall be

denied the right to place an item on the agenda; (3) after consultation with the Council, represent the Council in all dealings with the Town Manager and with all statutory and advisory boards, commissions and committees in person or by delegation.

209.1

No member of the Town Council shall be eligible for re-election as Chairperson or Vice-chairperson for more than three consecutive one-year terms. For purposes of this section, election to an unexpired term of less than six (6) months shall not be considered a term.

209.2

The Council may remove the chairperson by vote of five (5) Councilors, after public notice, notice in writing to the chairperson and a public hearing. The chairperson may elect to waive the requirements for public notice and/or public hearing.

Section 210. Quorum and Vote

A majority of the Town Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours notice of the time and place of holding an adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken. Every ordinance, order, and resolve shall require on final passage the affirmative vote of four (4) members of the Town Council.

Section 211. Vacancies; Forfeiture of Office; Filling of Vacancies

211.1

The office of a Councilor shall become vacant upon a Councilor's (i) death, (ii) resignation, (iii) nonacceptance, (iv) recall, (v) removal from office in any manner authorized by law, (vi) failure to qualify for the office within ten (10) days after written demand by the Council, (vii) failure of the Town to elect a person to the office, (viii) forfeiture of office, or (ix) by permanent physical or mental disability resulting in decreased ability to perform the Councilor's duties as determined by the Town Council.

211.2

A Councilor shall forfeit his or her office if he or she fails at any time during the term of office to maintain any qualifications for the offices prescribed by this charter or by by-law or ordinance.

211.3

If a seat on the Town Council becomes vacant, the Town Council may appoint an interim Councilor to serve until the next annual municipal election. The Interim Councilor shall serve until a successor is elected to fill the unexpired term.

Section 212. Rules of Procedure; Journal

The Council shall determine its own rules and order of business. It shall keep a record of its proceedings, unless in executive session, and the record shall be open to public inspection.

Section 213. Public Hearing on Ordinances

A proposed ordinance may be introduced in writing by any Councilor to the agenda of any regular or special meeting of the Council. Upon introduction of an ordinance, the clerk shall distribute a copy to each Councilor and to the Town Manager; shall file a reasonable number of copies in the office of the clerk, the Library, and the Town of Sanford's website; and shall cause to be published, in a newspaper having a general circulation in said Town, the wording of the proposed ordinance or a title descriptive of its contents and purpose, together with notice of the time and place of public hearing thereon. The public hearing shall follow the publication by at least fourteen (14) days, may be held separately or in connection with a regular or special meeting of the Council and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. An ordinance shall become effective upon its adoption by the Council or at such later time as it may specify. After the hearing the Council may adopt the ordinance with or without amendment or reject it; but in no case shall the ordinance be adopted or rejected in less than fourteen (14) days after the public hearing. If an ordinance is amended so as to change substantially its meaning, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. The above procedure may be waived only as provided in the following section dealing with emergency ordinances. The Council may enact rules controlling re-introduction of defeated ordinances.

213.1

Notwithstanding any other provision of this Charter, to meet a public emergency affecting life or health or property or the public peace, the Council may adopt one or more emergency ordinances, with the statement of the emergency being a part of the preamble to the ordinance. The declaration of such emergency by the Council shall be conclusive. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) Councilors shall be required for adoption. After adoption, the ordinance shall be posted in the Town Hall, and such other places as the Council may designate. It shall become effective upon its adoption or at such later time as it may specify. Every emergency ordinance, except one authorizing the issuance of emergency bonds or notes, shall stand repealed as of the ninety-first (91st) day following the date of its adoption, but this shall not prevent the re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 214. Town Clerk

The Town Clerk shall keep a public record of all proceedings of the Town Council, including all roll-call votes.

Section 215. Independent Annual Audit

Prior to the end of each fiscal year, the Council shall designate the State Department of Audit or private certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transaction of the Town Government and shall submit their report to the Council, the Town Manager and Superintending School Committee. Such accountants shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by any office, official, department or agency of the Town Government. The audit shall be completed and delivered to the Town Council not later than the last business day of the calendar year following the end of the municipal year of the subject audit. The Town Council shall present an overview of the findings of the audit at the next regular meeting of the Town Council following receipt of the audit.

Section 216. Appointment of Town Manager

The Council shall appoint an official of the Town who shall have the title of Town Manager and shall have the powers and perform the duties described in this Charter. No Councilor shall receive such appointment during the term for which the Councilor shall have been elected, nor within one year after the expiration of the term, nor shall any Councilor act in that capacity.

Section 217. Appointment and Removal of Town Manager

The Council shall appoint the Town Manager for an indefinite term or by contract for a definite term, and may remove the Town Manager for cause by a vote of a majority of its members in accordance with the method and procedure set forth in the general laws of the State of Maine and this Charter.

Section 218. Charter Review

At least once every ten (10) years the Town Council shall appoint a committee to review the provisions of this Charter and make recommendations to the Town Council on any amendments deemed necessary or appropriate.

ARTICLE III TOWN MANAGER

Section 301. Town Manager, Qualifications

The Town Manager shall be appointed by the Town Council solely on the basis of character and executive, academic and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of office as hereinafter set forth. At the time of appointment, the Town Manager need not be a resident of the Town or State but, after one year following the date of initial appointment, the Town Manager shall not reside outside of the Town of Sanford, Maine. No member of the Town Council shall be appointed

Town Manager during a term of office, nor within one (1) year after the expiration of a term, nor shall any member of the Town Council act in that capacity.

Section 302. Town Manager, Chief Executive Officer

The Town Manager shall be the Chief Executive Officer and the head of the administrative branch of the Town government, except for the School Department, and shall be responsible to the Town Council, for the proper administration of all, except as otherwise provided in this Charter, affairs of the Town. The Town manager shall have the power and shall be required to:

302.1

Direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law.

302.2

Give bond for the faithful discharge of all duties to the Town of Sanford in such sum as the Town Council shall determine and direct on an annual basis. Said surety or sureties shall be approved by the Town Council. The premium on the bond shall be paid by the Town.

302.3

Appoint, prescribe the duties of, and when necessary for the good of the town, remove any non-school officials and employees of the Town, except as otherwise provided herein, and except as the Town Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office and except as otherwise provided by law, by this Charter, or by personnel rules adopted pursuant to this Charter.

Only the Town Manager's appointments of the following shall be subject to confirmation by the Town Council: Police Chief, Fire Chief, Town Clerk/Tax Collector, Planning Director, Codes Enforcement Officer, Public Works Director, Town Treasurer, and the Director of the Sanford Emergency Management Agency.

302.4

Administer all personnel policies, practices and related matters for all municipal employees as established by a compensation plan, personnel policy guide, order or ordinance, and all collective bargaining agreements entered into by the Town Council on behalf of the Town.

302.5

Fix the compensation of all Town officials and employees appointed by the Town Manager within the limits established by the appropriations and any compensation plan adopted by the Town Council.

302.6

Keep the Town Council and Finance Committee fully informed as to the financial condition and needs of the Town, and make such recommendations to the Town Council as deemed necessary or expedient.

302.7

Keep the Town Council fully advised as to the needs of the Town and recommend to the Town Council for adoption such measures requiring action by them or by the Town as may be deemed necessary or expedient.

302.8

Attend all regular and special meetings of the Town Council, unless excused at the Town Manager's own request, and have a voice, but no vote, in all discussions. The Town Manager is permitted, but not required, to attend any Town Council meeting at which the Town Manager's own removal is to be discussed, unless in executive session.

302.9

Attend the annual Town Meeting and any Special Town Meetings and answer all questions directed to the Town Manager in regards to the Municipal Budget.

302.10

See that all ordinances, by-laws, orders, provisions of the Charter, and acts of the Town Council that require enforcement by the Town Manager, or Officials and employees subject to the Town Manager's direction and supervision, are faithfully executed.

302.11

Prepare the budget annually, submit it to the Finance Committee and be responsible for its administration after adoption by the Town Meeting.

302.12

Prepare and submit to the Town Council, after the completion of the required annual fiscal audit, an "Audit Action Plan," and a complete report on the finances and administrative activities of the Town for the preceding year. The Town Manager shall cause such annual Town report to be published and made available to the public as promptly as possible after receiving the annual audit.

