

**TOWN OF YORK HOME
RULE CHARTER**

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TOWN OF YORK HOME RULE CHARTER

ARTICLE 1: GRANTS OF POWERS TO THE TOWN

Section 1: INCORPORATION

- A. The inhabitants of the Town of York, Maine, within the limits as now established or as hereafter established in the manner provided by law, shall constitute a body corporate and politic, which is hereinafter referred to as the Town. The Town shall have all the powers possible under the U.S. Constitution and the laws of the State of Maine.

Section 2: FORM OF GOVERNMENT

- A. The form of government provided by this Charter shall be SELECTMEN TOWN MANAGER-TOWN MEETING BY SECRET BALLOT VOTE.

Section 3: CONSTRUCTION

- A. The provisions of this Charter shall be liberally construed so as to enable the Town to exercise any power or function which has been or shall be granted to the Town by the U.S. Constitution, the legislature and laws of the State of Maine, or this Charter, and which is not denied either expressly or by clear implication herein. The grant of any specific power in this Charter shall not be construed as limiting the general powers of the Town.

Section 4: INTERGOVERNMENTAL RELATIONS

- A. 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 one or more state, or civil divisions or agencies thereof, or the United States Government or any agencies thereof.

Section 5: SHORT TITLE

- A. This instrument shall be known as the Town of York Home Rule Charter.

ARTICLE II: TOWN MEETINGS

Section 1: THE LEGISLATIVE BODY

- A. The Legislative Body of the Town shall be a Town Meeting consisting of the registered voters of the Town who are qualified to vote in state and local elections. All votes cast in all Town Meetings shall be by a printed Secret Ballot.

Section 2: TOWN MEETING REFERENDA ELECTIONS

(For the purpose of this article and Charter, the words referenda and referendum refer to Town Meetings and should be considered one and the same.)

- A. Each year there shall be two scheduled town meeting referenda, one called the Budget Referendum and one called the General Referendum. Additionally, the Board of Selectmen may call one Special Budget Referendum, if necessary, for the reasons and in a manner as hereinafter defined, and may call Special General Referenda as necessary and as permitted under this article.
- B. The Budget Referendum shall be held no earlier than forty-five (45) days before and no later than thirty (30) days before the start of the municipal fiscal year for which the budget shall be adopted. The General Referendum shall be held within six (6) months after the annual Budget Referendum. The Special Budget Referendum shall be held within seventy (70) days after the Budget Referendum except when authorized by the Board of Selectmen in conformance with this article, Section 20.A.4.
- C. The matters to be voted upon at the Budget Referendum are those relating to budgetary matters as specified in this Charter, and the election of Town officials as hereinafter defined.
- D. All other matters submitted to the voters of the Town under this Charter or the laws of the State of Maine are to be voted on at the General Referendum, except those matters, which are specifically scheduled by the United States Government and/or the State of Maine.
- E. The Board of Selectmen in accordance with the provisions of this Charter shall set the dates for all referenda.

Section 3: FISCAL YEAR

- A. Unless changed by ordinance or this Charter, acting under specific authority given by the laws of the State of Maine to make such a determination, the municipal fiscal year shall begin on the first day of July of each year and end on the last day of June of the following year.

Section 4: BUDGET COMMITTEE

- A. There shall be a Budget Committee of seven (7) members, to be elected at large by the voters of the Town in a manner as hereinafter defined.
- B. The terms of Budget Committee members shall be three (3) years and shall commence at the first meeting of the Budget Committee following their election.
- C. The Budget Committee shall have all the powers conferred by law and this Charter. The committee shall have the authority to review the financial operation of each department including the school department. The Budget Committee shall have the authority to assign one or more of its members to any or all departments within the Town, including the School Department, to act as an observer for the purpose of monitoring the budget process on a continuing basis.
- D. Each budget article as approved by the Budget Committee shall be worded to appear on the warrant in a manner which specifies the amount that may be raised and appropriated by the voters at the Budget Referendum, subject to the provisions of Article II, Section 12.B
- E. The Budget Committee shall meet at least once a month.
- F. Final authority for approving the Town Budget shall remain with the Legislative Body voting at the Budget Referendum and the Special Budget Referendum.
- G. No Town department heads, nor anyone who holds another elected or appointed position in the Town, nor the spouse of any of the aforementioned shall serve on the Budget Committee.
- H. A Chairman, Vice-Chairman and Secretary shall be elected by its membership at the first Budget Committee meeting after the annual Budget Referendum.
- I. Vacancies shall be filled in accordance with Article V of this Charter.

Section 5: SUBMISSION OF SCHOOL BUDGET AND MESSAGE

- A. At least one hundred and twenty (120) days prior to the beginning of the municipal fiscal year, the Superintendent of Schools and the School Committee shall submit to the Budget Committee, through the Town Manager, a complete, line-item budget containing the estimated receipts and expenditures of the School Department for the upcoming municipal fiscal year.
- B. The School budget shall contain a complete financial plan for all school funds and activities for the upcoming school fiscal year and except as required by law or this Charter shall be in such form, as the Budget Committee shall require.
- C. The school budget shall indicate in separate sections:
 - 1. Proposed operating expenditures for the upcoming school fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the methods of financing such expenditure.
 - 2. Proposed capital expenditures for the upcoming school fiscal year, including items to be financed by bond issues, detailed by offices, departments, and agencies in terms of their respective work programs, and the methods of financing such expenditure; and the total of proposed expenditures shall not exceed the amount of estimated income.

Section 6: SUBMISSION OF MUNICIPAL BUDGET AND MESSAGE

- A. At least one hundred and twenty (120) days prior to the beginning of the municipal fiscal year, the Town Manager shall submit to the Budget Committee a complete line-item budget containing the estimated receipts and expenditures for all municipal departments, excluding the School Department, for the upcoming municipal fiscal year, meeting the requirements of Section 7 of this article. This budget shall be known as the municipal budget. Along with the municipal budget, the Town Manager shall also submit an accompanying message meeting the requirements of Section 8 of this article.
- B. The Municipal Budget as submitted shall include the Selectmen's plan for the use of the Municipal Fund Balance. This plan shall contain a detailed description of the Selectmen's proposed use of the fund balance and shall take into consideration the need to maintain enough of a fund balance to

operate the Town without the need to borrow in anticipation of taxes. The Budget Committee may not increase the amount appropriated from fund balance nor may they allocate it for purposes not specifically approved by the Selectmen.

Section 7: MUNICIPAL BUDGET

- A. The municipal budget shall provide a complete financial plan of all Town funds and activities for the upcoming municipal fiscal year exclusive of the School Department and which, except as required by law or this Charter, shall be in such form as the Budget Committee shall require. In organizing the municipal budget, the Town Manager shall utilize the most feasible combination of expenditure classification by fund, organizational unit, program, purpose or activity, and object. The municipal budget shall indicate in separate sections:
1. Proposed operating expenditures for the upcoming municipal fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the methods of financing such expenditure.
 2. Proposed capital expenditures for the upcoming municipal fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed methods of financing each such expenditure; except that the total of proposed expenditures shall not exceed the amount of estimated income.

