

# **TOWN OF ROCKPORT CHARTER**

*ADOPTED BY THE VOTERS OF ROCKPORT ON  
NOVEMBER 8, 2005*

*AMENDED ON NOVEMBER 4, 2014, NOVEMBER 7, 2017,  
NOVEMBER 8, 2022, and NOVEMBER 7, 2023*

# **C H A R T E R**

## **THE TOWN OF ROCKPORT ADOPTED BY THE VOTERS ON NOVEMBER 8, 2005**

Certified: /s/Jonathan Duke  
Chair of Select Board  
Town Clerk: /s/Linda M. Greenlaw

Date: November 10, 2005

## **AMENDED BY THE VOTERS ON NOVEMBER 4, 2014, NOVEMBER 7, 2017, NOVEMBER 8, 2022, AND NOVEMBER 7, 2023**

Certified: /s/William Chapman  
Chair of Select Board  
Town Clerk: /s/Linda M. Greenlaw

Date: November 4, 2014

Certified: /s/Kenneth McKinley  
Chair of Select Board  
Town Clerk: /s/Linda M. Greenlaw

Date: November 7, 2017

Certified: /s/Michelle Hannan  
Chair of Select Board  
Town Clerk: /s/Linda M. Greenlaw

Date: November 8, 2022

Certified: /s/Denise Munger  
Chair of Select Board  
Town Clerk: /s/Liz Lowe

Date: November 7, 2023

## **Preamble**

Rockport is a lovely Town. From the harbor that defines us as a maritime community to the surrounding hills, pastures and blueberry lands that further define us as rural, we are blessed with many natural attributes.

In coming together to write Rockport's first Charter, a commission of elected and appointed citizens held neighborhood meetings, met with Town employees and with many of the volunteers who serve on Town committees and boards.

We listened as people described Rockport, and their service to the Town, from their various perspectives. Together, we spoke about how changing times requires us to adjust. The advent of Rockport's first Charter is one of these adjustments.

Writing the Charter provided us with the opportunity to fix what needed fixing and to identify what didn't, and then try to craft both into a document intended to guide future residents and public servants.

After all, a town is not a collection of institutions, it is a population of people; and its government is not just a set of rules and regulations, it is a representative sampling of that population – professionals and volunteers – working together for the common good. The Charter that follows is intended to help us all achieve that modest but admirable goal.

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# **Charter of the Town of Rockport**

## **ARTICLE I Powers of the Town**

### **Section 1 Incorporation**

The Town of Rockport is a municipal corporation by the name of the Town of Rockport, Maine, established by Maine law in February of 1891.

### **Section 2 Powers of the Town**

The Town shall have all powers possible for a municipality to have under the Constitution and laws of Maine. The powers of the Town under this Charter shall be construed liberally in favor of the Town, and no mention of particular powers in the Charter shall be construed to be exclusive or as limiting in any way the general power stated in this article.

### **Section 3 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 agencies thereof to the extent permitted by law.

### **Section 4 Town Meetings**

Annual Town Meetings shall be held in the Town, on the second Tuesday in June of each year. The Town Meeting shall commence with the election of a moderator, and shall proceed with voting, by secret ballot, as established by law, on Warrant articles, citizens' petitions, election of Town officers, election of School Board members, and all other business. The Moderator, as established under State law, shall re-convene the Town Meeting in open session on the immediately following day for the consideration of any remaining articles.

The complete Warrant shall be posted in at least three conspicuous places seven days before the Town Meeting. State Law Reference: Title 30-A, MRSA, Sections 2521-2524

### **Section 5 School Administration**

Rockport voters elect representatives to serve on the SAD 28 and Five Town CSD School Boards. School Board members are elected for three-year staggered terms in which they serve on both boards (SAD 28 and CSD) simultaneously.

Although these elected School Board members serve in accordance with State law and the by-laws of the respective school boards, they are elected to represent the interests and concerns and public education-oriented ambitions of Rockport residents, and as such should be responsive to concerns and requests for information and dialogue with Rockport's Select Board, committees and boards, and the residents in general.

- A. Vacancies. Office of a School Board member shall become vacant upon failure to qualify for office, non-acceptance, resignation, death, permanent disability, removal in any manner authorized by law, or this Charter, or School Board by-laws, or forfeiture of office.
- B. Forfeiture of Office. A School Board member shall forfeit their office if they:

1. lack at any time during their term of office any qualification for the office prescribed by this Charter, or by law; or
  2. violate any express prohibition of this Charter.
- C. Filling of Vacancies. A vacancy on the School Boards shall be filled by the Select Board for the remaining unexpired term, except where such vacancy occurs within 120 days of an election. Then the seat may remain vacant, at the Select Board's option, until filled by regularly scheduled election. In filling the vacancy, the Select Board may communicate with the School Board, but the choice is the Select Board's to make.
- D. Tie Election Result. If the election results in a tie, the Select Board shall schedule a special runoff election to be held within 60 days of the original election.

State Law Reference: Title 20-A, MRSA, Part 2, generally

# **Charter of the Town of Rockport**

## **ARTICLE II Select Board**

### **Section 1 Composition**

The Select Board shall consist of five members.

### **Section 2 Eligibility and Qualifications**

Only qualified voters of the Town shall be eligible to hold the office of Select Board member. Select Board members shall not hold any other compensated Town office or position of employment and shall not have business relationships with the Town for which they receive compensation.

### **Section 3 Election and Terms**

Select Board members shall be elected to serve staggered three-year terms. New members shall be elected to fill vacated positions at the Town Meeting. In the event a Select Board member cannot serve out their term and more than 120 days remain in that term, a special election shall be held to fill the vacancy.

### **Section 4 Organizational Meeting**

The members of the newly constituted Select Board shall meet within twenty-four hours of their election to elect a chair and vice-chair. The positions of chair and vice-chair are offices of merit rather than seniority. The Select Board shall endeavor to elect officers whose previous work on the Select Board, or other Town boards or committees, indicates an ability to lead, manage and work toward consensus.

### **Section 5 Compensation**

Members of the Select Board shall each receive annual compensation for their services as approved at the annual Town Meeting. Members serving unexpired terms shall be paid on a prorated basis for time served. Members shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of office.