302.13

Keep a full and complete inventory of all property of substantial value belonging to the Town, both real and personal.

302.14

Act as purchasing agent for all departments of the Town, except the School Department. Whenever possible, the Town Manager shall work with the Superintendent to negotiate contracts for supplies, materials and equipment commonly purchased by both the School Department and the Municipality.

302.15

With the approval of the Town Council, have the authority to prosecute, defend or compromise all litigation to which the Town is party, except any and all litigation under the jurisdiction of the School Department, and to employ special legal counsel with the approval of the Town Council to assist the Town Attorney whenever in the Town Manager's judgment it may be necessary.

302.16

Perform any other duties required of the Town Manager by this Charter, by ordinance, or by the Town Council not inconsistent with this Charter.

Section 303. Ombudsperson

The Town Manager, or, in the case of the School Department, the Superintendent of Schools, or his or her designee shall act as an Ombudsperson to all citizens in their day to day contacts and dealings with the Town, its officials and boards. The function of the Ombudsperson shall be: (a) to direct citizens to the proper official, board or committee to deal with the citizen's problem, (b) to set up appointments for citizens to meet with directors, department heads and boards, (c) to provide citizens with access to public information with the Town and (d) to otherwise serve the public in connection with their dealings with the Town. The office of the Town Ombudsperson shall be clearly and conspicuously marked within the Town Hall.

Section 304. Vacancy in the Office of Town Manager

During any vacancy in the office of the Town Manager, and during the absence or disability of the Town Manager, the Town Council shall designate a properly qualified person, not a member of the Council, to perform the duties of the Manager and the Council shall fix the compensation. The acting Manager shall have the same powers and duties of those given to and imposed on the Town Manager. Before entering upon the duties, the acting Manager shall give bond to the Town of Sanford in a sum and with surety or sureties to be approved by the Council. The premium on said bond shall be paid by the Town.

ARTICLE IV DEPARTMENT OF EDUCATION

Section 401. Board of Education

The Department of Education shall be governed and administered by a Board of Education (hereafter referred to as the School Committee) and a Superintendent of Schools, in accordance with Maine Law. The School Committee shall consist of five (5) members, who shall be nominated and elected at large by the registered voters of the entire Town according to the provisions of Article X of this Charter. Members of the School Committee shall be elected for a term of three (3) years and shall serve until their successors are elected and qualified. School Committee members serving all or a portion of a three (3) year term at the time this Charter is enacted shall serve until their term expires. School Committee members shall then be elected as the terms of their office expire for a term of three (3) years.

Section 402. Qualifications

Members of the School Committee shall be qualified voters of the Town and shall have their principal place of residence in the Town during their terms of office. No School Committee member shall hold any other compensated Town office or Town employment, except as on-call emergency personnel, during their term of office. No School Committee member shall hold any paid office or position of employment with the School Department. If a member of the School Committee ceases to possess any of these qualifications or is convicted of a crime punishable by imprisonment for more than six (6) months, the office shall immediately become vacant.

Section 403. Vacancies

If for any reason a vacancy exists in the membership of the School Committee, it shall be filled within thirty (30) days by a majority vote of the remaining members of said committee until the next municipal election.

Section 404. Organization; Qualifications; Quorum

404.1

The School Committee shall meet on the first business day of January for the purpose of organization. The members-elect shall be sworn to the faithful discharge of their duties by the Town Clerk or by a Notary Public at or prior to the first organizational meeting in January.

404.2

A majority of the School Committee 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 such adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken.

404.3

At its first meeting or as soon thereafter as practicable the School Committee shall elect, by majority vote of the entire School Committee, one of its members for the ensuing year as chairperson and one of its members as vice-chairperson, and the School Committee shall fill, for an unexpired term, any vacancy in the office of chairperson or vice-chairperson that may occur. No member of the School Committee shall be eligible for re-election as Chairperson or Vice-chairperson for more than three (3) consecutive one-year terms. For purposes of this section, election to an unexpired term of less than six (6) months shall not be considered a term.

Section 405. Powers and Duties

405.1

The School Committee shall have all the powers conferred and shall perform all the duties imposed by State law upon municipal school committees and this Charter in regard to the care and management of the public schools of the Town.

405.2

At least one hundred and twenty (120) days before the beginning of the fiscal year, the School Committee shall prepare detailed budget estimates of the various sums required during the ensuing fiscal year for the support of the public schools and the School Committee shall furnish copies of such estimates to the Finance Committee. The Finance Committee shall review the budget and make recommendations on appropriations for the support of public schools in accordance with the provisions of the general laws of the State of Maine and this Charter.

405.3

The Superintendent of Schools, through the School Committee shall, not later than the first regular Town Council meeting in December, present an "Audit Action Plan" with remedies as appropriate to the Town Council for review and approval.

405.4

The School Committee shall appoint from among its members, representatives to serve on the Finance Committee and the Capital Improvements Committee.

Section 406. Meetings

The School Committee shall meet at least once a month, except during July and August. All meetings of the School Committee shall be open to the public, except as may otherwise be provided by the laws of the State of Maine.

Section 407. Compensation

Compensation for the members of the School Committee shall be fixed each year at the annual Town Meeting.

ARTICLE V BUDGET

Section 501. Fiscal Year

The fiscal year of the Town government shall begin the first day of July and shall end the 30th day of June of each calendar 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 502. Finance Committee

502.1

There shall be a Finance Committee of eleven (11) members, nine (9) to be elected at large by the voters of the Town in a manner as hereinafter defined; one (1) member of the Town Council to be appointed by the Town Council; one (1) member of the School Committee to be appointed by the School Committee.

502.2

The terms of the nine (9) elected members of the Finance Committee shall be staggered three (3) year terms, which shall commence at the first meeting of the Finance Committee in January following their election, at which time the Committee members-elect shall be sworn to the faithful discharge of their duties by the Town Clerk or by any other person authorized by law to administer an oath. At the first regular election under the 2002 Sanford Town Charter, the three (3) candidates receiving the greatest number of votes shall be in office for a term of three (3) years, the three (3) candidates receiving the next greatest number of votes shall be in office for a term of two (2) years, and the three (3) candidates receiving the next greatest number of votes shall be in office for a term of one (1) year. The nine elected members of the Finance Committee shall then be elected as the terms of their office expire for a term of three (3) years. The terms of the School Committee and Town Council members of the Finance Committee shall be for one (1) year and shall commence at the first meeting of the Finance Committee following their appointment.

502.3

The Finance Committee shall consider in public meetings the detailed expenditures of each Municipal Agency or Department proposed by the Town Manager and of each School Agency or Department proposed by the Superintendent of Schools. The Finance Committee may require the Town Manager or the Superintendent of Schools to provide such additional information as it deems necessary or desirable in furtherance of its responsibility.

502.4

Each budget article as recommended by the Finance Committee shall be worded to appear on the warrant, as the motion on the floor of the Annual Town Meeting, in a manner which specifies the amount that may be raised and

appropriated or appropriated by the representative Town Meeting members at the annual Town Meeting.

502.5

The Finance Committee shall meet on a continuing basis as deemed necessary by the Chairman of the Finance Committee.

502.6

Meetings of the Finance Committee shall be open to the public and shall be recorded.

502.7

Final authority for approving the Town Budget shall remain with the Representative Town Meeting Members voting at the Annual Town Meeting, as further provided in Article VI.

502.8

No Municipal Official or employee of the Town of Sanford, or any person employed in any capacity by the Sanford School District, shall serve as one of the nine (9) elected members to the Finance Committee. This prohibition shall not apply to persons elected to represent the districts of the Town in the representative Town Meeting unless such persons are otherwise officials of the Town, elected or appointed, or are Town employees, or are employed in some capacity by the Sanford School District.

Section 503. Organization; Qualifications; Quorum

503.1

The Finance Committee shall meet on the first business day of January for the purpose of organization. The members-elect shall be sworn to the faithful discharge of their duties by the Town Clerk or by Notary Public at or prior to the first organizational meeting in January.

503.2

A majority of the Finance Committee 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 such adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken. Except for a vote to adjourn, every act of the Finance Committee that requires a vote shall require an affirmative vote of six (6) members of the Finance Committee.