Section 8: MUNICIPAL AND SCHOOL BUDGET MESSAGE

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

Section 9: CAPITAL PROGRAM

- A. The Town Manager shall prepare and submit to the Selectmen a five-year capital program, including school construction projects, to be voted on at the annual Budget Referendum.

- B. The Budget Committee shall hold public hearings on the Capital Program pursuant to Section 10 of this Article.
- C. The Capital Program shall include the following information, which may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition:
 - 1. A clear general summary of its contents;
 - 2. A list of all capital improvements which are proposed to be undertaken during the five (5) upcoming fiscal years, with appropriate supporting information as to the necessity for such improvements;
 - 3. Cost estimates, methods of financing and recommended time schedules for each improvement;
 - 4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- D. A school construction project approved by the voters at a Budget Referendum or any Special Budget Referendum shall thereafter be included in the Capital Program under this section for informational purposes only and shall not require any further voter approval.

Section 10: PUBLIC HEARING ON MUNICIPAL AND SCHOOL BUDGETS

- A. Within twenty-eight (28) days after receiving municipal and school budgets, the Budget Committee shall hold a public hearing(s) on the proposed budgets. The Town Manager shall post notice of the public hearing(s) as soon as possible by publishing in one or more newspapers of general circulation in the town the general summary of the proposed budgets including any changes proposed by the Budget Committee to the municipal and school budgets as submitted and a notice stating:
 - 1. The time and places where copies of the municipal and school budgets and messages are available for inspection by the public;
 - 2. The time, place and purpose of the public hearing(s) which is to be held not less than two weeks after such publication;
 - 3. A statement that all registered voters and taxpayers interested in speaking on the proposed municipal and school budgets shall have an opportunity to be heard at the public hearing.

Section 11: AMENDMENT OF PROPOSED MUNICIPAL AND SCHOOL BUDGETS

- A. Within fourteen (14) days after the public hearing(s), the Budget Committee shall meet to consider amendments to the proposed municipal and school budgets. The Budget Committee may meet as many times as necessary to do so, provided all meetings are open to the public.
- B. The Budget Committee shall take public comment from registered voters and taxpayers at all meetings including the public hearings.
- C. In amending the municipal and school budgets, the Budget Committee may increase or decrease any proposed amounts except amounts approved by the State Board of Education in granting concept approval for school construction projects, expenditures required by law or for debt service or for estimated cash deficit.
- D. At least fifty (50) days prior to the date set for the Budget Referendum or Special Budget Referendum, the Budget Committee shall return to the Town Manager the municipal and school budgets to be voted upon by the registered voters of the Town at the Budget Referendum or Special Budget Referendum.
- E. The amount submitted to the voters in a Budget Referendum or any Special Budget Referendum article for a school construction project that has received concept approval from the State Board of Education shall be the amount approved by the State Board of Education.
- F. After the Budget Committee has made its final recommendations for the municipal and school budgets, the Budget Committee shall submit these final budgets to the Town Manager who within three (3) days from his receipt thereof shall return to the Selectmen and the School committee their respective budgets for their recommendations, which recommendations shall be included upon the ballot. The ballot for a school construction project that has received concept approval from the State Board of Education shall include the recommendations of the Budget Committee, the Board of Selectmen and the School Committee.

**Section 12: APPROVAL OF TOWN AND SCHOOL BUDGETS
APPROPRIATIONS BY VOTERS**

- A. Upon receipt of municipal and school budgets from the Budget Committee, the Town Manager shall prepare a composite budget containing the municipal and school budgets, such composite budget being hereinafter referred to as the Town Budget.
- B. In addition to the final determinations of the Budget Committee, which shall be voted upon at the Budget Referendum and/or the Special Budget Referendum, in all articles that require the public to vote upon an appropriation of money by the municipality effecting either the municipal or school budgets, the ballot shall contain, for the information of the voter only, the recommendations of the municipal officers and the school committee, as required by State Statute.
- C. The Town Manager shall publish in one or more newspapers of general circulation in the town a notice that a vote on the Town Budget shall be held not less than thirty (30) days from the date of the published notice. The Town Clerk shall prepare the necessary ballot for said voting with a brief description of each budget line-item as presented by the Town Manager. Such ballot shall ask the following question for each budget line-item:

"Shall the Board of Selectmen adopt this line-item of the Town Budget as proposed by the Budget Committee?

Yes _____ No _____ "

- D. All time limits and public hearings shall be scheduled in accordance with State Statutes.

**Section 13: COPIES OF THE PROPOSED LINE-ITEM TOWN BUDGET
PROVIDED TO VOTERS**

- A. Copies of the proposed Town Budget and a specimen ballot to be voted upon at the Budget Referendum shall be mailed or distributed to all registered voters of the Town at least fourteen (14) days prior to the referendum date.

Section 14: ADOPTION OF BUDGET AND APPROPRIATIONS BY BOARD OF SELECTMEN AND SPECIAL REFERENDUM

- A. Within three (3) days after the Budget Referendum or the Special Budget Referendum, the Town Clerk shall certify the results of the respective referendum to the Board of Selectmen.
- B. Upon certification that a majority of the voters of the Town, voting at the Budget Referendum, have voted "YES" in response to the question proposed under Section 12 for a given line-item, the Board of Selectmen shall adopt the Town Budget, on or before the first day of the fiscal year for which it was proposed, said Town Budget to include an appropriation for all approved line-items.
- C. Upon certification that a majority of the voters of the Town voting at the Budget Referendum have voted "NO" in response to the question proposed under Section 12 for a given line-item, the Board of Selectmen shall adopt the Town Budget, on or before the first day of the fiscal year for which it was proposed, said Town Budget to include an appropriation for each unapproved line-item equal to the budgeted appropriation for that line-item during the fiscal year just ending except that all Social Services and Outside Agencies, as defined by the Board of Selectmen, shall receive an appropriation of zero. For purposes of this Section, the York Public Library shall not be treated as a Social Service or Outside Agency.
- D. During the transitional year of this Charter or for any fiscal year in which the budget line items are not directly comparable to the previous fiscal year, the Town Manager and the Budget Committee shall determine the equivalent amount appropriated in the previous fiscal year to be used in the current fiscal year for any budget line-item disapproved by the voters.
- E. The amount stated in the Town Budget, as adopted and including any revisions from a Special Budget Referendum which may be scheduled by the Board of Selectmen, shall constitute the amount to be raised by property tax or other powers and shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year and shall be effective on the effective date of the budget. A copy of the Town Budget as finally adopted shall be certified by the Town Clerk and filed with the Town Assessor, whose duty it shall be to levy such taxes, if any, for the corresponding year. Adoption of the Town Budget shall constitute adoption of an ordinance appropriating amounts specified therein from the funds indicated.