### **Section 6 Chair**

The chair, or vice-chair in their absence, shall preside at meetings of the Board and is responsible for the legal and orderly transaction of Board business at all regular and special meetings. The chair shall exercise their vote in Town affairs as a regular member of the Board.

The Board chair shall be recognized as head of Town government for all ceremonial purposes and by the Governor for purposes of military law, but they shall have no regular administrative duties.

The chair is responsible for calling special meetings of the Board when such meetings are warranted.

### **Section 7 Powers and Duties**

The Select Board (and all other Municipal Officials, either elected or appointed by the Select Board) represent the executive branch of the municipal government. The duty of the Select Board is to execute the will of the people, to manage Town affairs, and to provide leadership and oversight on issues of importance to the Town.

The Select Board shall act as a unit settling all questions by formal vote in authorized meetings.



Members must not act individually unless specific authority related to a particular duty has been delegated to them by the Board. A formal minority report may be issued by Board members voting in the minority.

Without limitation, the Select Board shall have the power to:

- A. Annually appoint Town Officers as described in Article IV-A, Section 1.
- B. Remove for cause, after notice and hearing, in accordance with state law, the Town Manager, members of the Planning Board, and the Zoning Board of Appeals. Said hearing may, at either party's request, include sworn testimony and the opportunity for cross-examination of witnesses.
- C. Create by ordinance, change and abolish offices and departments, and committees, other than the offices and departments agencies established by this Charter. The Select Board, by ordinance, may assign additional functions or duties to offices or departments established by this Charter, but may not discontinue or assign to any office or department, any function or duty assigned by this Charter to a particular office or department. The Select Board may, however, vest in the Town Manager all or part of the duties of any office under this Charter.
- D. Inquire into the conduct of any office or department of the Town and make investigation as to municipal affairs.
- E. Adopt an annual budget and recommend same to the Town Meeting for approval.
- F. Appoint an auditor and provide for an annual audit.
- G. Fill vacancies for elected positions if the vacancy occurs more than 120 days before the next election.
- H. Provide oversight, liaison and leadership to the volunteer committees and boards which serve at its pleasure.
- I. Manage all reserve accounts established by Town meeting vote, supplement those accounts with non-budgeted revenue, including but not limited to income from the sale of Town property and donations, and make expenditures from those accounts in order to accomplish the purposes for which the accounts, were established, all in accordance with the Rockport Reserve Account Policy, as amended.

State Law Reference: Title 30-A, MRSA, Section 2635

## **Section 8 Prohibitions**

- A. Appointments and Removals. Neither the Select Board nor any of its members shall dictate the appointment or removal of any Town officers or employees whom the Town Manager or other persons in authority are empowered to appoint or employ.
- B. Interference with Administration. The Select Board, or its members, shall deal with Town officers or employees who are subject to the direction and supervision of the Town Manager, or other persons in authority, solely through the Town Manager or persons in authority. Neither the Board, nor its members, shall give orders to any such officer or employee either publicly or privately.

State Law Reference: Title 30-A, MRSA, Sections 2605, 2606

### **Section 9 Vacancies; Forfeiture of Office; Filling of Vacancies**

- A. Vacancies. Office of a Select Board member shall become vacant upon failure to qualify for office within ten days after written demand by the Town Clerk, non-acceptance, resignation, death, permanent disability, removal in any manner authorized by law, or this Charter, or forfeiture of office.
- B. Forfeiture of Office. A Select Board member shall forfeit their office if they:
  - 1. lack at any time during their term of office any qualification for the office prescribed by this Charter, or by law;
  - 2. violate any express prohibition of this Charter; or
  - 3. are recalled by voters (see Article VIII, Section 8).
- C. Filling of Vacancies. A vacancy on the Select Board must be filled by election for an unexpired term, except where such vacancy occurs within 120 days of an election. Then the seat may remain vacant until filled by the election process.
- D. Tie election result. In the case of a tie election result, the Select Board shall schedule a special run off election to be held within 60 days of the original election.

State Law Reference: Title 30-A, MRSA, Section 2602

### **Section 10 Investigations**

The Select Board, or authorized committees, boards or commissions of its own members, or of residents appointed by the Select Board, may make investigations into affairs of the Town and the conduct of any Town department or office.

### **Section 11 Procedure**

- A. Meetings. The Select Board shall, at its organizational meeting or as soon thereafter as possible, establish a time and place for holding its regular meetings and shall meet regularly at least once a month. The location of special meetings shall be determined by the Select Board and shall be held at such time and place as is legal and proper to transact the necessary business. All meetings of the Select Board shall be open to the public; however, the Select Board may, by a majority vote, discuss matters in an executive session to the extent that the matter is a permitted deliberation as identified in Title 1, Section 405(6) Maine Revised Statutes Annotated, and in accordance with the procedures specified in that statute or any other applicable existing statute. Final action on any matter taken up in such closed sessions, except those matters which are permitted or required by law to be acted upon in closed session, shall not be taken by the Select Board until such matter is placed on the agenda of a regular or special meeting and voted upon thereafter.
- B. Rules, Record Keeping and Journal. The Select Board shall determine, at its organizational meeting, its own rules and order of business for the ensuing year; such rules to be recorded and made available for public inspection and publication. In developing rules, the Select Board shall endeavor to establish and follow parliamentary procedures.  
  
The Select Board shall provide for the keeping of an accurate permanent recording of its meetings and for maintaining a journal of its proceedings; such recordings and journal to be public record.
- C. Voting and Quorum. Voting, except on procedural motions, shall be by roll call and the ayes

and nays and abstentions shall be identified and recorded in the journal. Three members of the Select Board shall constitute a quorum.

No action of the Select Board shall be binding or valid unless it receives at least three affirmative votes. Each Select Board member in attendance shall vote on all issues and questions presented for vote except when a conflict of interest exists. If any member does abstain from a vote, other than because of a conflict of interest, they shall be considered to have cast a vote in the affirmative and the record shall so show.

- D. Training. Select Board members shall receive training on boardsmanship and municipal governance as provided by the Maine Municipal Association and Town Attorney, and may participate in other training opportunities, at the Town's expense and the Select Board's discretion.