503.3

At its first meeting or as soon thereafter as practicable the Finance Committee shall elect, by majority vote of the entire Finance Committee, one of its nine (9) elected members for the ensuing year as chairperson and one of its nine (9) elected members as vice-chairperson. The Finance Committee shall fill by

appointment any vacancy that may occur in the office of chairperson or vice-chairperson for the remainder of the unexpired term. The appointed members from the School Committee and Town Council are not eligible to serve as Chairman or Vice-Chairman. No member of the Finance Committee shall be eligible for re-election as Chairperson or Vice-chairperson for more than three (3) consecutive one-year terms. For purposes of this section, election to an unexpired term of less than six (6) months as Chairperson or Vice-Chairperson shall not be considered a term.

Section 504. Vacancies; Forfeiture of Office; Filling of Vacancies

If for any reason a vacancy shall exist in the membership of the Finance Committee, the vacancy shall be filled until the next municipal election by appointment of a majority of the Finance Committee.

Section 505. Submission of School Budget and Message

505.1

At least one hundred and twenty (120) days prior to the beginning of the municipal fiscal year, the Superintendent of Schools and the School Committee shall submit to the Finance Committee, through the Superintendent, a complete, line-item budget containing the estimated receipts and expenditures of the School Department for the upcoming municipal fiscal year. This budget shall be known as the school budget. Along with the school budget, the Superintendent shall also submit an accompanying message meeting the requirements of Section 507 of this article.

505.2

The School budget shall contain a complete financial plan for all school funds and activities for the upcoming school fiscal year and except as required by law or this Charter, shall be in such form as the Finance Committee shall require.

505.3

The school budget shall indicate in separate sections:

- a. Proposed operating expenditures for the upcoming school fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the methods of financing such expenditure.
- b. Proposed debt service expenses for capital expenditures for the upcoming school fiscal year, including items to be financed by bond issues, detailed by offices, departments, and agencies when practical and the proposed methods of financing each such expenditure;
- c. Estimated budget income, which shall not be exceeded by total budget expenditures;
- d. Actual expenses from prior year, current year's adopted budget, percentage change between the prior year's actual expenses and the current year's adopted budget, proposed budget for the upcoming fiscal year, and the

percentage change from the current year's adopted budget. The above information should be categorized by expense and presented in the example format provided as Addendum A of this Charter, as may be amended by the Finance Committee from time to time to include new line items required by the State of Maine's Accounting Handbook for Local School Systems but must remain consistent with the example format required by Addendum A of this Charter.

Section 506. Submission of Municipal Budget and Message

506.1

At least one hundred and twenty (120) days prior to the beginning of the municipal fiscal year, the Town Manager shall submit to the Finance Committee a complete line-item budget containing the estimated receipts and expenditures for all municipal departments, excluding the School Department, for the upcoming municipal fiscal year. This budget shall be known as the municipal budget. Along with the municipal budget, the Town Manager shall also submit an accompanying message meeting the requirements of Section 507 of this article.

506.2

The municipal budget shall provide a complete financial plan of all Town funds and activities for the upcoming municipal fiscal year exclusive of the School Department and which, except as required by law or this Charter, shall be in such form as the Finance Committee shall require. In organizing the municipal budget, the Town Manager shall utilize the most feasible combination of expenditure classification by fund, organizational unit, program, purpose or activity, and object.

506.3

The municipal budget shall indicate in separate sections:

- a. Proposed operating expenditures for the upcoming municipal fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the methods of financing such expenditure;
Proposed capital expenditures for the upcoming municipal fiscal year, detailed by offices, departments, and agencies when practical, and the proposed methods of financing each such expenditure;
Estimated budget income, which shall not be exceeded by total budget expenditures;
- d. Actual expenses from prior year, current year's adopted budget, percentage change between the prior year's actual expenses and the current year's adopted budget, proposed budget for the upcoming fiscal year, and the percentage increase over the current year's adopted budget. The above information should be categorized by expense and presented in the example format provided as Addendum B of this Charter, as may be amended by the Finance Committee from time to time to include new line items, but must remain consistent with the example format required by Addendum B of this Charter.

Section 507. Municipal and School Budget Messages

The municipal and school budget messages shall explain the respective budget both in fiscal terms and in terms of the work programs. These budget messages shall outline the proposed financial practices of the respective departments for the upcoming municipal fiscal year, describe the important features of the budget request, indicate any major changes from the current municipal fiscal year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the Town's debt position and include such other material as the Town Manager and School Committee deem desirable.

Section 508. Capital Improvement Program

508.1

There shall be a Capital Improvement Committee made up of Five (5) members, three (3) elected members of the Finance Committee appointed by the Finance Committee, one (1) member of the Town Council appointed by the Town Council and one (1) member of the School Committee appointed by the School Committee. The Town Manager, or designee, and the Superintendent, or designee, shall be non-voting members of the Capital Improvements Committee.

508.2

A majority of the Capital Improvements Committee 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 such adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken.

508.3

At its first meeting or as soon thereafter as practicable the Capital Improvements Committee shall elect, by majority vote of the entire Committee, one of its three (3) elected members from the Finance Committee for the ensuing year as chairperson and one of its three (3) elected members as vice-chairperson, and the Capital Improvements Committee shall fill, for an unexpired term, any vacancy in the office of chairperson or vice-chairperson that may occur. The appointed members from the School Committee and Town Council are not eligible to serve as Chairperson or Vice-Chairperson. No member of the Capital Improvements Committee shall be eligible for re-election as Chairperson or Vice-chairperson for more than three (3) consecutive one-year terms. For purposes of this section, election to an unexpired term of less than six (6) months as Chairperson or Vice-Chairperson shall not be considered a term.

508.4

The Town Manager and the Superintendent of Schools shall, on an annual basis, prepare and submit to the Capital Improvement Committee a five-year capital program.

508.5

The Capital Improvement Committee shall review the five-year capital program and make recommendations to the Town Council for approval.

508.6

The town shall annually create reserves for the Capital Improvement Program by raising and appropriating or appropriating at least but not limited to, two percent (2%) of the previous year's combined Town and School budgets. All amounts to be placed in a Capital Reserve Account with any and all balances at the end of any fiscal year to be retained in said account. Carryover reserves will be added to the annual appropriation for future Capital Improvement Projects.

508.7

Projects funded by the Capital Improvement Program include, but are not limited to, the following: road maintenance, vehicular replacements, roofing projects, major building renovations, major equipment purchase, airport projects, new buildings and alike.

Section 509. Public Hearing(s) on Municipal and School Budgets

509.1

Within fourteen (14) days after receiving municipal and school budgets, the Finance Committee shall hold a public hearing(s) on the proposed budgets. The Town Manager shall post notice of the public hearing(s) as soon as possible by publishing in one or more newspapers of general circulation in the town a notice stating:

- A. The time and places where copies of the municipal and school budgets and budget messages are available for inspection by the public;
- B. The time, place and purpose of the public hearing(s) which is to be held not less than two weeks after such publication;
- C. A statement that all residents interested in speaking on the proposed municipal and school budgets shall have an opportunity to be heard at the public hearing.

Section 510. Amendment of Proposed Municipal and School Budgets

510.1

Following the initial public hearing, the Finance Committee shall meet to consider whether to amend and what amendments to include in the proposed municipal and school budgets. The Finance Committee may meet as many times as necessary to do so, provided all meetings are open to the public.

510.2

The Finance Committee shall take public comment from residents at all of its meetings, including the public hearings.

510.3

In amending the municipal and school budgets, the Finance Committee may increase or decrease any proposed amounts consistent with state laws, except amounts approved by the State Board of Education in granting concept approval for school construction projects, expenditures required by law or for debt service or for estimated cash deficit.

510.4

At least thirty (30) days prior to the date set for the annual Town Meeting the Finance Committee shall return to the Town Manager the municipal and school budgets to be voted upon by the representative Town Meeting Members at the annual Town Meeting.

510.5

At least fourteen (14) days prior to the Annual Town Meeting, the Town Manager shall present to all Town Meeting Members a copy of the warrant containing the Finance Committee's recommended Budget for the upcoming fiscal year.