F. If any line-item was disapproved by the voters at the Budget Referendum, the Board of Selectmen may elect to schedule a Special Budget Referendum to take place within seventy (70) days from the date of the Budget Referendum in order to reconsider the disapproved line-items according to the following procedure:

1. Within five (5) days of receipt from the Town Clerk of any line-item that was disapproved by the voters at the Budget Referendum, the Board of Selectmen shall refer the budget line-items so disapproved by the voters back to the Budget Committee;
2. Upon receipt of said referral, the Budget Committee shall schedule a public hearing(s) to be held within ten (10) days for the purpose of receiving comments from the public, Town officers, and the School Committee on any referred budget line-items;
3. The Town Manager shall immediately post notice of the public hearing(s) by publishing in one or more newspapers of general circulation in the town the time, place, and purpose of said hearing(s);
4. At least fifty (50) days prior to the date set for the Special Budget Referendum, the Budget Committee shall return to the Town Manager revised line-items to be voted upon by the registered voters of the Town at the Special Budget Referendum, subject to the provisions of Article II, Section 12.B;
5. The Budget Committee shall not submit to the Town Manager the same amount for the budget line-item that was disapproved at the Budget Referendum. Any budget line-item that is submitted by the Budget Committee for the Special Budget Referendum shall be less than the original budget line- item that was disapproved at the Budget Referendum.
6. Copies of the proposed Special Budget Referendum and a specimen ballot to be voted upon at the Special Budget Referendum shall be published in one or more newspapers of general circulation in the town at least fourteen (14) days prior to the referendum date, as well as being posted in the Town Hall, Post Offices, and Police Station.

G. Upon certification that a majority of the voters of the Town voting at the Special Budget Referendum have voted "YES" in response to the following question for a given budget line-item:

"Shall the Board of Selectmen adopt this line-item of the Town Budget as proposed by the Budget Committee?

Yes _____ No _____ "

The Board of Selectmen shall adopt the approved budget line-item and adjust the previously adopted Town Budget accordingly, subject to the restrictions of this section, which adoption shall be retroactive to the beginning of the fiscal year for which the Town Budget was adopted.

- H. Upon certification that a majority of the voters of the Town voting at the Special Budget Referendum have voted "NO" in response to the question posed above in Article II, Section 14.G, the Board of Selectmen shall take no action regarding the budget line-item so proposed. The budget line-item as adopted by the Board of Selectmen under this Article following the annual Budget Referendum shall remain in effect for the entire fiscal year for which it was adopted.

Section 15: BOND ISSUES, BALLOTS

- A. All capital projects of the municipal and school departments which the Selectmen, by ordinance, propose to finance through the issuance of bonds shall be submitted to the qualified voters of the Town at the Budget Referendum, or any Special Budget Referendum pursuant to Article II, Section 20, and Paragraph A. 4. a), after public hearing(s) in the manner and form prescribed in Section 12 of this article by law, and may become effective thirty (30) days after such referendum, provided a majority of the voters of the Town, voting in such election, shall have voted in the affirmative.
- B. The Town Clerk shall prepare the necessary ballots for said referendum. Such ballots shall state at least the following for each project proposed:
 - 1. A brief summary and general description of the proposed capital project;
 - 2. The sum of money required for each capital project;
 - 3. A statement of the maximum cost of the capital project;
 - 4. A statement of the total net debt of the Town after issuance of the bonds therein authorized;
 - 5. The Board of Selectmen shall appoint a committee to supervise the construction of all municipal buildings. The School Committee shall appoint a Building Committee composed of no more than seven voting members to plan the construction of all school buildings. The Building Committee shall also include, as full voting members, two members of the Budget Committee appointed by the Budget Committee.

6. The question:

"Shall the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bond/s in the amount of _____ for the purpose of _____?"

Yes_____No_____"

Section 16: BUDGET REFERENDA; OTHER QUESTIONS

A. Any other questions relating to budgets required by this Charter or state law, including but not limited to election of Budget Committee members under this article, may be submitted to voters at either the Budget Referendum or the Special Budget Referendum.

Section 17: PUBLIC RECORDS

A. Copies of the Town Budget and the capital programs as adopted by the Board of Selectmen shall be public records and shall be made available to the public at suitable places in the town.

Section 18: ANNUAL POST AUDITS

A. The Board of Selectmen shall appoint a qualified certified public accountant or request the State of Maine auditors to conduct the annual post audit of the prior municipal fiscal year finances, a copy of which shall be included in the annual report of the Town.

Section 19: GENERAL REFERENDUM; NON-BUDGET MATTERS

A. All ordinances not relating to budgetary matters and not proper for the Budget Referendum or Special Budget Referendum, and any other matter required by state law or by specific provision of this Charter, shall be placed by the Board of Selectmen before the voters of the Town at the General Referendum to be held in accordance with Section 2 of this article. Such matters to come before the voters at the General Referendum shall include, but shall not be limited to, ordinances which:

1. Adopt or amend an administrative code or establish, alter or abolish any Town department, office or agency;

2. Provide for a fine or establish a rule or regulation by which a fine is imposed;
3. Convey or lease or authorize the conveyance or lease of any land/s of the Town, except that property acquired for nonpayment of taxes;
4. Adopt, with or without amendment, ordinances proposed under the initiative power.

Section 20: SPECIAL REFERENDA

A. In addition to the Budget Referendum, the Special Budget Referendum authorized under Article II, Section 14(F) of this Charter, and the General Referendum, the Board of Selectmen may call any number of Special General Referenda or Special Budget Referenda said board feels are in the best interest of the Town, provided that:

1. All restrictions of this Charter and state law are met;
2. No proposed Town Budget is voted upon at any Special General Referendum called under this section;
3. Calling of a Special General Referendum shall not obviate the requirement for a General Referendum, and
4. Except as authorized under Article II, Section 14(F) of this Charter, the Board of Selectmen may call a Special Budget Referendum only in accordance with the following procedure:
 - a) A Special Budget Referendum may be called only upon an affirmative vote by at least a two-thirds (2/3) majority of the Board of Selectmen, except that a Special Budget Referendum for a school construction project that has received concept approval from the State Board of Education requires approval only by a simple majority of the Board of Selectmen. The subject matter of any Special Budget Referendum called under this provision shall be limited to two categories: 1) items which, if not acted upon before the annual Budget Referendum, will result in a significant loss to the town, such as, but not limited to, the capital purchase of land, buildings or substantial equipment or facilities, for which the Board of Selectmen has reason to believe will no longer be available to the Town, the acceptance of gifts, grants, etc. from the State of Maine or some other entity, and school construction projects that receive concept approval from the State Board of Education and the appropriation, if necessary, of

matching funds for said grants, gifts, other funds, etc.; and 2) items which, because of accident or natural catastrophe, may require the appropriation of funds for expenditures to protect the public health, safety, and welfare, such as, but not limited to disaster relief, or the replacement of public safety apparatus(es) or facilities.”

- b) The Board of Selectmen shall refer items for the Special Budget Referendum to the Budget Committee, and upon receipt of said referral from the Board of Selectmen, the Budget Committee shall schedule a single public hearing to be held within ten (10) days for the purpose of receiving comments from the public and Town officers concerning the subject matter of the Special Budget Referendum.
- c) At the conclusion of the public hearing, the Budget Committee shall vote either to approve the subject matter of the Special Budget Referendum as submitted by the Board of Selectmen; to approve the subject matter of the Special Budget Referendum with amendments, except that the amount submitted to the voters in a Special Budget Referendum for a school construction project that has received concept approval from the State Board of Education may not be amended; or to disapprove the subject matter of the Special Budget Referendum.
- d) If the Budget Committee votes to disapprove the subject matter of the Special Budget Referendum, the Selectmen shall take no further action with respect to that Special Budget Referendum, except that with respect to referendum articles for school construction projects that have received concept approval from the State Board of Education, a Special Budget Referendum shall be called as provided in subparagraph e) of this section.
- e) If the Budget Committee votes to approve the subject matter of the Special Budget Referendum, either as submitted or with amendments, the Board of Selectmen shall call a Special Budget Referendum on the approved subject matter of the Special Budget Referendum to be held no sooner than forty (40) days, and no later than seventy (70) days, after the vote of the Budget Committee.