State Law Reference: Title 1, MRSA, Section 71

### **Section 12 General and Administrative Ordinances**

The authority for the enactment of all ordinances authorized to be enacted by the municipality shall be held in the legislative body except for emergency ordinances as provided in Section 15 of this Article. Except for emergency ordinances, or those with dates specified by statute, ordinances shall become effective 7 days after adoption unless otherwise specified therein. The Select Board shall have the responsibility for the preparation and publication of the Annual Town Report, and for making copies available to the public at least 7 days prior to Town Meeting.

State Law Reference: Title 30-A, MRSA, Section 2801

### **Section 13 Articles for the Warrant**

The Select Board, on its own initiative, may, by majority vote, place on the Town Warrant any article relating to the welfare of the Town.

State Law Reference: Title 30-A, MRSA, Section 2523

### **Section 14 Petitions for Articles in the Warrant**

Any qualified voter may request of the Select Board that an article be placed in the Town Warrant and shall present in written form the substance of the article. Should the Select Board decide against placing the article in the Warrant, citizen petitioners may submit a written petition with voter signatures equal to at least ten (10) percent of the number of votes cast in the Town at the last gubernatorial election. After certification of said petition by the Town Clerk, the Select Board shall insert that particular article in the next Warrant issued, or shall call a special Town Meeting for its consideration.

State Law Reference: Title 30-A, MRSA, Section 2522

### **Section 15 Emergency Ordinances**

Emergency ordinances affecting life, health, property, or the public peace may be introduced or adopted in accordance with the procedures for regular ordinances except that pre-adoption, publication and notice of public hearing requirements may be omitted, provided the enacting clause of the emergency ordinance sets forth a statement of the emergency. The emergency ordinance may be adopted by a vote of the Select Board, with or without amendment, at the meeting at which it is introduced. Emergency ordinances so enacted shall be automatically repealed after the time specified in the ordinance but not later than the 61st day following the date on which it was adopted.

**Section 16 Authentication and Recording of Ordinances**

All ordinances and resolutions adopted by the Select Board shall be authenticated by the signatures of the Select Board chair and recorded in full by the Town Clerk in a properly indexed book kept for this purpose.

All ordinances and resolutions adopted by the legislative body shall be authenticated by the Town Clerk and recorded in full by the Town Clerk in a properly indexed book kept for this purpose.

# **Charter of the Town of Rockport**

## **ARTICLE III Town Manager**

### **Section 1 Appointment; Qualifications; Compensation**

The Select Board shall appoint a Town Manager on the basis of character, executive and administrative qualifications, and education and experience in municipal administration.

The Select Board shall appoint a Town Manager for a specific term, as specified by contract, the first 6 months of which shall be probationary. The Select Board shall, by contract, fix the compensation, benefits, holidays, vacation, and other terms, and provide for the reimbursement of the actual and necessary expenses incurred in the performance of the Town Manager's duties. The Select Board may renew the Town Manager's contract, for a specific term, within 6 months of the current contract's expiration, or at any time after its expiration.

The Select Board may consult with the Maine Municipal Association to determine the usual salary range and benefits provided to Town Managers of (1) towns similar in administrative size and population to Rockport and (2) of various experience, education and training.

The Town Manager need not be a resident of the Town at the time of appointment but, if a resident of the Town at the time of appointment, may reside outside the Town while in office only with the approval of the Select Board, which approval may not be rescinded during the Town Manager's term of office.

The Town Manager may not serve as a member of the Select Board, member of the School Board, or any other Town board, committee or commission.

State Law Reference: Title 30-A, MRSA, Section 2632

Current or former municipal officers may be appointed Town Manager even if the Town Manager's compensation was increased during the municipal officer's term of office. When a current municipal officer is appointed Town Manager, they must immediately submit in writing to the Select Board their resignation from the municipal office.

State Law Reference: Title 30-A, MRSA, Section 2606

### **Section 2 Appointment Process**

The procedure leading to the appointment of a Town Manager shall be as follows:

- A. The Select Board shall circulate an advertisement for no less than 14 days to seek applicants for the position of Town Manager.
- B. The Select Board may establish a Search Committee consisting of 5 residents to review the applications and provide a group of finalists for the Select Board to interview. All meetings of the Search Committee shall be held within Executive Sessions and all information and discussions are confidential to the extent allowed by law.
- C. The Select Board shall, as a group, interview in person in executive session, each of the finalists for the position of Town Manager.
- D. Appointment of a Town Manager requires a majority plus one vote of the Select Board, all members being present

### Section 3 Powers and Duties

Except where specifically exempted, the Town Manager shall:

- A. be the administrative official of the municipality;
- B. be responsible to the Select Board for the administration of all departments as established under Article IV, Part A, Section 2, and offices over which the Select Board has control;
- C. execute all laws and ordinances of the municipality;
- D. serve in any office as the head of any department under the control of the Select Board when so directed by the Select Board;
- E. appoint, subject to confirmation by the Select Board, supervise and control the heads of departments under the control of the Select Board when the department is not headed by the Town Manager under paragraph D of this section;
- F. appoint, supervise, and control--unless otherwise provided by municipal ordinance--all Town officers and employees whom the Town officials are required by statute to appoint, except members of boards, commissions, and committees; and appoint, supervise and control all other officials, subordinates, and assistants subject to the limitations given in subsection N in this section. The Town Manager may delegate this authority to a head of a department, and report all appointments to the Select Board;
- G. act as purchasing agent by establishing purchasing procedures for all departments, except the school department and wastewater department, provided that the Town or the Select Board may require that all purchases greater than a designated amount shall be submitted to sealed bid;
- H. attend all meetings of the Select Board, and such other meetings as the Select Board may designate;
- I. make recommendations to the Select Board for the more efficient operation of the municipality;
- J. keep the Select Board and the residents of the municipality informed regarding the financial condition of the Town;
- K. prepare a draft of the annual budget, present it to the Select Board as outlined in Article VI, and be responsible for its administration after adoption;
- L. assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices;
- M. have exclusive authority to remove for cause after notice and hearing, and in accordance with the Town Personnel Policy, all persons whom they are authorized to appoint. The Town Manager shall report all such removals to the Select Board; and
- O. cause to be prepared an annual Town Report pursuant to Title 30-A MRSA Section 2801.