Section 511. Budget Establishes Appropriation

From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several offices, departments and agencies for purposes therein named, subject to the requirements of law, except that:

The Town Manager may transfer, with Town Council Approval, any unencumbered appropriations or portion thereof between articles not to exceed a percentage recommended by the Finance Committee and approved by the Town Meeting on an annual basis;

The Superintendent may transfer, with School Committee approval, any unencumbered appropriations or portion thereof between articles not to exceed a percentage recommended by the Finance Committee and approved by the Town Meeting on an annual basis.

Section 512. Lapse of Appropriations.

Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, except as provided in 20-A M.R.S.A. § 15004 and 15613 (8), as amended from time to time, and except an appropriation for a capital expenditure. 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 Capital Improvements Committee.

Section 513. Budget Establishes Amount to be Raised by Property Tax; Certification of Town Assessor

From the date of adoption of the budget, the amounts stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy, subject to the requirements of law, 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 Manager and filed by the Town Manager with the Town Assessor, whose duty it shall be to levy such taxes for the corresponding year.

Section 514. Budget Summary

At the head of the budget there shall appear a summary, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and shall be itemized also by departments and kinds of expenditures, in such a manner as to present to Town Meeting Members a simple and clear summary of the detailed estimates of the budget.

Section 515. Work program; Allotments

Before the beginning of the budget year, the head of each office, department or agency shall submit to the Town Manager, when required by the Town Manager (and in the case of the School Department, to the Superintendent of Schools), a work program of the year, which program shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The Town Manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

Section 516. Adoption.

The Town Meeting Members shall adopt the budget for the next fiscal year on or before the last day in May of the current fiscal year. If Town Meeting Members fail to adopt a municipal budget or school budget by this date for any reason, or if any vote of the Town Meeting Members related to the municipal budget or school budget is repealed by referendum pursuant to Section 1205 of this Charter, the amounts appropriated for the current operation for the current fiscal year shall be deemed adopted for the following fiscal year on a month-to-month basis, with all items in the respective budget prorated accordingly until such time as the Town Meeting Members adopt a budget for the following fiscal year or the referendum procedure sustains the town meeting action.

Section 517. Amendments After Adoption of the Annual Budget.

517.1 Supplemental Appropriations

If during the fiscal year the Town Manager and/or the Superintendent certifies that there are available from Federal or State grants revenues in excess of those estimated in the budget, the Town Council, or, in the case of the School Department, the School Committee, by resolution may authorize the use of such excess grant revenues in the Municipal or School project for which the grant money was received.

517.2. Emergency Appropriations

To meet a public emergency affecting life, health, property or the public peace, the Town Council 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 six (6) members of the Town Council. To the extent that there are no available, unappropriated revenues to meet such appropriations, the Town Council may authorize borrowings not to exceed \$250,000, with maturities no longer than necessary taking into account the nature of the emergency and the size of the borrowing. The issuance of an emergency appropriation pursuant to this subsection shall be exempt from the initiative and referendum provisions set forth in Article XII of this Charter.

517.3. Reduction of Appropriations

If at any time during the fiscal year it appears probable to the Town Manager and/or Superintendent that revenues available will be insufficient to meet the amount appropriated, the Town Manager and/or Superintendent shall report to the Town Council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The Town Council 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 to the extent not inconsistent with 20-A M.R.S.A. ss15004 and 15613 (8).

517.4. Limitations, effective date

No appropriation for debt service may be reduced or transferred. 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 518. Public Records

Copies of the Town Budget and the capital programs as adopted by the Town Meeting Members shall be public records and shall be made available to the public at suitable places in the Town.

ARTICLE VI REPRESENTATIVE TOWN MEETING

Section 601. Annual Town Meeting

An annual representative town meeting for the consideration of the budget shall be held on the fourth Tuesday of May.

Section 602. Composition

There shall be a representative town meeting consisting of between one hundred four (104) and one hundred eight (108) Town Meeting Members divided equally among the wards, all of whom shall be eligible to vote at town meetings. The Town Meeting Members shall be elected as provided in sections 604 and 605 of this article.

Section 603. Town Meeting Sessions

Voting at any representative Town Meeting shall be limited to the Town Meeting Members. The Town Clerk shall notify the Town Meeting Members of the time and place at which any representative Town Meeting is to be held, the notices to be sent by mail at least fourteen (14) days before the meeting. The Town Clerk shall notify the residents of the Town of the time and place of any representative Town Meeting by publishing a notice in a newspaper having general circulation in the Town, on the Town's website, and posting notice in the Town Library and any post office located in the Town. The Town Meeting Members shall be the judges of the election and qualification of their members. A majority of the Town Meeting Members shall constitute a quorum for doing business. However, a smaller number may organize temporarily and may adjourn any meeting except for an annual or special town meeting. Every act of the Town Meeting Members that requires a vote and the decision to adjourn an annual or special town meeting shall require an affirmative vote of a majority of the entire body of Town Meeting Members. No Town Meeting shall adjourn over the date of an election of Town Meeting Members. All Town Meetings shall be open to the public.

Section 604. Town Meeting Membership

604.1

The registered voters in every ward shall elect Town Meeting Members in accordance with all applicable election laws and Article X of this Charter. Town Meeting Members shall have staggered terms and shall each be elected for a term of three (3) years. At the first regular election under the 2002 Sanford Town Charter, and at any later election where applicable, the election officials shall stagger the terms of the Town Meeting Members according to the number of wards then in effect in the Town. The Town Meeting Members from each ward shall then be elected as the terms of their office expire for a term of three (3) years. In case of a ward revision, the procedure to be followed for the election of Town Meeting Member vacancies caused by the ward revision shall be the same as that for the first election after the adoption of this charter.

604.2

If Town Meeting Members are elected by write-in votes, a minimum of ten votes shall be required for election.

Section 605. Eligibility and Nomination Procedures

605.1

Any voter of the Town shall be eligible to be a candidate to be elected and to serve as a town meeting member for the ward in which they reside, except as otherwise provided in this Charter.

605.2

Nomination of candidates for Town Meeting Member to be elected under this Charter shall only be made by nomination papers bearing no political designation, and signed by not less than ten (10) registered voters from the candidate's ward. Nomination papers must be filed with the Town Clerk as provided for by State law and must be signed by the candidate to be valid.

Section 606. Compensation of Town Meeting Members

Town Meeting members shall serve without compensation.

Section 607. Vacancies in the Membership of the Representative Town Meeting.

607.1

A Town Meeting Member may resign by filing a written notice with the Town Clerk, which resignation shall take effect on the date filed. A Town Meeting Member who moves from the Town shall cease to be a Town Meeting Member. A Town Meeting Member who moves from the ward from which he or she was elected shall serve only until the next Annual Town Election.

607.2

If any person elected as a Town Meeting Member fails to take his or her oath of office within thirty (30) days following his or her notice of election, or is absent without notice from the annual Town Meeting, his or her seat may be declared vacant by the Town Clerk. Notice of absence must be presented to the Town Clerk. The Town Clerk must notify any such person at least seven (7) days in advance of the Annual Town Meeting that he or she may be removed under this section. Notice shall be mailed to his or her last known address.

607.3

Any vacancy of a Town Meeting Member seat may be filled until the next Annual Town Election by a vote of the remaining Members of the ward. The balance of any unexpired term shall be filled at the next Annual Town Election. The Town Clerk shall give notice of any vacancy to the remaining Town Meeting members of the ward. The Town Clerk shall set a time and place for a ward meeting for the purpose of temporarily filling any vacancies. The Town Clerk shall give notice of the ward meeting to Town Meeting members at least seven (7) days in advance, and shall publish notice of the ward meeting in a community newspaper of general circulation.

607.4

At any ward meeting, a majority of Town Meeting Members from that ward shall constitute a quorum. A majority of votes cast at ward meetings shall be sufficient to fill vacancies, elect a Chairman and a Clerk or conduct any order of business. The Chairman and Ward Clerk shall certify any election of the ward and transmit written acceptance of any person elected Town Meeting Member to the Town Clerk.

Section 608. Participation of Non-Town Meeting Members

608.1

Any resident of the Town of Sanford, notwithstanding that he or she is not a Town Meeting Member, may attend sessions of the Town Meeting and, subject to such rules as may from time to time be adopted, may participate in the proceedings of the Town Meeting, but he or she may not vote. However, at the request of a Town Meeting Member, a person who is not a Town Meeting Member may be refused the right to speak in the Town Meeting on an issue or proposal that is before the Town Meeting if such request is supported by the vote of two-thirds of the Town Meeting Members present.

