

ARTICLE I. POWERS OF THE TOWN**Section 1.01. Incorporation.**

The inhabitants of the Town of Dexter 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 Dexter.

Section 1.02. Powers of the town.

The Town shall have all the powers of a municipality under the Constitution and laws of the State of Maine.

Section 1.03. Construction.

The powers of the Town under this Charter shall be construed liberally and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this article.

Section 1.04. Intergovernmental relations.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract, or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or any agency thereof.

Section 1.05. The Town of Dexter affirms the Maine Constitution's Declaration of Rights.

The Town of Dexter affirms the Maine Constitution's Declaration of Rights, which declares that "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it".

(Amend. of 11-13-14, Effective 7-1-15)

ARTICLE II. TOWN COUNCIL**Section 2.01. Composition, eligibility, election and terms.**

A. *Composition.* There shall be a Town Council of seven members nominated and elected by the registered voters of the town at large, as provided in Article VII.

B. *Eligibility.* Only registered voters of the town shall be eligible to hold a position on the Town Council. No person may serve as a member of the Council when an immediate family member (spouse, parents, children, brothers and sisters) are employed by the Town, unless said employee resigns that employment. Members of the same household shall not be allowed to serve as a member of the Council at the same time.

C. *Election and Terms.* Council members shall be elected to serve staggered three-year terms. At each regular municipal election, Council members shall be elected to fill the positions of those whose terms expire.

1. A new/re-elected Council member's term will begin on December 1 following the regular/general election in which the member was elected.
2. Terms of Town Councilors shall be limited to two (2) consecutive three-year terms.

D. *Compensation, expenses.* The Council may determine the annual monetary compensation for members of the Council by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of Council members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months.

Council members shall receive their actual and necessary expenses in the performance of their duties.

E. *Induction.* Prior to the beginning of their terms all Councilors-elect shall be sworn to the faithful discharge of their duties by a duly appointed Town Clerk.

(Amend. of 11-13-14, Effective 7-1-15)

Section 2.02. Chair.

The Council shall annually elect from among its members officers who shall have the titles of Chair and Vice-Chair. The chair and vice-chair may be removed by a super majority vote (5 members) of the full Council at any point. If the chair is removed the vice-chair shall immediately conduct the Council in selecting a new chair. The chair of the Council shall preside at meetings of the Council and shall be entitled to vote on all questions. The vice-chair of the Council shall act for the chair during the absence or disability of the chair. The term of the Council chair shall be limited to two (2) consecutive one-year terms.

(Amend. of 11-13-14, Effective 7-1-15)

Section 2.03. General powers and duties.

All powers of the Town shall be vested in the Council except as otherwise provided by law, ordinance, or this Charter. The Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the municipality by law. The Council shall be the municipal officers of the town.

Section 2.04. Prohibitions.

A. *Holding other offices.* Except where expressly authorized by law, ordinance or pursuant to an agreement under the Interlocal Cooperation Act, no member of the Council shall hold any other elected office of, or employment by the Town. With the exception of the Planning Board and the Board of Appeals, Council members may be appointed to all other committees, ad hoc committees, working groups, etc. A Council member belonging to any service organization (i.e. fire department, etc.) shall abstain from any budgetary votes or deliberations of said service organization, but that Council member may vote on the final municipal budget. No former member of the Council shall hold any compensated, municipal employment, with the exception of a service organization, until one year after the expiration of the term for which he/she was elected to the Council.

B. *Appointments and Removals.* Neither the Council, as a whole, nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or

employees whom the manager or any of his/her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

C. Interference with Administration. Except for the purpose of inquiries and investigations under Section 2.06, the Council or its members shall deal with town officers and employees, who are subject to the direction and supervision of the manager solely through the manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. This prohibition does not preclude the Council or a member from asking questions, seeking information, or conducting conversations with municipal employees.

(Amend. of 11-13-14, Effective 7-1-15)

Section 2.05. Vacancies; forfeiture of office; filling of vacancies.

A. *Vacancies.* The office of a Council member shall become vacant upon that person's death, resignation, removal from office in any manner provided by law or forfeiture of that office.

B. *Forfeiture of office.* A Council member shall forfeit his/her office if the Council, using the procedures outlined below, determines that sufficient grounds for forfeiture exist.