State Law Reference: Title 30-A, MRSA, Section 2636

## **Section 4 Removal**

The Town Manager may be removed or suspended for cause by the Select Board in accordance with the following procedure:

- A. The Select Board shall file with the Town Clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the Town Manager within 5 business days of filing.
- B. The Town Manager may within 10 business days of receiving the preliminary resolution reply in writing and may request a hearing. The Town Manager shall specify whether that hearing is to be held in public or executive session.
- C. Upon request for a hearing, the Select Board shall hold one not earlier than 5 business days after the request is filed and not later than 20 business days after the request is filed.
- D. After the hearing or at the expiration of the time permitted the Town Manager to request the hearing, if no such request is made, the Select Board may adopt or reject the preliminary resolution of removal.

Removal of a Town Manager requires a majority plus one vote of the Select Board, all members being present.

- E. The Select Board may suspend the Town Manager from duty in the preliminary resolution, but in no event, shall the Town Manager's salary be affected until the final resolution of removal has been adopted.

State Law Reference: Title 30-A, MRSA, Section 2633

## **Section 5 Interim Town Manager**

In the event of a planned absence that is less than 30 days, the Town Manager may name a qualified person to serve as Interim Town Manager. In cases of a longer absence, or any mental or physical disability, removal from office, death, resignation or other departure from office, the Select Board shall appoint a properly qualified person, not a member of the Select Board, as Interim Town Manager to perform the duties of Town Manager. At that time, the Select Board shall also determine the compensation and hours of employment.

While acting as Town Manager, the Interim Town Manager shall have the same powers and duties as the Town Manager. Before taking office, the Interim Town Manager shall give bond to the Town in a sum and with surety or sureties to be approved by the Select Board. The premium on said bond shall be paid by the Town.

The Interim Town Manager may be an employee of the Town.

The Interim Town Manager may apply for the position of Town Manager in the same manner as any other applicant.

State Law Reference: Title 30-A, MRSA, Section 2634, generally

# **Charter of the Town of Rockport**

## **ARTICLE IV Administrative Organization**

### **PART A General Provisions**

#### **Section 1 Appointments**

The Select Board shall, by majority vote, at no later than their third regular meeting, review, appoint, renew, or reappoint all necessary Town officers as provided by Maine law, this Charter, or Town ordinance, and will appoint a Town Attorney per Article IV-D of this Charter and a Town Auditor both of whom shall serve at the will of the Board. They may also appoint the Town Manager to act as their agent, and may elect one or more of their own members to act as authorized representatives to sign warrants for the expenditure of funds.

State Law Reference: Title 30-A, MRSA, Sections 2601

The Select Board, whenever an opening occurs, also shall appoint members of the Planning Board and Zoning Board of Appeals, which shall have such powers and perform such duties as are provided for by the laws of the State of Maine; and shall also appoint members to committees created by the Select Board. All board and committee appointments shall be made by procedures adopted through the Select Board bylaws.

The Town Manager shall appoint department heads subject to the confirmation of the Select Board, and shall have the power to remove such appointees when necessary and in accordance with the laws of the State of Maine. All other administrative officers and employees shall be appointed or may be removed by the Town Manager or their authorized subordinate except as otherwise provided in this Charter.

#### **Section 2 Creation of Departments**

The Select Board may establish departments or offices in addition to those created by this Charter, and may prescribe the functions of all departments and offices, except that no function assigned by this Charter to a particular department or office may be discontinued or assigned to any other, unless this Charter specifically so provides.

#### **Section 3 Department Heads**

All departments and offices under the direction and supervision of the Town Manager shall be administered by an officer or department head appointed by and subject to the direction and supervision of the Town Manager.

#### **Section 4 Duties and Obligations of Office**

In addition to those duties and responsibilities established by statute, the Town Clerk, Tax Collector and Treasurer shall maintain their offices at the municipal building. All documents, books and records pertaining to their office shall be maintained at the municipal building, and all business transacted on behalf of the Town by these officers shall be carried on at the municipal building.

#### **Section 5 Bonds**

The Select Board shall require a bond by a reputable surety company, or other acceptable sureties



satisfactory to the Board, from all persons trusted with the collection, custody, or disbursements of any moneys of the Town. The Town shall pay the costs of providing such bonds.

## **Part B Personnel Administration**

### **Section 1 Municipal Policy**

The Town of Rockport is an equal opportunity employer. It shall be the policy of the Town of Rockport to appoint, assign and promote personnel on the basis of merit and fitness, without regard to race, color, religious creed, national origin, gender, ancestry, age, sexual orientation, physical handicap, military status or political or religious opinions or affiliations unless related to bona fide occupational qualifications.

### **Section 2 Personnel Director**

The Town Manager or, with the consent and approval of the Select Board, a person appointed by Town Manager, shall serve as personnel director.

It shall be the duty and responsibility of the personnel director to administer the personnel policy as established in Section 3 of this Article.

### **Section 3 Preparation and Presentation of Personnel Policies and Procedures**

It shall be the duty of the personnel director to review the personnel policies and procedures on a regular basis, or as directed by the Select Board.

The Select Board may appoint an ad hoc committee to review personnel policies. The committee shall include the personnel director, one Select Board member and other employees and residents of the Town.

After holding a public hearing, the Select Board shall vote to approve or reject the amended Personnel Policies and Procedures.. Until a new or amended Personnel Policies and Procedures document is approved by the Select Board, the previous version shall remain in effect.

## **PART C Assessment Administration**

### **Section 1 Assessor**

The head of the Department of Assessment shall be the Town Assessor. The Town Assessor shall be appointed by the Town Manager based on character, executive and administrative qualifications, and education and experience in municipal administration, and shall have all the legal qualifications required by the State of Maine for this position. The Town Assessor, shall perform all duties and responsibilities provided for assessors under the laws of the State of Maine

State Law Reference: Title 30-A, MRSA, Section 2526(5)

## **PART D Legal: Town Attorney**

The Select Board shall appoint a Town Attorney, who shall serve as chief legal adviser to the Select Board, the Town Manager, and all Town departments, boards, committees and commissions with the approval of the Town Manager. The Town Attorney shall represent the Town in all legal proceedings and shall perform any other duties prescribed by law. In addition, the Select Board may, from time to time, hire other lawyers to assist the Town Attorney in matters of complexity or magnitude.