Section 21: 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 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 matters to be omitted by enclosing them in brackets or by strikeout type and shall indicate new matter(s) by underscoring or by italics.

- B. PROCEDURE: An ordinance may be introduced by any member of the Board of Selectmen at any regular or special meeting of the Selectmen. The Town Clerk shall provide a copy to each Selectman and the Town Manager and shall make a reasonable number of copies available in the office of the Town Clerk, and shall publish in one or more newspapers of general circulation in the town a notice setting out the time and place for a public hearing thereon, which may be adjourned from time to time. All persons interested shall have an opportunity to be heard at the meeting.
- C. After the public hearing, the Town Clerk shall provide a copy of the ordinance (with amendments, if any) to the Town Manager, who in turn shall publish, in one or more newspapers of general circulation in the Town, a notice that a vote on a proposed or referred ordinance shall be held.

The notice shall show the date of the Referendum, as determined by the Board of Selectmen. The date shall be no less than forty (40) days and no more than one (1) year from the date of the public hearing on the ordinance. If the General Referendum meeting is not scheduled to be held within 120 days of the date of the public hearing, the Board of Selectmen may provide for a Special General Referendum, provided the Board of Selectmen has determined there is a compelling reason not to wait until the General Referendum, and further provided the Board of Selectmen shall make every effort to schedule the Special General Referendum on the same date that another election/referendum has been scheduled.

Section 22: PETITION FOR ENACTMENT OF ORDINANCES

- A. Voters of the Town may at any time propose the enactment of any lawful ordinance by filing, with the Town Clerk, a petition stating the complete text of such ordinance and signed by registered voters of the Town numbering not less than one hundred (100) voters of the Town. The Board of Selectmen shall call a public hearing in the manner prescribed in Article II, Section 21.B and shall within forty-five (45) days after said public hearing call a Special General Referendum for the purpose of submitting to a vote the question of adopting such ordinance.
- B. Such ordinance shall take effect upon the enactment of the ordinance/s by the voters of the Town, provided a majority of those voting thereon shall have voted in the affirmative.

Section 23: COMMITTEE ON ORDINANCES

- A. Before it is submitted to the voters, any ordinance proposed as in Article II, Section 22 shall be examined by a committee of three (3) consisting of the Town Manager, the Town Attorney and one of the petitioners who signed the proposing petition. This Ad Hoc committee is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its texts and preferences and clarity and precision in its phraseology, but they shall not be empowered to materially change its meaning and effect.

Section 24: PETITION FOR ORDINANCE RECONSIDERATION AND OVERRULE OF ACTION OR INACTION BY THE BOARD OF SELECTMEN

- A. All ordinances shall be subject to reconsideration by a General Referendum or Special General Referendum as follows:
 - 1. If, within thirty (30) days after the enactment of an ordinance, a petition signed by registered voters of the town, numbering not less than ten (10) percent of the votes cast in the previous gubernatorial election by the voters of the Town, is filed with the Town Clerk requesting reference of the ordinance to reconsideration at a General Referendum or a Special General Referendum, the Board of Selectmen shall call a public hearing in the manner prescribed in Article II, Section 21 to be held within thirty (30) days of the date of the filing of said petition with the Town Clerk and shall schedule the General Referendum or a Special General Referendum within forty-five (45) days after said public hearing for the purpose of submitting to a vote the reconsideration of said ordinance. Pending action by the voters of the Town, a referred ordinance shall be suspended from becoming effective until it has received a majority of the votes cast on said reconsideration referendum.
- B. The actions or inactions of the Board of Selectmen are subject to overrule by a General Referendum or Special General Referendum as follows:
 - 1. If, within thirty (30) days after the refusal by the Board of Selectmen to act upon a legally presented ordinance petition, a petition signed by registered voters of the town, numbering not less than ten (10) percent of the votes cast in the previous gubernatorial election by the qualified voters of the Town, is filed with the Town Clerk requesting reference of the petition to a General Referendum or a Special General Referendum, the Board of

Selectmen shall call a public hearing in the manner prescribed in Article II, Section 21 to be held within thirty (30) days of the date of the filing of said petition with the Town Clerk and shall schedule the General Referendum or a Special General Referendum within forty-five (45) days after said public hearing for the purpose of submitting to a vote the question of adopting the provisions of said petition.

Section 25: SECRET BALLOT VOTE

- A. All votes or elections related to elected officials and/or related to ordinances and budget items allowed by law or this Charter shall be by a secret ballot vote at the appropriate Budget Referendum, Special Budget Referendum, General Referendum, or Special General Referendum.

Section 26: LINE-ITEM BUDGET

- A. All budget matters allowed by law or this Charter shall be presented to the Legislative Body for a vote at the appropriate Budget Referendum or Special Budget Referendum in a line-item format agreed upon by the Budget Committee and the Town Manager. Each budget line-item may be approved or disapproved individually and severally in a manner as indicated in Article II, Sections 12 & 14 of this Charter.

ARTICLE III: THE MUNICIPAL GOVERNMENT

Section 1: BOARD OF SELECTMEN

- A. COMPOSITION: The Board of Selectmen shall consist of five (5) members elected by the voters of the Town.
- B. TERM OF OFFICE: The term of office for each Selectman shall be for a period of three (3) years, staggered, effective at the Budget Referendum in May 1996, when the two candidates receiving the largest number of votes shall be elected to three year terms and the candidate receiving the next largest number of votes shall be elected to a two year term.
- C. COMPENSATION AND EXPENSES: Selectmen shall be compensated monthly at rates set by the annual Budget Referendum and shall be reimbursed for documented reasonable expenses incurred during the course of their official duties, as such expenses occur pursuant to standing Town policy.

D. PROCEDURES AND ORGANIZATION:

1. The first regular scheduled meeting of the Board of Selectmen after the (re)election of a member at the Budget Referendum shall be an organizational meeting at which the Selectmen shall establish a fixed schedule of regular meetings for the ensuing year and provide for special meetings as the Selectmen deem appropriate.
2. At the organizational meeting, the Board of Selectmen shall, by resolution, adopt its rules of procedures and order of business in conjunction with the Town Manager, as long as they conform to Article VIII, Sections 1 and 2.
3. At the organizational meeting, the Board of Selectmen shall elect from among its membership a Chairman and a Vice-Chairman. The procedure shall be, using Robert's Rules of Order, to make open nominations for Chairman followed by a secret ballot vote. The person receiving the highest number of affirmative votes cast shall be elected as Chairman. The same procedure shall then be followed for Vice-Chairman.

- E. AGENDA AND CORRECTED MINUTES: All proceedings of the Board of Selectmen shall be electronically recorded and a summary of the prior meeting's proceedings shall be posted before the next regular meeting in such places as the Selectmen and the Town Manager deem necessary.

The Town Manager shall give notice of the agenda of all regular and special board meetings to its members and to the public.