1. *Grounds of Forfeiture:* A member of the Council shall forfeit that office if that person:
 - (a) Lacks at any time during that term of office any qualifications for the office prescribed by the Charter or by law;
 - (b) Violates any express prohibitions of this Charter;
 - (c) Sustains a final conviction of a felony;
 - (d) Fails to attend three consecutive regular meetings of the Council without being excused by the Council;
 - (e) By recall; or
 - (f) Who conducts him/herself in a manner unbecoming a public official as defined by the Code of Ethics found in Article 9 and the Town Codes.

2. *Procedures of Forfeiture:* The Council shall be the judge of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of the member's office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the courts under the Maine Rules of Civil Procedure.

C. *Filling of vacancies.*

1. *Town Council:* If a seat on the Town Council becomes vacant more than six months prior to the next regular election, the Council must call a special election to fill the unexpired term within sixty days from the date that the vacancy occurred. If a seat becomes vacant less than six months prior to the next regular election, the qualified candidate with the most votes received at the last election who is not serving on the Council will be offered the vacancy until the next regular election. If the candidate is not interested or there were no other candidates the Council, by a majority vote of all its remaining members, may appoint a qualified person to fill the vacancy until the next regular election.
2. *Other Elected Boards:* In the event that a Dexter representative on either the School Board of Directors, Dexter Utility District or the Hospital Administrative District #4 Board of Directors resigns, fails to fulfill his or her duties on said boards, or is recalled; the Council shall have the responsibility and authority to appoint interim members to fill said vacancy. Such appointed interim members shall serve until the next regular election in November. The newly elected official assumes the office immediately following the election.
(Amend. of 11-13-14, Effective 7-1-15)

Section 2.06. Investigations.

The Council may make investigations into the affairs of the town and the conduct of any town department, office or agency. For the purpose of investigation, the Council shall have the power to subpoena witnesses, administer oaths, and require the production of evidence.

Section 2.07. Procedure.

A. *Meetings.* The Council shall meet at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the chair or of four or more members and, whenever practicable, upon no less than twelve hour's notice to each member. All meetings shall be public. However, the Council may recess for the purpose of an executive session limited to its own membership, (and persons deemed necessary by the Council) and for the following purposes only:

1. To discuss a personnel matter concerning individuals or groups of employees or officials, when such public discussion could damage a person's reputation, or violate an individual's right to privacy under Maine Statutes.
2. For real estate and economic development negotiations, but only when premature disclosure of information pertaining to these negotiations would hurt the Town's competitive or bargaining position.
3. For discussion of labor contracts, and proposals between the Town and labor negotiators, but these negotiations may be held openly provided that both parties agree.
4. For meetings between the Town and its attorney to discuss the legal rights of the body, pending or contemplated litigation, or settlement offers when premature general public knowledge would clearly place the town at a substantial disadvantage.
5. For discussion of information contained in records made confidential by statute, including, but not limited to, consideration of abatement requests made on the basis of poverty or infirmity.

6. For purposes of consultation between municipal officers and a code enforcement officer representing the municipality in the prosecution of an enforcement pending in District Court when the consultation relates to that pending enforcement matter.

B. *Executive Sessions.* Executive sessions can only be called by a motion made in public session. The nature of the business to be discussed in executive session, must be a part of that motion, although the wording of the motion should not reveal sensitive information protected by law. The motion must carry by a majority, four (4) of the Council. In the case of a personnel matter involving an employee or official, that person shall have the right to be present at the executive session, as well as the person bringing charges against an individual under discussion. Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against him/her be conducted in an open meeting, and that request must be honored. No other matters except the specific subject cited in the motion to enter executive session may be discussed. In every case, the Council shall come out of executive session to make its decision and to take action in public session on all matters discussed in executive session.

C. *Rules and minutes.* The Council shall determine its order of business and shall provide for keeping minutes of its proceedings. These minutes shall be a public record. The Council shall set aside a certain amount of time for public forum to receive comments from the citizens at each regular meeting.

D. *Voting.* Voting shall be by majority vote; four (4), and the vote of each Councilor shall be recorded in the minutes. A majority of the Council shall constitute a quorum. No action of the Council, except as otherwise provided in section 2.02, shall be valid or binding unless adopted by the affirmative vote of a majority of the Council.