# **Charter of the Town of Rockport**

## **ARTICLE V Wastewater**

### **Section 1 Organization**

The Town is authorized and empowered to acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate a revenue-producing wastewater facility consisting of a sewer system or part thereof within or without or partly within and partly without the corporate limits of the Town, in accordance with MRSA Title 30-A, Part 2, Subpart 5, Chapter 161 and Title 38, Chapter 12.

All ordinances, rules, and regulations presently existing pertaining to the wastewater facility shall remain in full force and effect until amended. The Town's current Sewer Use Ordinance and Appendices serves as primary municipal regulation.

### **Section 2 Wastewater Commissioners**

The Select Board, acting as Wastewater Commissioners, are hereby authorized and empowered to perform all duties and functions authorized and established by state and municipal law for fulfilling the purposes outlined above.

State Law Reference: Title 30-A, MRSA, Section 3402

# **Charter of the Town of Rockport**

## **ARTICLE VI Financial Procedures**

### **Section 1 Fiscal Year**

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

State Law Reference: Title 30-A, MRSA, Section 5651

### **Section 2 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 this Charter, shall be in such form as the Town Manager deems desirable or the Select Board may require. In organizing the budget, the Town 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 income, and all proposed expenditures, including debt service, for the ensuing fiscal year; and 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.

### **Section 3 Budget Committee**

In addition to articles in the Town Warrant for the election of officers required in the Charter, there shall be an article for the election of a committee of citizens, to review the budget and provide input to the Select Board prior to the Select Board's finalization of the budget. This committee shall be known as the Budget Committee, shall consist of nine members, and shall be convened and operate consistent with Select Board policies applicable to other town committees and boards. If fewer than nine citizens elect to run for the office of Budget Committee, the Budget Committee may conduct its business provided it has a quorum of at least five members.

### **Section 4 Submission of Budget and Budget Message to Select Board**

Not later than March 1<sup>st</sup>, the Town Manager shall submit to the Select Board and Budget Committee a budget for the ensuing fiscal year and an explanatory message.

The Town Manager's budget report shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline their proposed financial priorities 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 or the Select Board shall request.

### **Section 5 Budget Review Process**

The Budget Committee may meet upon completion of the proposed budget prepared by the Town Manager in order to review and to make recommendations concerning such budget. Prior to the adoption of a final budget by the Select Board to be included in the Annual Town Meeting Warrant, the Budget Committee may meet and communicate to the Select Board recommendations it has concerning such final

budget. For inclusion of recommendations in the Annual Town Meeting Warrant, the Budget Committee shall meet prior to the release of the Town Manager's proposed budget to elect the committee's officers. Committee votes on any recommendations on the budget must be received no less than 72 hours prior to the Select Board's approval of the budget.

### **Section 6 Select Board Action on the Budget**

- A. Review and Approval. The proposed budget prepared by the Town Manager shall be reviewed for approval by the Select Board at a Select Board meeting(s). At such a meeting(s), the Select Board shall consider the recommendations of the Town Manager and Department Heads before voting to approve the proposed budget with or without amendment.
- B. Vote on Budget. The budget shall be included in appropriate articles in the Annual Town Meeting Warrant and shall be voted on at the Town Meeting.
- C. Adoption.
  - 1. An article shall be placed in the Warrant to authorize expenditures chargeable to the appropriations for the year when adopted in amounts sufficient to cover the necessary expenses of the various departments, from the beginning of the fiscal year to the adoption of the Warrant at Town Meeting.
  - 2. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax thereby required; and a copy of the budget as finally adopted shall be certified by the Select Board and filed by them.
- D. Continued Funding. Should the voters reject the budget in the Annual Town Meeting Warrant, the prior year budget will continue to fund Town operations for the next fiscal year until such time as a new budget is approved by the voters.

### **Section 7 Administration of Budget**

At such time as the Town Manager shall specify, each department, office, or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year and duly signed by the department head. The Town Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. The Town Manager may revise such allotments during the year if they deems it desirable, and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made.

### **Section 8 Tax Anticipation Borrowing Guidelines**

In the event that the Town finds it necessary to borrow money in anticipation of taxes, the-the Town shall follow the requirements of Title 30-A, MRSA, Section 5771.

State Law Reference: Title 30-A, MRSA, Section 5771

### **Section 9 Public Records**

Copies of the budget and the capital program as adopted shall be public records.

State Law Reference: Title 1, MRSA, Section 401

### **Section 10 Lapse of Appropriations**

General fund appropriations, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered, or except as prohibited by law or prior agreement. Such funds shall be transferred to a surplus account. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

State Law Reference: Title 30-A, MRSA, Section 5801

### **Section 11 Annual Audit**

The Select Board shall each year appoint a certified public accountant or accountants for the purpose of conducting the annual audit of the prior fiscal year municipal finances, as authorized by law.

State Law Reference: Title 30-A, MRSA, Section 5823

# Charter of the Town of Rockport

## ARTICLE VII Nominations and Elections

### Section 1 Conduct of Elections (See Article 1, Sec. 4)

The Town will conform to the nomination and election procedures established in Maine law.

State Law Reference: Title 21-A, MRSA, Chapter 9

### Section 2 Nomination by Petition Method

#### A. Petitions

1. Candidates for election to any elective office whose names appear on a written ballot must be nominated by petition. Any registered voter of the Town may be nominated for election by a petition signed by registered voters of the Town, not less than 25 and not more than 100 in number.
2. The signatures to a nomination petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in their presence and that they believe each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to their signature the date of their signing and their street address.
3. Petition circulators must be residents of the Town.

B. Filing and Acceptance of Nomination Petitions. Completed nomination papers, including all separate papers comprising the nomination petition, shall be assembled and filed with the Town Clerk during business hours, in accordance with Title 30-A MRSA, Section 2527 as that statutory provision may be amended from time to time. The Clerk shall make a record of the exact time when each petition is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of nomination.