- F. HOLDING OTHER OFFICE: No Selectman shall hold any compensated Town office or be employed by any Town department during the term for which he was elected to the board. No former Selectman shall hold any compensated Town office or be employed in any Town department under the direct control of the Board of Selectmen until one (1) year after the expiration of the most recent term for which he was elected, or until one (1) year after his resignation.

- G. APPOINTMENTS AND REMOVALS: The Board of Selectmen may express its views and fully discuss with the Town Manager anything pertaining to the appointment and removal of employees whom the Town Manager or any of his subordinates are empowered to appoint. Neither the Board of Selectmen nor any of its members shall in any manner require or mandate to the Town Manager the appointment or removal of any employee over whom the Town Manager has supervisory authority.

H. INTERFERENCE WITH ADMINISTRATION: The Board of Selectmen shall act as a body in all matters, and neither the Board nor any individual Selectmen shall require or mandate an action or non-action of any town official or employee either publicly or privately. This section does not prevent the Board of Selectmen from appointing committees or commissions of its own members or of citizens of the Town to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the Town.

Section 2: ELECTION OF OFFICIALS

A. The annual meeting for the election of members of the Board of Selectmen, Superintending School Committee, other elected Town officials, and elected members of boards, commissions or committees shall be held at the same time as the Budget Referendum in accordance with Article II, Section 2 of this Charter.

Section 3: ELIGIBILITY

A. In order to hold any elected office, a person shall be a resident of and a registered voter of the Town, at least 18 years of age, and a citizen of the United States.

Section 4: ABSENTEE BALLOTS

A. Absentee ballots may be cast for all matters voted on as provided for by the laws of the State of Maine and this Charter.

Section 5: NOMINATIONS

A. Any qualified voter of the Town may be nominated for any of the elected positions stated in this Charter by use of nomination papers, in accordance with the laws of the State of Maine. The Superintending School Committee is subject to the restrictions of Article IV, Section 13.

Section 6: CONDUCT OF TOWN OFFICIALS

A. The provisions of the laws of the State of Maine and this Charter relating to the qualifications of voters, the registration of voters, the nominations for any office, the manner of voting, the duties of the elections officers and all other particulars relative to preparation for, conduct and management of elections, so far as they may be applicable, shall govern all municipal elections.

Section 7: VOTING PLACES

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

Section 8: ENUMERATIONS OF POWER

A. The Town Manager or the Board of Selectmen shall have the power to appoint and to remove for cause after notice and hearing those employees or public appointees over whom they have jurisdiction, in accordance with the laws of the State of Maine and this Charter.

**OFFICES AND BOARDS ELECTED BY VOTERS OR APPOINTED
BY TOWN MANAGER OR BOARD OF SELECTMEN**

<u>OFFICE</u>	<u>INDIVIDUAL OFFICES ELECTED OR APPOINTED BY</u>	<u>MEMBERS</u>	<u>TERM</u>
Code Enforcement Officer	Town Manager	1	Indefinite
Dog Officer	Town Manager	1	Indefinite
Finance Director	Town Manager	1	Indefinite
General Assistance Director	Town Manager	1	Indefinite
Harbor Master	Town Manager	1	Indefinite
Health Officer	Town Manager	1	Indefinite
Moderator	Elected by Voters	1	3 Years
Police Chief	Town Manager	1	Indefinite
Recreation Director	Town Manager	1	Indefinite
Salaried Solicitor (Lawyer)	Board of Selectmen	1	Indefinite
Superintendent-Public Works	Town Manager	1	Indefinite
Tax Assessor	Board of Selectmen	1	3 Years
Tax Collector/Town Clerk	Elected by Voters	1	3 Years
Town Planner	Town Manager	1	Indefinite
Treasurer	Elected by Voters	1	3 Years
Tree Warden	Town Manager	1	Indefinite

BOARDS, COMMISSIONS, AND COMMITTEES

<u>BOARD/COMMISSION</u>	<u>ELECTED OR APPOINTED BY</u>	<u>MEMBERS/ ALTERNATES</u>	<u>TERM</u>
Affordable Housing Task Force	Board of Selectmen	5	3 Years
Appeals Board	Board of Selectmen	5/3	3 Years
Assessment Review Board	Board of Selectmen	5	3 Years
Board of Selectmen	Elected by Voters	5	3 Years

Budget Committee	Elected by Voters	7	3 Years
Cable TV Regulatory Commission	Board of Selectmen	2 York Reps	3 Years
Conservation Commission	Board of Selectmen	5/2	3 Years
Harbor Board	Board of Selectmen	5/2	3 Years
Historic District Commission	Board of Selectmen	5	3 Years
Parks & Recreation Board	Board of Selectmen	5	3 Years
Planning Board	Board of Selectmen	5/2	3 Years
Recycling Committee	Board of Selectmen	9	3 Years
School Committee	Elected by Voters	5	3 Years
Senior Citizens Advisory Board	Board of Selectmen	5/2	3 Years
Shellfish Conservation Commission	Board of Selectmen	5	3 Years
Sohier Park Committee	Board of Selectmen	5/3	3 Years
Voter Registration Board	Refer to Article IV § 18		3 Years
York Housing Authority	Board of Selectmen	13 Maximum	3 Years

Section 9: TERM OF OFFICE

A. The terms of office of all elected or appointed Town officers and members of boards, commissions and committees that exceed one (1) year shall be staggered.

Section 10: ALPHABETICAL ARRANGEMENT BY SURNAME

A. When two or more candidates have been nominated for any one office, the names of said candidates shall be arranged on the ballot in alphabetical order by surname.

Section 11: DECIDING THE RESULTS OF ELECTION

A. All elections shall be decided by plurality vote. In the case of a tie in an election of a person to an office, the election shall be decided by lot under the direction of the Town Clerk, said lot to include only those tied candidates with the highest number of votes, and to be performed in the presence of the candidates concerned or their agents. In the case of a budget or ordinance referendum election, a tie vote is considered to be the same as a "NO" vote.

ARTICLE IV: ADMINISTRATIVE ORGANIZATION

Section 1:

A. CREATION OF DEPARTMENTS

The Board of Selectmen may establish departments, offices or agencies in addition to those created by this Charter and have the Town Manager prescribe the function of all departments, offices and agencies, except that no function assigned by this Charter to a particular department may be discontinued or amended unless this Charter so provides, or it is changed by ordinance.

B. DIRECTION BY TOWN MANAGER

All departments, offices and agencies shall be under the direction of the Town Manager, unless specified otherwise by this Charter or by state statutes.

C. TOWN MANAGER'S DUTIES

The Town Manager shall have the powers and duties as set forth in M.R.S.A. Title 30A Section 2636 and all relevant future amendments made to the laws of the State of Maine and as additionally provided by the Board of Selectmen through their Guidance for Town Manager, dated February 5, 1990, or as it may be amended in the future.

Section 2: MERIT PRINCIPLE

A. All appointments and promotions of town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of accomplishment.

Section 3: PERSONNEL DIRECTOR

A. The Town Manager may be designated personnel director. The personnel director shall administer the personnel system for all employees of the Town.

Section 4: ADDITIONAL TOWN MANAGER DUTIES

A. The Town Manager shall act as purchasing agent for all departments, except the School Department, provided the Town, Board of Selectmen or this Charter may require that all purchases greater than a designated amount shall be submitted to sealed bid.