E. *Abstention from Voting/Conflicts of Interest.*

1. A member may abstain from voting on any matter before the Council by so notifying the Council chair of such intent, immediately after the agenda item is introduced. The Council member shall then briefly describe the con-

flict of interest which in that Council member's estimation prevents him/her from considering and deciding the matter in a manner consistent with the duties of an elected Council member. The chair will note, for the record, the member's intent to abstain from voting and thereafter that member will be excused from the debate on the question and will be excused from voting. An abstaining Council member shall in no way participate in any discussion on the matter for which he or she has abstained.

2. In the event a Council member first becomes aware of a conflict of interest after the discussion of a matter has commenced that Council member shall immediately notify the Council chair and in all other regards comply with paragraph 1. The Council member shall also indicate that information which had become available and which prohibited him or her from abstaining prior to discussion.
3. No Council member shall be permitted to abstain from voting on any matter before the Council unless the procedure for abstention as set forth herein has been complied with and the refusal of any Council member to vote shall be deemed to be a refusal to perform a duty of office and shall constitute a violation of 30-A M.R.S.A. § 2607, for which a fine of one hundred dollars (\$100.00) may be adjudged and collected in accordance with such section.

(Amend. of 11-13-14, Effective 7-1-15)

Section 2.08. Ordinances, orders and resolves.

The Council shall act only by ordinance, order or resolve. All ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. All appropriation orders or resolves shall be confined to the subject of appropriations only. In addition to other acts required by law or by specific provisions of this charter to be done by ordinance, these acts of the Town Council shall be by ordinance which:

- A. Adopt or amend an administrative code; create, change and/or abolish offices, departments, agencies or boards

other than the offices, departments, agencies and boards established by this Charter. All boards established by the town council shall submit by-laws for Council review and adoption by ordinance within one year from the date of establishment of the newly created board. Each committee shall set standards of attendance in their by-laws.

- B. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- C. Levy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget.
- D. Grant, renew or extend a franchise.
- E. Authorize the borrowing of money.
- F. Convey or lease or authorize the conveyance or lease of any lands of the towns, except that tax-acquired property and airport leases may be conveyed by order, following a duly advertised public hearing.
- G. Adopt with or without amendment ordinances proposed under the initiative power.
- H. Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VIII with respect to repeal of ordinances reconsidered under the referendum power.

(Amend. of 11-13-14, Effective 7-1-15)

Section 2.09. Ordinances in general.

A. *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Dexter hereby ordains_____". Any ordinance which repeals or amends an existing ordinance or part of the town code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by bold italics.

B. *Procedure.* An ordinance may be introduced by any Council member at any regular or special meeting of the Council. After introduction of any ordinance, the town clerk shall publish the ordinance subject matter together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing shall follow the publication by at least 7 days. The hearing may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the Council may not adopt it without holding an advertised public hearing. The Council may vote to determine if a substantial change is made and, if so voted, the ordinance procedure shall begin again.

C. *Effective date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified by the Council. Any ordinance subject to repeal referendum process shall be suspended until it shall have been voted on by the citizens at the next general election in November.

D. *"Publish" defined.* As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town; (1) the ordinance or a brief summary thereof, and (2) the place where copies of it have been filed and the times when they are available for public inspection. (Amend. of 11-13-14, Effective 7-1-15)

Section 2.10 Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in subsection 5.07 B. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in

clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) members shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to subsection 5.07 B shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(Amend. of 11-13-14, Effective 7-1-15)

Section 2.11. Authentication and recording; codification; printing.

A. *Authentication and Recording.* All ordinances adopted by the Council shall be attested by the secretary of the Council and recorded in full by the Town Clerk in a properly indexed book kept for that purpose.

B. *Printing and Distribution of the Dexter Town Code of Ordinances.* The Council shall cause each ordinance and each amendment to this Charter to be printed following its adoption, and the printed ordinances, and Charter amendments shall be distributed or sold to the public.

C. Following publication of the first Dexter Town Code and at all times thereafter, the ordinances, and Charter amendments shall be printed in substantially the same style as the Code currently in effect and shall be suitable in form for integration therein. The town clerk shall make such further arrangements as he/she deems necessary with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the codes. Copies of the Code shall be furnished to town officers, placed in libraries and public offices for public reference.