C. Procedure After Filing Nomination Papers. Within five days after the filing of a nomination petition, the Town Clerk shall notify the candidate and the person who filed the petition whether or not it satisfied the requirements prescribed by this Charter. If a petition is found insufficient, the Town Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. The Town Clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

### Section 3 Order of Candidates' Surnames

Where two or more candidates have been nominated for any office, the names of such candidates shall appear on the ballot in ascending alphabetical order.

#### **Section 4 Determination of Election Results**

- A. Number of Votes. Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- B. Plurality. Election shall be determined by plurality vote. In case of a tie for all elected positions except for Select Board and School Board, a run-off election of those who tied shall be at the November election.
- C. Write-In Candidacy. Write-In candidates for municipal and school offices must file their intention to serve for the office they are elected to in writing to the Town Clerk prior to the opening of polls on the day of the election. Failure to provide a written intention results in ballots cast in that candidate's name to be null and void.

#### **Section 5 Ballots for Ordinances**

An ordinance shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement describing the substance of the measure without argument or prejudice.

#### **Section 6 Voting Machines**

The Select Board may provide for the use of mechanical or other devices for voting, or counting the votes, not inconsistent with the law, provided the voting or vote-counting device provides for individual paper "receipts" that reflect each vote cast, are reviewable for accuracy by each voter, and are recountable.

State Law Reference: Title 21, MRSA, Subchapter 6

#### **Section 7 Election Officials**

The Town Clerk shall be the supervisor of all elections. The Town Clerk shall appoint a Warden to assist the Town Clerk on Election Day. The Warden shall designate a Deputy Warden. The municipal officers and Town Clerk shall appoint the election clerks as provided by state law.



# Charter of the Town of Rockport

## ARTICLE VIII General Provisions

### Section 1 Referendum

The voter referendum process is governed by 30-A MRSA 2528(5).

### Section 2 Elected or Appointed Officers: Terms

The term of any elected or appointed officer shall begin not later than the second business day following the final determination of the election or appointment of said officer. Any officer shall serve for their prescribed term or until their successor is elected or appointed.

### Section 3 Swearing in Officers

Every municipal officer shall be sworn to the faithful discharge of the duties incumbent upon them in accordance with Maine law, the Charter and ordinances of the Town, and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

State Law Reference: Title 30-A, MRSA, Section 2526(9)

### Section 4 Conflict of Interest

It is the policy of the Town of Rockport that the proper operation of democratic government requires that public officials and members of all boards and committees be independent, impartial and responsible to the citizens; that public service not be used for personal gain; and that the public have confidence in the integrity of its municipal government. The purpose and intent of this Section is to promote the objective of protecting the integrity of Town government against actual or reasonably perceived conflicts of interest without creating unnecessary barriers to public service.

This Article shall not prevent the Select Board from adopting additional procedures and standards intended to prevent the exercise or appearance of improper influence or bias in the conduct of Town business.

- A. Any Town official or employee with a financial or personal interest or bias for or against a person, an applicant or application in any matter that comes before any board or committee must state, for the public record, the nature of their relationship with the person or item being discussed.
  1. Financial Interest means having a direct or indirect stake, or by reason of ownership of stock in any corporation, in any contract with the Town, by an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity, which is making an application to a Town board or committee, and who is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

State Law Reference: Title 30-A, MRSA, Section 2605

2. Personal Interest means the Town official or employee is placed in a situation of

temptation to serve their own personal interest to the prejudice of the interests of those for whom the law authorized and required them to act.

3. Bias means any Town official or employee who is predisposed against a person, an applicant or project such that they could not make an impartial decision, or would have the appearance of not being impartial, thereby depriving the applicant of due process right to a fair and objective hearing.

B. A board or committee member must disqualify themselves if the board or committee member must make a quasi-judicial decision which involves a person (1) to whom the board or committee member is related by blood or marriage within the 6th degree (parents, grandparents, great-grandparents, great-great grandparents, brothers, sisters, children, grandchildren, great-grandchildren, aunts, uncles, great aunts/uncles, great-grand aunts/uncles, first cousins, first cousins once removed, first cousins twice removed, second cousins, nephews, nieces, grand nephews/nieces, great grand nephews/nieces); or (2) who formerly supervised the board or committee member at such time as the board or committee member was a Town employee.

State Law Reference: Title 1, MRSA, Section 71 (6)

C. Even if no legal conflict of interest exists, a Town official, Town employee, or a board or committee member should avoid the appearance of a conflict by abstaining from a board's or committee's discussion and voting in order to maintain the public's confidence in the board's or committee's work.

State Law Reference: Title 30-A, MRSA, Section 2605

D. A board or committee member with a conflict of interest shall abstain from the discussion and from the vote. This abstention and its reason must be permanently recorded in meeting minutes.

E. A board or committee member who fails to abstain may be required to recuse themselves by a majority vote of the board's or committee's remaining members.

F. Any official who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit their 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 void.

## **Section 5 Prohibitions**

- A. 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, color, religious creed, national origin, gender, ancestry, age, sexual orientation, physical handicap, military status or political or religious opinions or affiliations.
- B. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification or appointment under any personnel provisions 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.

State Law Reference: Title 5, MRSA, Chapter 337

## **Section 6 Separability**

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

## **Section 7 Public Bulletin Board**

There should be a public bulletin board located in the Town Office. The agenda of each meeting of the Select Board, the School Board and all other boards, committees, and commissions should be posted on this bulletin board. Dates, times and meeting places of all regular and special meetings, public hearings and workshops should also be posted on the bulletin board and the Town's web site.

## **Section 8 Recall of Elected Officials**

Procedures for recall. Any 5 qualified voters may begin at any time proceedings to recall a member of the Select Board, Budget Committee, Library Committee or other elected municipal official by a request in writing to the Town Clerk for appropriate petition blanks. These voters shall be referred to as the Recall Committee. Within 10 days of the Recall Committee's request, the Town Clerk must provide the Recall Committee with petition blanks for such removal, which must be dated, issued with the Town Clerk's signature and official seal, and which 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 Town Clerk must retain a copy of the petition in a record book available for public inspection.