B. The Town Manager shall have the power and authority to appoint and remove Town employees not mentioned in this Charter.

C. The Town Manager may be suspended or removed for cause by the Board of Selectmen in accordance with the provisions of the laws of the State of Maine relating to the removal of a Town Manager.

- D. The Town Manager shall prepare personnel rules, which he shall propose, to the Board of Selectmen, and the Board of Selectmen may adopt them with or without amendments. These rules shall provide for, but shall not be limited to:
1. The classification of all Town positions, based on the duties, authority and responsibility of each position, with adequate provisions for reclassification of any position, whenever warranted by changed circumstances;
 2. A pay plan for all positions;
 3. Methods for determining the merit and fitness of candidates for appointments or promotions;
 4. The policies regulating Reductions in Force (RIFs);
 5. The policies governing disciplinary measures such as suspensions, demotions or discharge, with presentation of charges, hearing rights, and appeal rights;
 6. The hours of work, attendance regulations and provisions for sick and vacation leaves;
 7. The policies and procedures governing relationships with employee organizations, including the handling of labor negotiations and the processing of grievances and arbitration cases, not inconsistent with law;
 8. The policies and procedures governing persons holding provisional appointments;
 9. The policies regarding in-service training programs;
 10. The manner of identifying and bonding personnel as necessary;
 11. Other practices and procedures necessary to the administration of the Town personnel systems;
- E. The Town Manager shall have the power and authority to hear and determine Town residents' appeals of their sewer assessments. The decision of the Town Manager may be subsequently appealed to the Town's Board of Appeals.

Section 5: TOWN MODERATOR

- A. There shall be a Moderator elected by the voters of the Town for a three-year term effective at the annual Budget Referendum in May, 1996.
- B. The Moderator shall preside over and regulate the proceedings at all phases of the Town Meetings, and shall have the powers and duties given to moderators under the Constitution and the laws of the State of Maine and as such additional powers and duties as authorized by this Charter or as may be authorized by ordinance.
- C. The Moderator shall not serve on any other Town board, commission or committee, nor hold any other Town office, either appointed or elected.

Section 6: ASSESSMENT ADMINISTRATION

A. ASSESSOR:

- 1. There shall be a single Assessor appointed by the Board of Selectmen. He shall perform all duties and responsibilities provided for assessors under the laws of the State of Maine, Town ordinance, and this Charter. The Board of Selectmen shall determine the salary, hours and working conditions of the Assessor. The Assessor may be removed for cause after notice and hearing. Cause shall not include any disagreement with respect to an assessing practice employed by the Assessor where such practice is generally accepted and lawful.

B. BOARD OF ASSESSMENT REVIEW:

- 1. Appointments, Vacancies: There shall be a Board of Assessment Review consisting of five (5) members who shall be appointed by the Board of Selectmen for a term of three years. Vacancies in the membership shall be filled in accordance with Article V of this Charter.
- 2. Qualifications: Only qualified voters of the Town who at all times during their term of office shall be and remain residents of the Town shall be eligible to serve on the Board of Assessment Review.
- 3. Power and Duties: The Board of Assessment Review shall have conferred upon it such powers of review and abatement as are conferred upon

boards of assessors by statutes, and shall have the following additional powers and duties:

- a. Review assessments upon complaint of property owners;
 - b. Revise assessments made by the Assessor for the purpose of taxing real and personal property within the Town;
 - c. Administer oaths;
 - d. Adopt regulations, through ordinances, regarding the procedures of assessment review, not inconsistent with statutory provisions;
 - e. The board shall be required to keep an electronic record of all its proceedings in addition to written meeting minutes, and said records, both written and electronic shall be made available for public inspection;
 - f. The board shall annually elect from its membership a chairman and a secretary.
4. Review Procedure: The procedure for requesting an assessment review and abatement is as follows:
- a. The complainant shall file a request for abatement using forms prescribed by the State Tax Assessor which shall be available at the Assessor's office, along with evidence that the property under review was not assessed as prescribed by state law;
 - b. The Assessor shall review the abatement request and evidence submitted and shall either approve or disapprove the request;
 - c. If the Assessor approves the abatement request, he shall change the assessment under review to reflect the decision rendered;
 - d. If the Assessor disapproves the abatement request, the complainant may appeal the decision to the Board of Assessment Review by filing a written request for appeal within sixty (60) days after notice of the decision of the Assessor.
 - e. All records of the request, the review, the Assessor's decision, and all findings of fact shall be in writing and shall be made available for public inspection and to the Board of Assessment Review;

- f. The Board of Assessment Review shall review at a public hearing the evidence that the property was incorrectly assessed. Such review shall include all evidence presented, all relevant public records, any additional oral statements by the complainant or his agents, and any additional oral statements by the Assessor;
- g. If the Board of Assessment Review disapproves the abatement request, the Assessor shall take no action related to the assessment under review;
- h. If the Board of Assessment Review approves the abatement request, the Assessor shall change the assessment under review to reflect the decision of the board;
- i. All electronic and written records of the request, the review, the Board decision, and all findings of fact shall be made available for public inspection.

Section 7: BOARD OF APPEALS

- A. There shall be a Board of Appeals consisting of five (5) members and three (3) alternate members appointed by the Board of Selectmen to serve for three (3) years.
- B. General Provisions
 - 1. Business of the board shall be conducted in accordance with the laws of the State of Maine, Town ordinances and Robert's Rules of Order.
 - 2. It shall be the responsibility of the board to become familiar with all the duly enacted ordinances of the Town, which it may be expected to act upon, as well as with the applicable state statutes.
 - 3. It shall be the responsibility of the board to become familiar with the community goals, desires and policies as expressed in the "Comprehensive Plan," and grant the relief which shall insure that the goals and policies of the plan are preserved and substantial justice is done.
 - 4. The Board of Appeals shall maintain electronic records of all proceedings, reviews, Board decisions, and all findings of fact in addition to the

records required by the laws of the State of Maine, said records to be made available for public inspection.

5. The Board of Appeals shall elect from among its members a chairman and a vice-chairman.
- C. The board shall have the power to hear and determine all appeals by any person directly or indirectly affected by any sewer assessment, or, by any decision, action or failure to act with respect to any sewer assessment, license, permit, variance or other required approval, or any application, therefore, including the assessment, grant, conditional grant, denial, suspension, or revocation of any such sewer assessment, license, permit, variance or other approval (hereinafter called "a decision"):
1. Rendered by the Code Enforcement Officer or the Planning Board pursuant to Shoreland Zoning Ordinance;
 2. Rendered by the Code Enforcement Officer relating to building code enforcement pursuant to any statutes or Town ordinance;
 3. Rendered by the Planning Board or the Selectmen pursuant to the subdivision regulations or the Maine subdivision statute;
 4. Rendered by the Selectmen pursuant to the Ordinance for the Regulation and Issuance of Special Amusement Permits or 28A M.R.S.A. and 1054 (also relating thereto);
 5. Rendered by the Selectmen or the Public Works Superintendent pursuant to the Street Design and Construction Standards Ordinance;
 6. Rendered by the Planning Board or the Code Enforcement Officer pursuant to the Ordinance Relating to Flood Hazard Building Permit System and Review Procedures;
 7. Rendered by the Selectmen pursuant to the policy on Warning Sign Requests;
 8. Rendered by the Selectmen pursuant to the Ordinance Covering Excavations in Public Places;
 9. Rendered by the Code Enforcement officer pursuant to the sanitary code;
 10. Rendered by the General Assistance Administrator (Town Manager or his designee) pursuant to the ordinance for general assistance administration or the State of Maine statutes relating to general assistance.
 11. Rendered by the Town Manager regarding sewer assessments pursuant to LD 413 and Article IV, Section 4(E) of the Charter.
- D. In addition to the above, the Board of Appeals shall follow the current bylaws as approved by the Board of Selectmen for the Zoning Board of Appeals for the Town, which are now in existence or may be changed by Town ordinance, state statute, or this Charter.