608.2

Representatives of Town Agencies: A designated representative of each town agency shall attend all sessions of the Town Meeting for the purpose of providing the Town Meeting with information pertinent to warrant articles. If any such person is deterred by illness or other reasonable cause, they shall designate a deputy to attend in their place. If any person is not a resident, they shall, notwithstanding, be entitled to speak in order to provide the Town Meeting with information on matters pertinent to their responsibilities. When attending sessions of the Town Meeting all representatives of town agencies shall have all of the rights and privileges of Town Meeting Members on matters pertinent to their responsibilities, except the right to vote.

Section 609. Moderator

609.1

The Town Council shall annually appoint a Moderator to preside and regulate the proceedings at all sessions of the Town Meeting. The Moderator shall have no voting rights at Town Meeting.

The Moderator shall have all of the powers and duties given to Moderators under Maine State Law, and such additional powers and duties as may be authorized by the Charter, by ordinance or by other Town Meeting vote.

609.2

The Moderator shall not be a resident or an employee of the Town.

609.3

The Moderator shall preside at all sessions of Town Meeting. The Moderator shall regulate the proceedings of all Town Meetings, decide all questions of order and make public declaration of all votes.

Section 610. Clerk of the Meeting

The Town Clerk shall serve as the Clerk of the Town Meeting. In the event of his or her unavoidable absence, the Town Clerk shall designate a substitute. The Clerk shall give notice of all meetings to the Members and to the public, keep the journal of its proceedings, and perform such other functions as may be provided by the Charter, by statute, by ordinance or by Town Meeting vote.

ARTICLE VII TAX ADMINISTRATION

Section 701. Assessor

There shall be established a Department of Assessment, the head of which shall be the Town Assessor. The Town Assessor, appointed as provided in Article III of this Charter, shall perform all duties and responsibilities provide for assessors under the laws of the State of Maine and this Charter. The Town Assessor shall be hired on the basis of training and experience and must be certified by the State of Maine.

Section 702. Method of Assessment.

All assessments and taxation, their methods, definitions, exceptions and exemptions, for the town shall be prescribed by the statutes of the State of Maine.

Section 703. Board of Assessment Review; Appointment; Vacancies.

703.1

There shall be a Board of Assessment Review consisting of seven (7) members, not otherwise connected with town government, who shall be appointed by the Town Council for staggered terms of three (3) years. At the first regular meeting of the Town Council under the 2002 Sanford Town Charter, the Town Council shall appoint three (3) members for three-year terms, two (2) members for two-year terms, and two (2) members for one-year terms. Board of Assessment Review members shall then be appointed as the terms of their office expire. Compensation, if any, to such members shall be determined by the Town Council. Vacancies in the membership of such board shall be filled by appointment by the Town Council for the unexpired term.

703.2

A majority of the Board of Assessment Review 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 such

adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken. Every act of the Board of Assessment Review that requires a vote shall require an affirmative vote of the majority of those present and voting.

703.3

At its first meeting or as soon thereafter as practicable the Board of Assessment Review shall elect, by majority vote of the entire Board, one of its members for the ensuing year as chairperson and one of its members as vice-chairperson, and the Board of Assessment Review shall fill, for an unexpired term, any vacancy in the office of chairperson or vice-chairperson that may occur. No member of the Board of Assessment Review shall be eligible for re-election as Chairperson or Vice-chairperson for more than three (3) consecutive one-year terms. For purposes of this section, election to an unexpired term of less than six (6) months shall not be considered a term.

Section 704. Board of Assessment Review, Qualifications

All members of such board shall be selected upon the basis of their knowledge of the subject of taxation and property values and shall at the time of their appointment have been residents of the town for at least three years (3) immediately preceding and shall continue as residents during their terms of office. If a member of such board shall cease to be a resident, their office shall thereby become vacant.

Section 705. Board of Assessment Review: Powers, and Duties

The Board of Assessment Review shall:

705.1

Review appeals from decisions of the Assessor regarding applications for abatements of property taxes and make determinations with respect to assessments in accordance with the general laws of the State of Maine.

705.2

Have the power to administer oaths, take testimony, and hold hearings as may be required in carrying out its functions.

705.3

Adopt, subject to the approval of the Town Council, rules and regulations for the transaction of its business consistent with 30-A M.R.S.A. § 2691(3), as amended from time to time.

ARTICLE VIII MUNICIPAL DEVELOPMENT

Section 801. Director of Planning

There shall be a planning director appointed as provided in Article III of this Charter. The planning director shall be the regular technical advisor of the Planning Board, may also be designated its executive secretary, and shall have such other authority, duties and responsibilities under the direction and control of the Town Manager as the Town Manager may require and establish.

Section 802. Director of Public Works

There shall be a Public Works Director appointed as provided in Article III of this Charter. The Public Works Director shall be responsible for the performance of all public works activities of the Town placed under the control of the Public Works Department by the Charter, by by-law or ordinance, or otherwise, including but not limited to refuse collection and disposal, forestry services, and protection of natural resources.

Section 803. Planning Board

803.1

There shall be a Town Planning Board consisting of seven (7) members, who shall be appointed by the Town Council from among the qualified voters of the Town for staggered terms of three (3) years. At the first regular meeting of the Town Council under the 2002 Sanford Town Charter, the Town Council shall appoint three (3) members for three (3) year terms, two (2) members for two (2) year terms, and two (2) members for a one year term. Planning Board Members shall then be appointed as the terms of their office expire. Vacancies in the membership of such board shall be filled by appointment by the Town Council for the unexpired term.

803.2

The Planning Board shall have such powers and perform such duties as are provided by the ordinances of the Town and the general laws of the State of Maine.

803.3

A majority of the Planning 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 such adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken. Every act of the Planning Board that requires a vote shall require an affirmative vote of the majority of those present and voting.

803.4

At its first meeting or as soon thereafter as practicable, the Planning Board shall elect, by majority vote of the entire Board, one of its members for the ensuing year as chairperson and one of its members as vice-chairperson, and the Planning Board shall fill, for an unexpired term, any vacancy in the office of chairperson or vice-chairperson that may occur. No member of the Planning Board shall be

eligible for re-election as Chairperson or Vice-chairperson for more than three (3) consecutive one-year terms. For purposes of this section, election to an unexpired term of less than six (6) months shall not be considered a term.

Section 804. Zoning Ordinance

There shall be a zoning ordinance as provided by the laws of the State of Maine.

Section 805. Board of Appeals

805.1

There shall be a Zoning Board of Appeals consisting of seven (7) members, who shall be appointed by the Town Council from among the qualified voters of the Town for staggered terms of three (3) years. At the first regular meeting of the Town Council under the 2002 Sanford Town Charter, the Town Council shall appoint three (3) members for three-year terms, two (2) members for two-year terms, and two (2) members for a one-year term. Zoning Board of Appeals members shall then be appointed as the terms of their office expire. Vacancies in the membership of such board shall be filled by appointment by the Town Council for the unexpired term.

805.2

The Zoning Board of Appeals shall be organized and empowered as provided by the laws of the State of Maine.

805.3

A majority of the Zoning Board of Appeals 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 such adjourned meeting shall be given to all members who were not present at the meeting from which the adjournment was taken. Every act of the Zoning Board of Appeals that requires a vote shall require an affirmative vote of the majority of those present and voting.

805.3

At its first meeting or as soon thereafter as practicable, the Zoning Board of Appeals shall elect, by majority vote of the entire Board, one of its members for the ensuing year as chairperson and one of its members as vice-chairperson, and the Zoning Board of Appeals shall fill, for an unexpired term, any vacancy in the office of chairperson or vice-chairperson that may occur. No member of the Zoning Board of Appeals shall be eligible for re-election as Chairperson or Vice-chairperson for more than three (3) consecutive one-year terms. For purposes of this section, election to an unexpired term of less than six (6) months shall not be considered a term.

ARTICLE IX PERSONNEL SYSTEM

Section 901. School Personnel

901.1

This Article IX shall govern the personnel system for all non-school department officials and employees.

901.2

The personnel system procedures and rules applicable to school officials and school employees shall be governed and administered by the School Committee and Superintendent of Schools in accordance with State law.