The Recall Committee shall have 30 days from the date of issuance of appropriate petition blanks to cause the petition to be signed by at least 40% of the number of votes cast in the Town at the last gubernatorial election. The petition may be circulated by any number of registered voters of the Town, but the recall petitions must be submitted together as one petition to the Town Clerk.

Within 10 days after the circulation period ends the Town Clerk shall certify to the Town Manager and Select Board as to whether the petition has been signed by not less than 40% of the number of votes cast in the Town at the last gubernatorial election. Should less than 40% of the

number of votes cast in Rockport at the last gubernatorial election 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 180 days from the end of the previous filing period.

Upon receipt of certification from the Town Clerk, the Select Board shall, at its next regularly scheduled meeting, order a removal election to be held not less than 30 nor more than 60 days from the date of the meeting.

The form of the ballot at the recall election shall be: "Shall [elected municipal official shown on petition] be recalled?" If a majority of those voting vote in favor of recalling that elected official, that official is removed. Any elected official against whom recall proceedings have been initiated may continue to hold office until recalled and shall have the privilege of seeking election to the same or any other office at any election after the date of recall.

If an official is recalled or resigns pursuant to the foregoing process in this Charter or as otherwise provided by law, the vacancy shall be filled in the manner provided.

### **Section 9 Planning Board Makes Warrant Recommendations**

The Planning Board shall make recommendations, the vote count to be published on the ballot, concerning articles in the Warrant having to do with land use.

### **Section 10 Board and Committee Service**

All boards and committees serve at the pleasure of the Select Board, which is responsible for each board and committee's purpose and direction. The intent of this Section is to provide guidance to all official volunteer boards and committees.

#### A. Definitions

1. By official, it is meant the board or committee is sanctioned, and its members are appointed to serve, by the Select Board.
2. Conflict of Interest, see Section 4 of this Article.

#### B. Organization

1. All boards and committees:
  - a. shall operate under by-laws approved by the Select Board and updated as necessary;
  - b. shall annually elect a chair and vice-chair, and other officers as are necessary and required by their by-laws;
  - c. shall hold meetings at regularly scheduled, or specially scheduled dates and times, in accordance with their by-laws, that are publicized by the Town in advance of all meetings; and
  - d. all meetings shall be open to the public.
2. Board and committee chairs:
  - a. shall manage their group according to its by-laws, Select Board directives, and any applicable Town ordinances and state and federal laws;
  - b. shall establish a meeting schedule and set their group's agenda;
  - c. shall keep the Select Board, and any other necessary Town officials, apprised

of its work;

- d. shall run orderly meetings;
- e. shall provide for recorded minutes if and whenever necessary, and shall review and approve minutes regularly;
- f. shall make themselves available, within reason, to the press;
- g. shall ensure their members receive proper training and understand their roles and responsibilities, including boardsmanship and conflict of interest parameters;
- h. shall work to recruit new members whenever a vacancy occurs; and
- i shall welcome public comment at appropriate segments of their meetings.

C. Procedure

In developing rules, boards and committees shall endeavor to establish and follow parliamentary procedures.

D. Exceptions

Excepted from this section are:

1. The multi-town MSAD 28 and Five Town CSD school boards, whose members are elected by Town-wide secret ballot and whose responsibilities, objectives and rules and procedures are established under, and guided by, other parameters;
2. The Library Committee, which is elected by Town-wide secret ballot.
3. The Budget Committee, also elected by Town-wide secret ballot, serves as a citizen watchdog group, and while it therefore does not serve at the pleasure or direction of the Select Board, it is bound to comply with the guidelines set forth in Subsections B and C of this Section.
4. The Planning Board and the Zoning Board of Appeals, which are quasi-judicial boards whose responsibilities are derived by action of the state legislature and, as such, do not serve at the pleasure or direction of the Select Board except as provided for under Article II, Section 7.B and are also bound to comply with the provisions set forth in Subsections B and C of this Section.

**Section 11 Budget Provisions**

The Select Board shall authorize (a) the transfer of all unexpended balances to fund balance, (b) the overdrafts that may occur in the Town operations in each budget year to be taken from fund balance; and (c) the payment of tax abatements and applicable interest from the property tax overlay account?

**Section 12 Real Estate Disposition**

The Select Board is authorized, on behalf of the Town to sell and dispose of any real estate acquired by the Town for non-payment of taxes and/or wastewater charges thereon, on such terms as they deem advisable, and to execute quit claim deeds without covenants for the property.

### **Section 13 Tax Installment Due Dates**

The Select Board will set tax installment due dates for each fiscal year and to fix the rate of interest on delinquent taxes and on delinquent wastewater charges at the rate specified by Maine statute for that year.

### **Section 14 Acceptance of Gifts**

The Select Board and Treasurer, on behalf of the Town, are authorized to accept gifts, real estate, and certain funds, including trust funds, that may be given or left to the Town.

### **Section 15 Easements**

- A. Conservation Easements. The Select Board is authorized to accept those conservation easements which the Select Board deems appropriate in the name of the Town of Rockport.
- B. Boundary Lines. The Select Board is authorized to enter into boundary line agreements with abutting property owners to establish the boundary line of any property of the Town, including the boundary lines of the rights-of-way of roads.
- C. Utility Easements. The Select Board is authorized to grant utility easements for Town property which the Select Board deems appropriate in the name of the Town of Rockport.

### **Section 16 Foreclosure Lien Waiver**

The Treasurer is authorized to waive the foreclosure of tax lien mortgages pursuant to 36 M.R.S.A. Sec. 944 upon a finding by the Select Board that ownership of the property subject to the lien would be contrary to the Town's best interest.