Section 8: PLANNING BOARD

A. There shall be a Planning Board consisting of five (5) members and two (2) alternate members appointed by the Board of Selectmen to serve for three (3) year terms and which shall meet regularly as their rules provide. A chairman shall be elected annually by the members of the board and may serve no more than two (2) consecutive years. The Planning Board shall hold quarterly meetings with the Board of Selectmen for the purpose of discussing policy issues, ongoing cases and for direction. The Planning Board shall not take any position or speak on behalf of the Town unless such position has been adopted, approved or sanctioned by ordinance, the Board of Selectmen or this Charter. However, such limitation does not enjoin individual members of the Planning Board from speaking on any issue as a private citizen when said person is not acting as a representative of the Planning Board or the Town.

B. Duties of the Planning Board.

1. The board shall prepare or supervise the preparation of a comprehensive plan as defined by state statutes.
2. The board shall perform such duties and exercise such powers as are provided by the Town ordinances, the laws of the State of Maine and this Charter.
3. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.
4. The board shall include a complete impact statement with any ordinance that it or its subcommittee(s) present to the voters of the Town.
5. The board shall maintain electronic records of all proceedings, reviews, Board decisions, and all findings of fact in addition to the records required by the laws of the State of Maine, said records to be made available for public inspection.

Section 9: YORK SCHOOL COMMITTEE, COMPOSITION

A. There shall be a School Committee consisting of five (5) members elected at large, pursuant to Article III, Section 8 of this Charter. Each member shall serve for a term of three (3) years, commencing immediately upon swearing in, except that initial terms under this Charter may be shorter in order to implement staggered terms, pursuant to Article III, Section 9 of this Charter.

Section 10: YORK SCHOOL COMMITTEE, ELIGIBILITY

- A. School Committee members shall be elected in accordance with Article III, Sections 2 and 3 of this Charter.

Section 11: YORK SCHOOL COMMITTEE, COMPENSATION AND EXPENSES

- A. School Committee members shall be compensated monthly at rates set by the annual Budget Referendum and shall be reimbursed for reasonable expenses, which are documented and incurred in the course of their official duties.

Section 12: YORK SCHOOL COMMITTEE, CHAIRMAN AND VICE-CHAIRMAN

- A. At its first meeting after the election of new members, the School Committee shall elect from among its membership a chairman and a vice-chairman for the ensuing year. The Chairman shall preside at meetings of the School Board and shall be recognized as head of the School Board. The vice-chairman shall act as chairman in the absence of the chairman.

Section 13: YORK SCHOOL COMMITTEE, PROHIBITED APPOINTMENTS AND EMPLOYMENT

- A. School Committee members or their spouses may not be employees of the School Department. No School Committee member shall, during the term for which they are elected and for one year thereafter, be appointed to any employment position under the direct control of the School Board, or which shall have been created, or the salary of which shall have been increased by the actions of the School Board during such term.

Section 14: YORK SCHOOL COMMITTEE, GENERAL POWERS AND DUTIES

- A. The School Committee shall have all the powers and duties prescribed by the laws of the State of Maine and this Charter. The board, through its superintendent, shall submit the annual school budget in accordance with Article II, Section 5 of this Charter. The School Committee shall make available to the Budget Committee detailed copies of the school budget and summaries thereof on all financial activities as may be requested.

Section 15: YORK SCHOOL COMMITTEE, PROCEDURES

- A. The School Committee shall meet at least once a month. Special meetings may be held at the call of the chairman or three or more members and upon no less than 48 hours notice to each member and the general public. The

School Committee shall adopt its own order of business, shall provide for the manner of giving notice of regular and special meetings to its members and the general public, and shall keep an electronic journal of its proceedings, all in accordance with the U.S. Constitution and the laws of the State of Maine. All other procedures shall be governed by Robert's Rules of Order.

Section 16: YORK SCHOOL COMMITTEE, VACANCIES, FILLING OF VACANCIES AND FORFEITURE OF OFFICE

- A. Vacancies, filling of vacancies and forfeiture of office shall be determined as provided by Article V of this Charter.

Section 17: BOARD OF VOTER REGISTRATION

- A. There shall be a Board of Voter Registration established by this Charter consisting of three (3) members.
- B. The York Town Democratic Committee shall appoint one (1) member.
- C. The York Town Republican Committee shall appoint one (1) member.
- D. Each member nominated by the Municipal Committees of the major political parties and appointed to the Board of Voter Registration shall serve a three (3) year term or until a successor is appointed and sworn into office, whichever is shorter.
- E. The Chairman of the Board of Voter Registration shall be nominated by the Town Clerk and shall serve a term of four (4) years or until a successor is appointed and sworn into office, whichever is shorter.
- F. The person so appointed to serve as Chairman shall not at any time during his term of office be an officer of a Municipal Committee of any political party.
- G. The Town Clerk shall swear in all members.

ARTICLE V: DUTIES, VACANCIES, FORFEITURE OF OFFICE, FILLING OF VACANCIES FOR ELECTED AND APPOINTED OFFICIALS

Section 1: OATH OF OFFICE

- A. All elected officials and all officials appointed by the Board of Selectmen and Town Manager shall be sworn in by the Town Clerk within forty-five (45) days of their election or appointment and shall swear that they shall support the Constitution of the United States, the laws of the State of Maine, the provisions of this Charter and the ordinances of the Town.

Section 2: GENERAL DUTIES

- A. Elected and appointed officials shall perform such duties and have such authorities as are set forth in the U.S. Constitution, the laws of the State of

Maine, this Charter, Town ordinances, and all other applicable statutes and regulations.

Section 3: VACANCIES, FORFEITURE OF OFFICE, FILLING OF VACANCIES

- A. A vacancy in a Town office or on any board, commission or committee may occur by the following means: non-acceptance, death, recall, resignation, permanent disability or incompetence, failure to qualify for the office within 10 days after written demand by the Selectmen, failure of the town to elect a person to office, removal from office in any manner provided by law and forfeiture of office as provided in this Charter.

- B. An elected official or appointee to a board, commission or committee shall forfeit said office if he:
 - 1. Lacks at any time during their term of office any qualifications for the office prescribed by the laws of the State of Maine, the Constitution or this Charter;
 - 2. Violates any express prohibitions of this Charter;
 - 3. Is convicted of a crime or offense which is reasonably related to the ability to serve in the capacity to which he was elected or appointed;
 - 4. Fails to attend three consecutive regular meetings of the board, commission or committee without being excused by the board, commission or committee;
 - 5. Is determined by proper proceedings of a judicial nature, after notice and hearing, to have failed to perform the duties of his office;
 - 6. Fails to disclose a conflict of interest.