(Amend. of 11-13-14, Effective 7-1-15)

ARTICLE III. TOWN MANAGER***Section 3.01. Appointment; qualification; compensation.**

The Council shall appoint a town manager for an indefinite term and fix the compensation. The manager shall be appointed on the basis of the manager's character, executive and administrative qualifications. The manager need not be a resident of the town or state at the time of his/her appointment but must become a resident of the town within a reasonable amount of time subject to contractual agreement with the Town Council.

Section 3.02. Absence of town manager.

The manager shall designate, subject to confirmation by the Town Council, a qualified town administrative officer to exercise the powers and perform the duties of manager during his/her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the town to serve until the manager shall return or his/her disability shall cease. In the event of failure of the manager to make such designation and during his/her temporary absence or disability, the Council may by resolution appoint any administrative officer of the town to perform the duties of the manager.

(Amend. of 11-13-14, Effective 7-1-15)

Section 3.03 Powers and duties of the town manager.

The town manager shall be the chief administrative officer of the town. He/she shall be responsible to the Town Council for the administration of all town affairs placed in his/her charge by or under this Charter. He/she shall:

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

***Editor's note**—An amendment adopted Nov. 13, 2014, amended Art. III, by deleting § 3.02 entitled "Removal of town manager", and renumbering the remaining §§ accordingly, as herein set out.

- B. Attend Council meetings, and shall have the right to take part in discussions;
- C. See that all laws, provisions of this Charter and acts of the Council, subject to his/her direction and supervision, are faithfully executed;
- D. Prepare and submit the annual budget and capital program to the Council;
- E. Submit to the Council and make available to the public a monthly fiscal update as well as a complete report on the finances and administrative activities of the town as of the end of each fiscal year;
- F. Make such other reports as the Council may require concerning the operations of town departments, offices and agencies subject to his/her direction and supervision;
- G. Keep the Council fully advised as to the financial condition and future needs of the town and make such recommendations to the Council concerning the affairs of the town as he/she deems desirable;
- H. Assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.

(Amend. of 11-13-14, Effective 7-1-15)

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

Section 4.01. General provisions.

A. *Creation of departments.* The Council as recommended by the town manager, may by ordinance establish town departments, offices or agencies in addition to those created by this Charter.

B. *Appointments.* The following officials, municipal boards, committees and commissions shall be appointed by a majority vote of the members of the Town Council: treasurer, assessor, planning board, board of appeals and other boards, committees

and commissions when such appointment is required by state statute, municipal ordinance or committee/board/commission by-laws.

1. The appointment of the assessor may be made annually (or for up to five (5) years) and the Treasurer shall be appointed yearly.
2. Appointment terms should begin on January 1 of each year and end on December 31 or when applicable. Annual committee and board appointments for the forthcoming year should be completed no later than the last day of December of each year, unless circumstances dictate otherwise.
3. The appointment of department heads shall be for an indefinite term with the initial appointment voted on by the Town Council.

(Amend. of 11-13-14, Effective 7-1-15)

Section 4.02. Personnel system.

A. *Merit principle.* All appointments and promotions of town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination, performance or other evidence of competence.

B. *Personnel director.* The town manager or an appointee shall be the personnel director.

C. *Personnel rules.* The Personnel Director shall administer a set of rules governing all municipal employees. The Town Council may amend these rules as it deems necessary. These rules shall provide for:

1. The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
2. A pay plan for all town positions;
3. Methods for determining the merit, performance and fitness of candidates for appointment or promotion, demotion or dismissal;

4. The policies and procedures regulating reduction in force and removal of employees;
 5. A retention and retirement plan for town employees;
 6. The hours of work, attendance regulations and provisions for sick and vacation leave;
 7. The policies and procedures governing persons holding provisional appointments;
 8. The policies and procedures governing relationships with employee organizations;
 9. Policies regarding in-service training programs;
 10. Grievance procedures, including procedures for the hearing of grievances by the Board of Appeals, which may render advisory opinions based on its findings to the town manager with a copy to the aggrieved employee;
 11. Policies regarding a standard of employment conduct; and
 12. Other practices and procedures necessary to the administration of the town personnel system.
- (Amend. of 11-13-14, Effective 7-1-15)

Section 4.03. Town attorney.

There shall be a Town Attorney of the town, contracted by the Town Council who shall serve as chief legal adviser to the Council, the manager and all town departments, offices and agencies. The Town Attorney shall be considered an independent contractor. The Town Attorney shall represent the town in those legal proceedings requiring the assistance of an attorney and shall perform any other duties prescribed by this Charter or by ordinances.