Section 902. Merit Principle.

All appointments and promotions of Town officials and employees not covered by a collective bargaining unit shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

Section 903. 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, procedures and rules applicable to municipal officials and municipal employees in accordance with State Law

Section 904. Personnel Rules.

The Personnel Director shall prepare personnel rules, which shall govern all municipal employees. When approved by the Town Manager, the rules shall be proposed to the Town Council, and the Council may adopt them with or without amendment. These rules shall provide for:

- The classification of all town positions, based on the duties, authority and responsibility of each position with adequate provisions for reclassification of any position whenever warranted by changed circumstances;
- A pay plan for all town positions;
- Methods of determining the merit and fitness of candidates for appointment or promotion, demotion or dismissal;
- Policies and procedures regulating reduction in force and removal of employees;
- A retention and retirement plan for town employees;
- Hours of work, attendance and regulations and provisions for sick and vacation leave;
- Policies and procedures governing persons holding provisional appointments;
- Policies regarding in-service training programs;
- Policies and procedures governing relationships with employee organizations;
- Grievance procedures including procedures for the hearing of grievances;
- Other practices and procedures necessary to the administration of the Town personnel system or as directed by the Town Council.

ARTICLE X

NOMINATIONS AND ELECTIONS

Section 1001. Municipal Elections

The regular election for members of the Town Council, the Finance Committee, the School Committee and the Town Meeting Members shall be held on the first (1st) Tuesday following the first (1st) Monday in November. All elections shall be conducted on a nonpartisan basis and without party designation on the election ballot.

Section 1002. Establishment and Review of Voting Districts

1002.1

The boundaries of the wards shall be reviewed and, if deemed necessary by the Town Council, wholly or partly revised by the Town Council whenever it is apparent from census data or other official information that the number of voters in any one ward varies by ten percent (10%) or more from the total number of voters of the town divided by the number of wards, and at least once in every ten (10) years. The wards shall be divided into as nearly an equal number of voters as possible. The territory of each ward shall be defined as near as possible by the center line of known streets or other well defined limits.

1002.2

Within twenty (20) days following any ward revision, the Town Council shall file a report on the revisions with the Town Clerk, the Registrar of Voters and the Assessor. The report shall include a map(s) and a list of the voters' names and addresses. The Town Council shall also post the map and list in the Town Hall and in at least one public place in each precinct. On every election day there shall be posted at every voting place in the Town a map and description of the wards, and for each ward a list of the names and addresses of the voters of that ward.

1002.3

The ward revision shall be effective on the date it is filed with the Town Clerk, and the Clerk shall notify the Secretary of State of the revision in writing, stating the number and designation of such wards.

Section 1003. Nomination

Registered voters of the Town shall be nominated for elected town offices by the use of nomination papers in accordance with the laws of the State of Maine, except as otherwise provided in this Charter. Nomination papers for the offices of Town Council, School Committee, and Finance Committee shall bear no political designation and shall be signed by not less than fifty (50) registered voters of the Town. Nomination papers shall be filed with the Town Clerk at least forty five (45) days prior to the date of the election except that the Town Council may, by order, modify the filing date for special elections to fill vacancies.

Section 1004. Conduct of Municipal Elections

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

Section 1005. Voting Place

The voting places for municipal elections shall be those which have been or may hereafter be established for state elections.

Section 1006. Election Officials

The Town Council shall, at least ten (10) days before any election, appoint an Election Warden and an Election Clerk, in addition to the regular ballot Clerks, for each voting place. No elected official of the Town may serve as Election Warden, Election Clerk or Ballot Clerk.

Section 1007. Ballot Position of Candidates for Town Offices

The names of the candidates for town office shall be placed on the ballot in numerical sequence based upon a random number drawn by the candidate or their representative at the time of the filing of nomination papers. This number shall be affixed to the nomination papers of the candidate in his or her presence or in the presence of his or her representative by the Town Clerk. In the event the candidate or their representative cannot be present for this drawing of ballot position, the Town Clerk shall draw for the candidate.

Section 1008. Restrictions on Offices

Except as indicated in this Charter, no elected or appointed official may hold more than one town office recognized and established by this Charter. Elected or appointed town officials shall be defined as follows:

- a. Elected Officials- one elected by ballot to a town office established by this charter, or to a town board, town authority, or town commission established by the general laws. For the purposes of this section, Elected Officials shall not include Town Meeting Representatives.
- b. Appointed Official- one appointed by an elected official, elected board, or appointed by the Town Manager to an appointed town office specifically established by this charter, or to a town board, town authority, or town commission established by the general laws. For the purposes of this section, Appointed Officials shall not include Town Meeting Representatives

Section 1009. Restrictions on Election

No person may be a candidate for more than one town government office at each election. No candidate for the offices of Town Council, School Committee, or

Finance Committee shall be elected to office unless he or she receives at least fifty (50) votes.

Section 1010. Election of Town Meeting Representatives

Nomination of candidates for town meeting representatives shall be from among the registered voters of the ward. Nomination papers shall bear no political designation and shall be signed by not less than ten (10) registered voters of the ward in which the candidate resides. Nomination papers must be filed with the Town Clerk as provided for by State law and must be signed by the candidate to be valid.

Section 1011. Date New Officials Take Office

Elected Town Officials shall take office on the first day of January of the year following their election, except in the case of special elections to fill vacancies.

ARTICLE XI RECALL OF ELECTIVE OFFICIALS

Section 1101. Holders of an Office may be Recalled

Any elected municipal or school official may be recalled and removed from office by the registered voters of Sanford, as hereinafter provided.

Section 1102. Recall Petition

Five (5) or more registered voters may begin the proceedings by a request in writing to the Town Clerk for petition blanks. Said voters shall be referred to as the "Recall Committee." All copies of the petition shall be uniform in size and style and shall contain a statement of the reason or reasons for recall and the names of the Recall Committee. Each petition shall be limited to the recall of a single individual.

The Recall Committee shall have thirty (30) days from the date of issuance of appropriate petition blanks to cause the petition to be signed by five percent (5%) of the registered voters of the Town.

Each registered voter who signs a petition shall include place of residence, providing either the street and number or a description sufficient to identify the place.

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.

Within ten (10) days after the circulation period ends the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than five percent (5%) of the registered voters of the Town. Should less than five percent (5%) of the registered voters of the Town sign the petition, the petition shall have no further force or effect, and no new petition action for recall of the same person can be initiated until one hundred eighty (180) days from the end of the previous filing period.

Section 1103. Resignation of Official; Election as to Recall

If the petition is found and certified by the Town Clerk to be sufficient, he or she shall submit it with his or her certificate to the Town Council without delay. The Town Council shall within three (3) business days give written notice to the person named in the recall petition of the receipt of the recall petition and the Clerk's certificate. If the Official sought to be removed does not resign within five days, the Town Council shall order an election to be held within forty-five (45) days after receipt of the Town Clerk's certificate that a sufficient petition is filed. If any other Town election is to occur within sixty (60) days after the date of said certificate the Town Council may, at its discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as provided in this section.

Section 1104. Nomination of Candidates

Any official whose recall is sought may not be a candidate in the recall election. Unless otherwise provided in this charter, the nomination of candidates, the publication of the warrant for the recall election, and the conduct of the recall election shall be conducted in accordance with the provisions of state law relating to elections and Article X of this Charter.

Section 1105. Incumbent to Continue Duties Until Recalled

Any elected official against whom recall proceedings have been initiated may continue to hold office until the recall election. If the official is not recalled in the election, he or she shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this Article.

A recalled official shall be deemed removed from office upon the qualification and swearing of his successor, who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of his or her election, the incumbent shall thereupon be deemed removed and the office vacant.

Section 1106. Form of Ballots for Recall

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.

After the propositions shall appear the word "Candidates" and the names of the candidates nominated. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question of recall is in the negative, the ballots for candidates need not be counted.

Section 1107. Limitations on Petitions

No recall petition shall be filed against an Official within six (6) months after he or she takes office, nor, in the case of an Official subjected to a recall election and not removed thereby, until at least six (6) months after that election.

Section 1108. Prohibition Against Appointment of Recalled Officials.

No person who has been recalled from an office or who has resigned from office while recall procedures were pending against that person shall be appointed to any town office within two years after such removal by recall or resignation.