### **Section 17 Tax Club**

The Tax Collector shall be authorized to enter into a standard agreement with taxpayers establishing a "tax club" payment plan for commercial and/or residential real estate property taxes, whereby:

- A. The taxpayer agrees to pay specified monthly payments to the Town based on their estimated and actual tax obligation for current year real estate property taxes;
- B. The Town agrees not to charge interest on timely payments made pursuant to the tax club agreement;
- C. The Town authorizes the Tax Collector to accept tax club payments for current year taxes which may be due prior to the commitment of those taxes;
- D. The agreement is automatically terminated if a scheduled payment is late, and the taxpayer then becomes subject to the same due date(s) and interest date(s) and rate as other

taxpayers who are not participating in the tax club;

- E. Only taxpayers who do not have outstanding tax obligations for prior tax years are eligible to participate in the tax club program; and
- F. Taxpayers wishing to participate in the tax club for a particular property tax year shall enter an agreement with the Town by a publicly advertised deadline determined by the Tax Collector.

# Charter of the Town of Rockport

## ARTICLE IX Transitional Provisions

### Section 1 Effective Date

After adoption, this Charter shall become effective for all purposes on and after the first day of the next succeeding municipal year.

### Section 2 Select Board

All members serving on the Select Board at the effective date of this Charter shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

Initially, each Select Board member shall receive a salary at the existing rate on the effective date.

### Section 3 Temporary Ordinances

All existing codes, ordinances, and policies will remain in effect until altered, amended, or rescinded except where these codes, ordinances, and policies are inconsistent with this Charter.

### Section 4 Officers, Employees, and Board Members

- A. Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall affect or impair the right or privileges of persons who are Town officers or employees at the time of its adoption.
- B. Continuance of Office or Employment.
  - 1. Except as specifically provided by this Charter, if at the time this Charter takes full effect a Town administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, they shall continue in such office or position until the taking effect of some specific provision under this Charter directing that they vacate the office or position or until their term of office expires or is terminated.
  - 2. All established boards and committees not inconsistent with this Charter shall continue in effect until changed by Select Board action, and the incumbent members shall serve their appointed terms or until replaced.
- C. Personnel System. An employee holding a Town position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for under this Charter.

### Section 5 Departments, Offices, and Agencies

If a department, office, or agency is abolished by or under this Charter, the powers and duties given it by law shall be transferred to the Town department, office, or agency designated in this Charter, or if the Charter makes no provision, designated by the Select Board.

All property, records, and equipment of any department, office, or agency existing when this Charter is adopted shall be transferred to the department, office, or agency assuming its powers and duties; but, in



the event that the powers or duties are to be discontinued or divided between units, or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices, or agencies designated by the Select Board in accordance with this Charter.

### **Section 6 Pending Matters**

All rights, claims, action, orders, contracts, and legal or administrative proceedings of the Town or any of its departments, pending or unexecuted when this Charter goes into effect shall be enforced, continued, or completed in all respects except as modified pursuant to the provisions of this Charter and in each case, shall be maintained, carried on or dealt with by the Town department, office or agency appropriate under this Charter.

### **Section 7 State and Municipal Laws**

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

# **Charter of the Town of Rockport**

## **ARTICLE X Final Report of the Charter Commission**

The Citizens of the Town of Rockport voted November of 2004 in the affirmative to form a Charter Commission to create the Town's first Town Charter. Six members were elected and two appointed by the Select Board.

At its organization meeting, the Commission set up a plan that included reviewing many other town charters from towns including Camden, Lincolnville, Cape Elizabeth, Gray and Lisbon to determine how the members of the Commission would construct the Town of Rockport Charter. The Commission held public hearings and individual meetings with the Town's department heads and committees to gain as much input as possible. From these meetings, the Commission heard suggestions or concerns relative to the Town "moving further away from the citizens", the feeling from certain sections of Rockport that they are not fairly represented, and issues involving the hiring or management of Town personnel. It was also suggested that the Town possess an Ombudsman to be a voice of citizens, potentially intimidated by the municipal process.

The Commission's main objective in this first Charter was to construct a document that took personalities out of the Town's municipal operation. We also wanted to ensure that the Board, Committee Members, and employees of the Town foster a closer relationship between the Town and its citizens. Since this is the first Charter for Rockport, the Commission defined the structure clearly for the Select Board and its Town Manager to operate within.

The Commission proposed changes to the assessing process. This Charter creates the position of Town Assessor. The Board of Assessment Review becomes the second level of appeal (after the Town Assessor). This provides taxpayers with an opportunity to appeal to a Board that is specifically charged and trained with determining whether or not assessing errors have been made.

The Charter also allows citizens to recall elected officials through a process of notice and hearings.

A process for the selection of a Town Manager has been structured. It requires the use of a citizen committee to screen candidates and encourages the use of the Maine Municipal Association as a consultant in the search for suitable candidates. In the event the position of Town Manager is vacant, the Town Clerk will fulfill those duties until a replacement is found or the Select Board appoints a temporary replacement.

The Commission is satisfied with this draft document. Though not every issue brought before us was included in the final version of the document, we believe the Town Charter provides policymakers and committee members with a framework for conducting the Town's business, as well as providing citizens with a guidebook for understanding the workings of Town government.

As soon as this Charter is accepted, the ordinances should be studied and similarly updated to match the more recently adopted provisions. If this Charter is favorably received, it will go into effect on July 1, 2006. If it is rejected, another Commission must be established and given a year in which to produce another Charter.

As the Town's Charter Commission, we have spent a considerable amount of time discussing every facet of municipal government—its successes and its failings. We believe that with the adoption of this Charter the Town of Rockport can make meaningful changes to the workings of its government, creating a structure that is clearly defined and in which we can all have confidence.

Respectfully submitted,

TOWN OF ROCKPORT CHARTER COMMISSION

John Annis

Roger Jones

Alex Arau

Kerry Leichtman

Stephen Bowen

Tracy Lee Murphy, Secretary

Robert Duke, Chairman

Helen Shaw, Vice-Chairman

## **Charter of the Town of Rockport**

### **GLOSSARY**

Charter – this document, when word is capitalized

Fiscal year – July 1- June 30

Legislative body – voters of the Town

Municipal officials – elected officials including the Select Board and members of the Library Committee

Qualified voter – any person qualified and registered to vote under law in the Town

Resident – a person occupying a residence within the Town with intent to make that place his or her permanent home

Town – Rockport, when word is capitalized

Town officers – Department heads, and other such officers as the Select Board shall establish.

Town officials – The Select Board