(Amend. of 11-13-14, Effective 7-1-15)

Section 4.04. Auditor.

The Council shall appoint and/or contract with a qualified public accountant for the purpose of conducting the annual audit of the prior fiscal year municipal finances.

Section 4.05. Oath of office.

Every officer of the town shall, before entering upon the duties of his/her 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 Dexter, and will faithfully discharge the duties of the office of _____."

ARTICLE V. FINANCIAL PROCEDURES**Section 5.01. Fiscal year.**

The fiscal year of the town shall begin on the first day of July and end on the last day of June.

Section 5.02. Submission of budget and budget message.

On or before the first day of May of each year, the town manager shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message.

Section 5.03. Budget message.

The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current 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 manager deems desirable.

Section 5.04. Budget.

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the

manager deems desirable or the Council may require. In organizing the budget, the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated revenue, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. Revenue shall not include those additions to assets which:

- (a) Increase any liability,
- (b) Represent the cancellation of certain liability without a corresponding increase in other liabilities or a decrease in assets.

The budget shall be presented in three (3) separate sections:

- A. Proposed expenditures for operations during the ensuing fiscal year, as well as proposed contributions to dedicated reserve funds.
- B. Proposed federal, state and local revenue projections for the forthcoming fiscal year, to include but not limited to, charges for services, fines, reimbursements, state revenue sharing, grants, leases and rentals, franchises, licenses, permits excise taxes, interest, and general revenues derived from departmental programs. This does not include revenues projected from local property taxes.
- C. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The capital expenditure portion of the budget will include a five-year projection of capital programs and summary of the status of current capital reserve funds. A narrative addressing program objectives and accomplishments will also accompany this portion of the budget.

Section 5.05. Council action on budget.

A. *Initial Guidance.* Prior to March 15th of each year the Council shall be provided the opportunity to issue guidance in writing to the Town Manager regarding budget direction.

B. *Initial Review.* Following receipt of the proposed budget the Town Manager shall schedule a series of Council Workshops for the purpose of reviewing various elements of the Expense, Revenue, and Capital Budgets. During this series of meetings the Council may make alterations to the proposed budget based on recommendations made by the Town Manager and Department Heads, prioritization of departmental requirements and assessment of the need.

C. *Notice and hearing.* The town clerk shall publish in a conspicuous place, and in one or more newspapers of general circulation in the town the general summary of the budget and a notice stating the times and places where copies of the message and budget are available for inspection by the public, and the notice must be published no less than seven (7) calendar days prior to the scheduled public hearing.

D. *Amendment before adoption.* After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except those expenditures required by law or for debt service.

E. *Adoption.* The Council shall adopt the municipal budget on or before the first regularly scheduled Council meeting in July. If there is a failure to adopt either the school budget or municipal budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for ensuing fiscal year. From the date of adoption of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the town in the corresponding tax year. A

copy of the budget as finally adopted shall be certified by the town clerk and filed by him/her with the town assessor, whose duty it shall be to levy such taxes for the corresponding tax year.
(Amend. of 11-13-14, Effective 7-1-15)

Section 5.06. Other reserve funds.

The Town Council shall have the authority to create such other reserve funds as authorized by statute or that the Council shall deem advisable. The order creating such fund shall include a statement as to the intent and purpose of the fund, the funding mechanism, and the authority to use and withdraw from the fund.

Section 5.07. Amendments after adoption.

A. *Supplemental appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

B. *Emergency appropriations.* To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 2.10. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of temporary notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

C. *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and the manager's recommendations as to any other steps to be taken. The Council shall then take such further action

as it deems necessary to prevent or minimize any deficit and for the purpose it may by ordinance reduce one or more appropriations.

D. *Transfer of appropriations.* At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by order transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

E. *Limitations.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

F. *Effective date.* The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption. (Amend. of 11-13-14, Effective 7-1-15)

Section 5.08 Administration of budget.

A. *Monthly reporting and adjustments.* The Finance Officer shall monthly prepare financial reports for each municipal department which reflects expenditures and revenues (if applicable). Periodic assessments will be made by the Town Manager to determine if departmental expenditures or appropriations require adjustment. Adjustment to departmental appropriations shall be accomplished pursuant to section 5.07 of this Charter.