ARTICLE XII INITIATIVE AND REFERENDUM

Section 1201. Petition for Enactment of Ordinances

The qualified voters shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it in an election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, salaries of municipal officials or employees, or ordinances that by law are exclusively reserved to the municipal officials.

Five (5) or more registered voters may begin the initiative proceedings by a request in writing to the Town Clerk for petition blanks. Said voters shall be referred to as the "Enactment Committee." All copies of the petition shall be uniform in size and style and shall include the complete text of the proposed ordinance and the names of the Enactment Committee.

The Enactment Committee shall have thirty (30) days from the date of issuance of appropriate petition blanks to cause the petition to be signed by five (5%) percent of the registered voters of the Town.

Each registered voter who signs a petition shall include a place of residence, providing either the street and number or a description sufficient to identify the place.

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 proposed ordinance.

Within ten (10) days after the circulation period ends the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than five percent (5%) of the registered voters of the Town. Should less than five percent (5%) of the registered voters of the Town sign the petition, the petition shall have no further force or effect.

The Council shall call a public hearing to be held within thirty (30) days of receipt of the Town Clerk's certification. The Council shall submit the proposed ordinance to a referendum vote at the next regular election at least thirty (30) days following the public hearing, unless prior to the call for said referendum said ordinance is enacted by the Council. Said ordinance shall take effect thirty (30) days after the certification of the election results relating to said referendum, provided a majority of those voting thereon shall have voted in favor of the proposed ordinance.

Any such proposed ordinance shall be examined by the Town Attorney before being submitted to a referendum. The Town Attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy, clearness and precision of wording, and consistency with Town ordinances but the attorney shall not materially change its meaning and effect.

Section 1202. Petition for Overrule of Action of Council

All ordinances, resolutions or orders, except those making appointments or removals or regulating exclusively the internal procedure of the Council, shall be subject to overrule by a citizen referendum as follows:

After the adoption of an ordinance, resolution or order by the Council, the voters may file a petition requesting that such ordinance, resolution or order be put to a referendum vote.

Five (5) or more registered voters may begin the proceedings by a request in writing to the Town Clerk for petition blanks. Said voters shall be referred to as the "Overrule Committee." All copies of the petition shall be uniform in size and

style and shall include the complete text of the ordinance, resolution or order adopted by the Council and the names of the Overrule Committee.

The Overrule Committee shall have thirty (30) days from the date of the Council's Action to cause the petition to be signed by five (5%) percent of the registered voters of the Town.

Each registered voter who signs a petition shall include a place of residence, providing either the street and number or a description sufficient to identify the place.

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 ordinance, resolution or order adopted by the Council.

Within ten (10) days after the circulation period ends the Town Clerk shall certify to the Town Council as to whether the petition has been signed by not less than five percent (5%) of the registered voters of the Town. Should less than five percent (5%) of the registered voters of the Town sign the petition, the petition shall have no further force or effect.

The Council shall call a public hearing to be held within thirty (30) days of receipt of the Town Clerk's certification, and shall submit the ordinance, resolution or order to a referendum vote at the next regular election at least thirty (30) days after the public hearing.

An ordinance, resolution, or order shall not be repealed unless a majority of those voting thereon shall have voted in the affirmative; and provided that the total number of votes cast for and against equals or exceeds 25% of the total number votes cast in Sanford in the last previous gubernatorial election.

Section 1203. Form of Ballot

The form of the ballot for the enactment or repeal of a proposed ordinance, resolution or order shall be substantially as follows:

"Shall the proposed ordinance, (resolution or order), a copy of which is printed herein or attached hereto, be adopted (repealed)?"

The voters shall indicate "yes" or "no" on their ballot, in the manner instructed on the ballot.

Section 1204. Council not to Reenact or Reject

The Council shall not reenact ordinances, orders, or resolutions rejected by voters at referendum elections for a period of at least one (1) year. The Council shall not modify or abolish ordinance adopted by voters at initiative elections for a period of at least one (1) year.

Section 1205. Petition for Repeal of Town Meeting Action

No final affirmative vote of a Town Meeting on any Warrant Article shall be operative until after the expiration of five (5) days following the dissolution of the Town Meeting except the following: (a) a vote to adjourn or dissolve; (b) votes appropriating money for the payment of notes or bonds of the Town and interest thereon becoming due within the then current fiscal year. If a referendum petition is not filed by the Repeal Committee within the said five (5) days, the vote of the Town Meeting shall become operative.

1205.1

Five (5) or more registered voters may begin the referendum proceedings by a request in writing to the Town Clerk for petition blanks. Said voters shall be referred to as the "Repeal Committee." All copies of the petition shall be uniform in size and style and shall include the complete text of the warrant article as presented by the moderator to the Town Meeting and the names of the Repeal Committee.

The Repeal Committee shall have five (5) days from the date of Town Meeting to cause the petition to be signed by five (5%) percent of the registered voters of the Town.

Each registered voter who signs a petition shall include a place of residence, providing either the street and number or a description sufficient to identify the place. The petition shall be signed in the presence of a registered voter of the Town who shall certify to the validity of the signatures collected.

1205.2

If, within said five (5) days, a petition signed by not less than five percent (5%) of the voters certified by the Town Clerk, containing their names and addresses, is filed with the Town Council requesting that any question be submitted to the voters, then the operation of such vote shall be further suspended pending its determination as provided below. The Town Council shall, within fourteen (14) days after the Town Clerk's certification call a Special Election that shall be held within thirty (30) days or such longer periods as may be required by law after issuing the call, for the purpose of presenting to the voters any such question. If, however, a regular or special election is to be held not more than sixty (60) days following the date the petition is filed, the Town Council may provide that any such question be presented to the voters at that election.

A Town Meeting vote that has been petitioned against shall not be final unless a majority of those voting thereon shall have voted in the affirmative, and provided

that the total number of votes cast for and against equals or exceeds 25% of the total number of voter cast in the Town of Sanford in the last previous gubernatorial election.

Each question so submitted shall be in the form of the following question which shall be placed on the official ballot:

"Shall the Town vote to approve the action of the representative Town Meeting whereby it was voted (brief description of the substance of the vote in substantially the same language and form in which it was stated when presented by the Moderator to the Town Meeting, as appears in the records of the Town Clerk)?"

ARTICLE XIII GENERAL PROVISIONS

Section 1301. Oath of Office

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

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

Section 1302. Severability

The provisions of the Charter are severable. If any provision of the 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 and circumstances shall not be affected thereby.

Section 1303. Specific Provisions Prevail

To the extent that any specific provisions of the Charter shall conflict with any provisions expressed in general terms, the specific provisions shall prevail.

Section 1304. References to General Laws

All references to the general laws contained in the Charter refer to the General Laws of the State of Maine, and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the Charter.

Section 1305. Computation of Time

In computing time under the Charter, if seven (7) days or less, only business days not including Saturdays, Sundays or legal holidays shall be counted; if more than seven days, every day shall be counted.

Section 1306. Number and Gender

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender shall include the feminine gender.

Section 1307. Rules and Regulations

A copy of all Rules and Regulations adopted by any Town agency shall be filed in the office of the Town Clerk, and in the case of the School Department, the Superintendent's office, and made available for review by any person who requests such information.

Section 1308. Repealing Clause

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

Section 1309. Disclosure of Interest

1309.1. Financial Interest

A Town Official, Town Meeting Member, or employee who has a financial interest in any contract with the Town or in the sale, purchase or lease of any land, material, supplies or services to or from the Town, shall disclose the interest and abstain from negotiating, voting upon or otherwise participating in decisions involving such contract, sale, purchase or lease, unless the contract, lease or sale is awarded through a competitive bidding process. Similarly, a Town Official or Town Meeting Member who has a financial interest in any matter before the body, committee, subcommittee or commission of which they are a member, shall disclose the interest and abstain from voting on any matter involving the interest. A copy of the disclosure and the abstention shall be recorded with the Town Clerk. A Town Official, Town Meeting Member, or employee has a "financial interest" within the meaning of this section if the Official, Member or employee owns at least a ten percent interest in the business or economic entity or ten percent or more of the stock of the corporation involved in the pending transaction or matter.