B. *Payments and obligations prohibited.* No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly authorized and unless the manager or his/her designee first certifies that there is a sufficient unencumbered balance in such appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer,

official, or employee, who knowingly authorized or made such payment or incurred such obligation, and he/she shall also be liable, to the town for any amount so paid or obligated. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is approved by the Town Council or authorized to be undertaken by the Town Manager.

C. Warrant Process. The Town Treasurer may disburse funds only on the authority of a warrant drawn for the purpose, either: (a) affirmatively voted and signed by a majority of the Town Council at a duly called public meeting, (b) seen and signed by a majority of the Council acting individually and separately, or (c) signed as otherwise provided by law for the disbursement of employee wages and benefits, and payment of municipal education costs.

(Amend. of 11-13-14, Effective 7-1-15)

Section 5.09. Lapse of appropriation.

Every appropriation, except an appropriation for a capital expenditure, dedicated reserve fund, or those appropriations expressly approved by the Town Council to be carried forward to the ensuing fiscal year, shall lapse into the Town's General Fund at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Section 5.10. Audit.

A. Audit Report. An audit report of the Town's financial transactions shall be performed annually.

B. Filing. Upon the completion of the report, the auditor shall submit it to the Town Council. The audit report shall be included in the Town Report.

C. Action of the Council. In addition to accepting the audit report by resolve, the Council shall review and advise the Town Manager on the implementation of changes in the Town's financial management plan as recommended by the auditor.
(Amend. of 11-13-14, Effective 7-1-15)

ARTICLE VI. SPECIAL ADMINISTRATION

Section 6.01. Implementation of the comprehensive plan.

The Council shall by ordinance adopt land use and development regulations including, but not limited to, zoning and subdivision regulations.

Section 6.02. Board of appeals.

Composition and terms. There shall be a board of appeals composed of 7 members. The term of office shall be 3 years. Neither a municipal officer, nor a spouse of a municipal officer may be a member of the board. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue shall be decided by a majority vote of the members, excluding the member being challenged. The municipal officers may dismiss a member of the board for cause before the member's term expires.
(Amend. approved at election, 11-5-02; Amend. of 11-13-14, Effective 7-1-15)

ARTICLE VII. NOMINATIONS AND ELECTIONS

Section 7.01. Town elections.

A. Regular elections. The regular town election shall be held in conjunction with state/federal elections in each year for the purposes of electing Council Members, Utility Trustees, School Board Directors and Hospital Administration District Directors.

B. *Qualified voters.* All citizens qualified by the Constitution and laws of the State of Maine to vote in the town and who satisfy the requirements for registration prescribed by law shall be qualified voters of the town within the meaning of this Charter.

C. *Election provisions.* Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers, and all other particulars respective to preparation for, conducting and management of municipal elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

(Amend. of 11-13-14, Effective 7-1-15)

Section 7.02. Nomination.

Any qualified voter of the town may be nominated for an elective office in accordance with the laws of the State of Maine.

Section 7.03. Ballots.

A. The full legal names of all candidates nominated for membership on the Town Council, School Board Directors, Utility District Trustees, and HAD #4 Directors except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation or symbol under a heading reading: "Nominees for Town Council, School Board Directors, Utility District Trustees and HAD #4 Directors."

B. If 2 or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

C. Election results shall be accepted by the Town Council and recorded in the minutes.

ARTICLE VIII. INITIATIVE, REFERENDUM AND RECALL

Section 8.01. General authority.

A. *Initiative.* The qualified voters of the town shall have the power to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance,

the qualified voters shall have the power to adopt or reject said ordinance at the next general or special election, held at least 60 days after the petition certification. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of town officers, officials, or employees.

B. *Referendum*. The qualified voters of the town shall have power to require reconsideration by the Council of any adopted ordinance. If the Council fails to repeal an ordinance so reconsidered, the qualified voters shall have the power to approve or reject such ordinance at the next general or special election, held at least 60 days after the certification. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

C. *Recall*. The qualified voters of the town shall have power to recall an elected official of the Town of Dexter.

D. *Council Action*. Upon majority vote of the entire Council, the Council may send any question to referendum it deems appropriate.

E. *Definitions*:

Affidavit - A sworn statement in writing.

Certificate - A document containing a certified statement.

Initiative - A procedure enabling a specified number of voters by petition to propose a law and secure its submission to the voters for approval.

Ordinance - An authoritative decree.

Petition - A formal written request.

Recall - The right or procedure by which an official may be removed by vote of the people.

Referendum - The practice of submitting to popular vote a measure passed upon or proposed by a legislative body or by popular initiative.

(Amend. of 11-13-14, Effective 7-1-15)

Section 8.02. Commencement of proceeding; petitioners' committee; affidavit.

Any five (5) qualified voters may commence initiative, referendum or recall proceedings by filing with the town clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered or a general statement of the reasons for the recall of an elected official. Within two (2) municipal business days after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee. The petitioner's committee may designate additional petition circulators who must be registered voters of the town.

(Amend. of 11-13-14, Effective 7-1-15)

Section 8.03. Petitions.

A. *Number of signatures.* Initiative, referendum, and recall petitions must be signed by qualified voters of the town equal in number to at least 10% of the total number of qualified voters registered to vote at the last Presidential election.

B. *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed, sought to be reconsidered or a general statement of the reasons for the recall of an elected official.

C. *Affidavit of circulator.* Each passer of a petition shall have attached to it, when filed, an affidavit executed by the circulator stating that he/she personally circulated the paper; 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 proposed or sought to be reconsidered or a general statement of the reasons for the recall of an elected official.

(Amend. of 11-13-14, Effective 7-1-15)

Section 8.04. Procedures for referendum and initiative petitions.

A. *Time for filing petitions.* Referendum petitions must be filed within thirty (30) calendar days after the adoption by the Council of the ordinance sought to be reconsidered. Initiative petitions may be filed at any time provided the requirements of section 8.03 are met.

B. *Certification by the Town Clerk; Certification.* Within twenty (20) calendar days after the petition is filed, the town clerk shall complete a certificate as to the sufficiency of the petition. If the petition is insufficient, the Clerk shall specify the particulars wherein it is defective and shall send a copy of the certificate to the petitioners' committee by certified mail.

C. *Amendment.* A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) municipal business days after receiving the copy of this certificate, and files a supplementary petition upon additional papers provided by the Clerk within ten (10) calendar days. Such supplementary petition shall comply with the requirements of section 8.03, and within five (5) municipal business days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and send a copy of such certificate to the petitioners' committee by certified mail. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection D, of this section within the time required, the clerk shall promptly present his/her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

D. *Final Determination.*

1. If a petition or amended petition is certified sufficient, the Clerk shall present his/her final determination to the Council. The Council at its next regular meeting shall order the initiative or referendum be placed on the ballot.
2. If a petition is certified insufficient and the petitioners' committee does not elect to amend the petition, the Clerk shall present his/her determination to the Council. The Council at its next regular meeting shall confirm the petitions insufficient.
3. If a petition or amended petition is certified insufficient and the petitioners' committee does not request a Council review, the Clerk shall present his/her determination to the Council. The Council at its next regular meeting shall confirm the petitions insufficient.
4. If a petition and/or amended petition is certified insufficient, the petitioners' committee may, within two (2) municipal business days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate, and the filed petitions if necessary, at its next regular meeting following the filing of such request. If the Council determines the petition is sufficient, it shall order the initiative or referendum be placed on the ballot. (See E.1, below.) If the Council finds the petition is insufficient, its determination shall be final.
5. A final determination of insufficiency, does not prejudice the filing of a new petition for the same purpose.

E. *Action on Petitions.*

1. *By Council.* If the Council fails to adopt a proposed initiative ordinance without any change in substance within thirty (30) calendar days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the town.
2. *Submission to Voters.* The vote of the town on a proposed or referred ordinance shall be held at the next general election to be held at least 60 days after the certificate is

filed. Copies of the proposed or referred ordinance shall be made available on the town's web site, in the town office and at the polls.

3. *Form of ballot.* The form of the ballot for the proposed initiative or referendum shall be substantially as follows:
 "Shall the ordinance entitled " _____ " be repealed? (or adopted?)"
 YES _____ NO _____

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

4. *Withdrawal of Petitions.* An initiative or referendum petition may be withdrawn at any time prior to the forty-fifth (45th) calendar day preceding the day scheduled for a vote of the town by filing with the Town Clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition for recall shall have no further force or effect and all proceedings thereon shall be terminated.