1309.2. Relationship

A Town Official is disqualified in any quasi-judicial matter before the body, committee, subcommittee or commission of which the Official is a member, if the Official is related to any of the parties to within the sixth degree (second cousin). The Town Official shall disclose the interest and abstain from voting unless all parties waive the disqualification in writing.

Appearance of Conflict

A Town Official or Town Meeting Member shall avoid the appearance of a conflict of interest, whether there is a technical conflict or not, by disclosure of the facts underlying the potential conflict and, where appropriate, by abstaining from voting on the matter. If, after disclosure, the Town Official or Town Meeting Member believes the interest will affect the Official's or Member's ability to make a fair and impartial decision faithful to the public interest, the Town Official shall abstain from voting.

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Participation

An abstaining Town Official or Town Meeting Member may but need not remain in the meeting room during debate or votes on that issue. An abstaining Town Official or Town Meeting Member who wishes to be heard on a matter may join other members of the public and speak as a member of the public during that portion of the meeting when the public is being heard. In no case shall an abstaining Town Official or Town Meeting Member participate in discussions or deliberations or otherwise act in an official capacity in the matter as to which the Town Official or Town Meeting Member has abstained.

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Judgment of Qualifications

If there is any doubt as to whether a Town Official or Town Meeting Member has a conflict of interest in any matter, the Chair shall determine the qualification of the challenged member. The decision of the Town Board, Committee or Commission shall be final.

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Section 1310. Procedures of Multiple Member Bodies

1310.1

All multiple member bodies of the Town, whether elected, appointed or otherwise constituted shall meet at such times and places within the Town as they may, by their own rules, prescribe. Special meetings of any multiple-member body shall be held on the call of the respective chairperson or, by a majority of the members thereof by suitable written notice delivered to the residence or place of business of each member at least twenty-four (24) hours in advance of the same set. A notice of each meeting shall be posted at least forty-eight (48) hours in advance on the Town Bulletin Board. The Press shall be notified of all meetings of multiple member bodies at least twenty-four (24) hours in advance of a scheduled meeting. All meetings of the multiple-member bodies shall, at all times, be open to the public and to the Press, unless in executive session, and except as may otherwise be authorized by law. If above terms are not met, no official action can take place at said meeting.

1310.2

Each multiple member body shall determine its own rules and order of business unless otherwise provided by the Charter or by ordinance, and shall provide for keeping a journal of its proceedings. These rules and journals shall be public

records kept available in a place convenient to the public at all reasonable times, and copies shall be kept available in the Library.

1310.3

Except on procedural matters, all votes of all multiple-member bodies shall be taken by a show of hands, or roll call vote, the results of which shall be recorded in the minutes. Except as otherwise provided in this Charter or by ordinance, a majority of the multiple member body must vote in the affirmative for an action to pass.

1310.4

A majority of the members of the multiple-member body shall constitute a quorum, but a smaller number may adjourn from time to time.

Section 1311. Short Title

This Charter shall be known and may be cited as the "2002 Sanford Town Charter." The Clerk shall cause it to be printed and made available to the public promptly.

Section 1312. Charter Amendments

Amendments, modifications and revisions to this Charter shall be made pursuant to the applicable provisions of Maine State Law.

Section 1313. Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the Charter shall have the following meanings;

- (a) **Annual Election** - The words "annual election" shall mean the election which shall take place on the first Tuesday following the first Monday of November of each year.
- (b) **Charter** - The word "Charter" shall mean this 2002 Sanford Town Charter and any amendments made to it through any methods provided for in Maine State Law.
- (c) **Council** - The word "Council" shall refer to the Town Council of the Town.
- (d) **Councilor** - The word "Councilor" shall refer to a member of the Town Council.
- (e) **Library** - The word "Library" shall mean the Sanford Goodall Library and the Springvale Public Library and any branch or branches that may be established thereof.
- (f) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation within the Town.
- (g) **Majority Vote** - The words "majority vote" shall mean as to the Town Meeting a majority of those present and voting provided that a quorum of the body is present. As to all multiple member bodies, the affirmative vote of a majority of all its members shall be necessary to adopt any motion, order,

appointment or approval to take any action not entirely procedural in nature, unless otherwise stated in this Charter.

(h) **Manager** - The word "Manager" shall refer to the Town Manager appointed by the Town Council of the Town.

(i) **Multiple Member Body** - The words "multiple-member body" shall mean any official board, commission or committee consisting of two or more persons, whether elected or appointed.

(j) **Town** - The word "Town" shall mean the Town of Sanford.

(k) **Town Agency** - The words "Town agency" shall mean any board, commission, committee, department or office of the Town government whether elected, appointed or otherwise constituted.

(l) **Town Bulletin Boards** - The words "Town Bulletin Boards" shall mean the bulletin boards on which official Town notices are posted, including the Town Website.

(m) **Town Meeting** - The words "Town Meeting" shall mean the representative Town Meeting of the Town established by Article VI.

(n) **Town Meeting Member** - The words "Town Meeting Member" shall mean a person elected to the Town of Sanford's representative Town Meeting.

(o) **Town Official** - The words "Town Official" shall mean any person, elected or appointed, serving on any body, committee, subcommittee or commission of the Town of Sanford, who in the performance of his or her duties of office exercises some portion of the sovereign power of the Town, whether great or small; however it shall not include a Town Meeting Member. A person may be a Town Official whether or not he or she receives any compensation for their services.

(p) **Voters** - The word "voters" shall mean registered voters of the Town.

(q) **Ward** - The word "ward" shall mean the areas into which the Town is geographically divided for the equal apportionment of voters.

ARTICLE XIV TRANSITIONAL PROVISIONS

Section 1401. Ordinances consistent Continue in Force

All ordinances of the Town of Sanford in force at the time when this Charter takes effect, consistent with the provisions of this Charter, shall continue in force until amended or repealed.

Section 1402. Existing Contracts non Invalidated, Unless Inconsistent

All rights, actions, proceedings, prosecutions, and contracts of the Town or any of its departments, pending or unexecuted when this Charter goes into effect and consistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Section 1403. Continuance of Present Administrative Officials

All persons holding Town Office or employment at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance herewith for the performance of such duties or the discontinuance of such office or position. On the effective date of the 2002-Sanford Town Charter, the Town Administrator shall become the Town Manager, pursuant to and for the term provided in the Town Administrator's contract.

Section 1404. Expiration of Term of Present Elected Officials and Applicability

The terms of the present elected municipal or school officials shall continue until the terms of their office expire. All provisions of this Charter, including the recall and forfeiture of office provisions, shall apply to elected municipal or school officials, including those in office at the time of adoption of this Charter.

Section 1405. First Election; Effective Date of 2002 Sanford Town Charter

Upon acceptance of this Charter by referendum vote in November 2002, the first annual election shall take place on the first Tuesday after the first Monday of November 2003.

If approved, this Charter shall become effective on January 1, 2004.

Section 1406. Recording

Pursuant to State law, within three (3) days of the results of the election being declared, certified copies of this Charter are to be filed with the Secretary of State, The State Law and Reference Library and the Office of the Town Clerk. Additionally certified copies shall be stored in the Library and the Office of the Town Attorney. Electronic copies of the revised Charter shall also be kept in the Town Clerk's office, the Library, the Town Attorney's Office, and on the Town of Sanford's web site. Electronic copies must be protected so that they may not be altered or changed.

ADDENDUM A SCHOOL DEPARTMENT LINE ITEM BUDGET

ITEM	CURRENTLY YEAR APPROVED		NEXT FISCAL YEAR PROPOSED	FINANCE COMMITTEE RECOMMENDATION
EMPLOYEE GROUP INSURANCE				
Insurance				
Employee Group Insurance				
Employee Incentive Benefits				

		Y E A R A P P R O V E D			T I O N
	Board of Town Council				
	Charter Commission				
	Voter Registration				
	Total				
	Town Administration				
	Personnel				
	Planning				
	Community				

	Development									
	Economic/Industrial Development (Chamber of Commerce)									
	Information Systems									
	Codes Enforcement									
	Total									
	Assessing									
	Town Treasurer									
	Town Clerk/Tax Collector									
	Total									
	POLICE DEPARTMENT									
	Traffic Enforcement									
	Crime Investigation									
	Crime Prevention									
	Youth Services									
	Records/Data Analysis									

EXAMPLE ONLY