F. *Results of Election.*

1. *Initiative.* If a majority of the qualified voters voting on a proposed initiative ordinance vote in favor, it shall be considered adopted upon certification of the election results. It shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
2. *Referendum.* If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(Amend. of 11-13-14, Effective 7-1-15)

Section 8.05. Recall procedures.

A. *Time for filing.* Recall petitions must be filed within thirty (30) calendar days from the acceptance of the request by the Town Clerk as signified by the issuance of the petition blanks to the petitioners' committee.

B. *Procedure after filing.*

1. *Certification by the Town Clerk.* Within twenty (20) municipal business days after the petition circulation period ends, the Town Clerk shall certify to the Town Council that the proper number of signatures has been collected, and that the signatures are from qualified voters of the Town.
2. *Termination of petition.* Should fewer qualified voters than required by the Charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. A request for recall of the same elected official may not be accepted by the Clerk until 180 calendar days after the expiration of the previous filing period.

C. *Action on Recall Petition.*

1. *Action by Council.* When a recall petition has been finally determined sufficient, the Council shall hold a municipal election for the purpose of submitting to vote the question of recall.
2. *Submission to Voters.* The vote of the Town on a question of recall shall be held no less than thirty (30) calendar days and not later than sixty (60) calendar days from the date of certification of the sufficiency of the recall petition.
3. *Form of Ballot.* The form of the ballot for the proposed petition of recall shall be substantially 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.
4. *Withdrawal of recall petition.* A recall petition may be withdrawn at any time prior to the fifteenth (15th) calendar day preceding the day scheduled for a vote of the town by filing with the Town Clerk a request for withdrawal signed by at least four (4) of the petitioners'

committee. Upon the filing of such request the petition for recall shall be subject to the restrictions as are found in subsection D.

D. *Recall.* Pending action by the voters of the town, the elected official of Dexter against whom recall proceedings have been initiated shall continue to exercise all the privileges and duties of his/her office. The recall is effective only if the total number of votes cast in favor of the recall shall equal or exceed two thirds ($\frac{2}{3}$) the number of votes cast. The elected official of Dexter that is recalled by the voters shall immediately vacate his/her elected position. Should a vacancy occur following a recall vote, notwithstanding Section 2.05 C, the council shall within (60) sixty calendar days hold a special election to fill the vacancy. An elected official who is recalled shall not be allowed to seek reelection at the special election called for the purpose of filling the vacancy created by the recall. In addition, the recalled official shall not be allowed to seek reelection for one year. Qualified voters who seek to fill the vacancy shall have until the thirtieth (30th) calendar day preceding the election to file with the town clerk a nomination petition. These nomination papers shall be made available by the clerk at least ten (10) municipal business days prior to the final date for filing. The number of signatures required for filing shall be the same as required for a regular election.

(Amend. of 11-13-14, Effective 7-1-15)

ARTICLE IX. CODE OF ETHICS

Section 9.01. Personal financial interests.

Any Town Councilor, Board Member or employee who has a conflict of interest, or a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the town or in the sale of any land, material, supplies or services to the town or to a contractor supplying the town shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a Town Councilor, Board Member or employee in the making of such sale or in the making or performance of such contract. Any Town Councilor, Board Member or employee who willfully conceals such a finan-

cial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the town shall render the contract or sale voidable by the town manager or the Town Council.

Section 9.02. Prohibitions.

A. Activities prohibited.

1. No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of race, gender, sexual orientation, family status, political or religious opinions or affiliations.
2. No person shall willfully make any false statement certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provision, of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
3. No person who seeks appointment or promotion with respect to any town position or appointive town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his term of appointment, proposed appointment, promotion or proposed promotion.
4. No person who holds a compensated appointive town position shall solicit any assessments, contributions, or services for any political party from any employee in the municipal office.
5. Penalties: Any person found in violation of this section or any ordinance enacted pursuant to this section by the Council acting in judicial capacity or court of competent jurisdiction shall be ineligible for a period of five years thereafter to hold any town office or employment and shall immediately forfeit his/her office or position.

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

(Amend. of 11-13-14, Effective 7-1-15)

ARTICLE X. GENERAL PROVISIONS

Section 10.01. Charter amendment.

Amendments to this Charter may be structured and proposed in the manner provided by law.

(Amend. of 11-13-14, Effective 7-1-15)

Section 10.02. Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Supp. No. 36