- C. The determination of when a vacancy exists and/or whether a forfeiture of any elected office or a forfeiture of an appointment to a board, commission or committee has occurred shall be made by the Board of Selectmen in accordance with the above criteria, except that the Superintending School Committee shall make such a determination with regards to its members.

- D. When there is a vacancy in any Town office or position appointed pursuant to Article III of this Charter, the Town Manager or the Board of Selectmen, whichever is the appointing authority, shall appoint a qualified person to fill the vacancy for the remainder of the unexpired term. Except in cases of recall governed by Article VII, when a vacancy occurs in any Town office or position elected pursuant to Article III of this Charter, other than in the office of Selectman, the Board of Selectmen may appoint a qualified person to fill the vacancy who shall serve until a successor is elected in accordance with this section. A vacancy in the office of Selectman shall continue until a successor is elected. When there is a vacancy in an elected office, the Selectmen shall call a Special General Referendum to fill the vacancy within thirty (30) days after the vacancy occurs except that if the vacancy occurs at

least seventy (70) and not more than one hundred twenty (120) days before the date of the election of Town officials at the Budget Referendum, the successor shall be elected then. Any successor elected pursuant to this section shall serve for the remainder of the unexpired term. No person appointed to fill a vacancy may be a candidate in the election for a successor.

- E. In the event that a sufficient number of members of a board, commission or committee resign so as not to have a quorum of members remaining, the board, commission or committee shall continue to conduct its business until the vacant positions become filled in accordance with Article V Section 3 of this Charter. However, no policy matters shall be enacted or changed in the absence of a quorum of the membership.

ARTICLE VI: TRANSITIONAL PROVISIONS

Section 1: CONTINUATION OF ORDINANCES

- A. All ordinances, resolutions, rules and regulations of the Town and votes of Town Meetings which are in force on the effective date of this Charter, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

Section 2: CONTINUATION OF GOVERNMENT

- A. All departments, boards, commissions, and committees and other Town bodies existing on the effective date of this Charter or established by this Charter shall continue in the performance of their duties and functions until altered, changed or abolished, pursuant to this Charter.

Section 3: CONTINUATION OF OFFICE AND EMPLOYMENT

- A. All elected and appointed Town officials and members of boards, commissions and committees who are in office on the effective date of this Charter shall continue to hold office until the expiration of the terms for which they were elected or appointed. All persons employed by the Town on the effective date of this Charter shall continue in such employment until their terms expire or are otherwise terminated.

Section 4: CONTINUATION OF CONTRACTS AND OBLIGATIONS

- A. All contracts or obligations entered into by the Town prior to the effective date of this Charter shall continue in full force and effect, unless terminated by this Charter or until terminated in the future.

Section 5: PENDING ACTIONS AND PROCEEDINGS

- A. No actions or proceedings, whether civil or criminal, pending on the effective date of this Charter, brought by or against the Town or any department, board, commission or committee or other Town agency thereof, shall be affected or abated by the adoption of this Charter or by anything contained herein.

Section 6: CONTINUATION OF TAX OBLIGATIONS

- A. All taxes levied or assessed by the Town prior to the effective date of this Charter which have not been collected by the Town, shall be collected, with any penalties thereon, by the duly established Town government and officers under this Charter.

Section 7: REPEALING CLAUSE

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

ARTICLE VII: RECALL OF ELECTED OFFICIALS

Section 1: HOLDER(S) OF AN ELECTED OFFICE MAY BE RECALLED

- A. The holder of any elected office may be recalled and removed there from by the qualified voters of the Town following the procedure defined in this Article.

Section 2: RECALL: PETITIONS, PREPARATIONS, FILING

- A. Any qualified voter of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. The Town Clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which shall be kept on hand. The petition blanks shall be issued by the Town Clerk with his signature and official seal attached thereto, shall be dated and addressed to the Selectmen, shall contain the name of the person to whom issued, the name of the person sought to be recalled, the grounds of recall as stated within the affidavit, and shall require the election of a successor to said office, if said office becomes vacant, in a manner as provided for in Articles III and V. A copy of the petition shall be entered in a special recall record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk before 4:30 PM of the twentieth working day after filing of the

affidavit. Said petition, before being returned and filed, shall be signed by registered voters of the Town numbering not less than ten (10) percent of the number of votes cast in the previous gubernatorial election by the registered voters of the Town, and to every signature shall be added the place of residence of the signer giving the street address. The Town Clerk shall deliver the petition to the Board of Voter Registration in the Town, and the board shall forthwith certify thereon the number of signatures, which are names of registered voters in the Town.

Section 3: RESIGNATION OF OFFICER, RECALL ELECTION

- A. If the petition shall be found to be sufficient and certified by the Town Clerk and the Board of Voter Registration, the Town Clerk shall submit it with his certificate to the Board of Selectmen without delay. The Board of Selectmen shall forthwith give written notice to said officer of the receipt of said certificate and, if the officer sought to be removed does not resign within five days, shall order a recall election to be held on a day fixed by them not less than twenty-five (25) days nor more than sixty (60) days after the date of the Town Clerk's certification that a sufficient petition is filed. If a vacancy occurs in said office for any reason after a recall election has been so ordered, the recall election shall be deemed null and void.

Section 4: OFFICER BEING RECALLED MAY BE A CANDIDATE

- A. Any officer recalled may be a candidate to succeed himself at any election scheduled to choose a successor. If said election of a successor is scheduled in accordance with the provisions of Article VII, Section 9.2, and unless the incumbent requests otherwise in writing, the Town Clerk shall place his name, without nomination, on the official ballot for the election of a successor. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall be in accordance with the provisions of the Constitution and the laws of the State of Maine relating to elections, unless otherwise provided for in this Charter.

Section 5: CONTINUANCE IN AND REMOVAL FROM OFFICE

- A. The incumbent shall continue to perform the duties of office until the recall election. If not then recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in Article VII, Section 7. If recalled, he shall be deemed removed from office immediately upon certification of the election, and the office shall be declared vacant.

Section 6: FORM OF BALLOT FOR RECALL

- A. Ballots used in a recall election shall submit the following question:

1. This question is a vote for or against the recall of the named incumbent.

VOTE FOR OR AGAINST

"For the removal of (name of officer)" _____

"Against the removal of (name of officer)" _____

- a. In the event of a tie vote, the incumbent is deemed to be not recalled.

Section 7: LIMITATIONS ON PETITIONS

- A. No recall petition shall be filed against an officer within six months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after said election.

Section 8: PROHIBITION AGAINST APPOINTMENT OF RECALLED OFFICER

- A. No person who has been recalled from office or who has resigned from office while recall proceedings are pending shall be appointed to any Town office or Town board, commission or committee within two years after such removal by recall or resignation.

Section 9: ELECTION OF A SUCCESSOR TO A RECALLED INCUMBENT

- A. The Board of Selectmen shall choose one of the following two procedures to fill a vacancy caused by the recall of an incumbent:
 1. Follow the procedures as provided for in Article V; or
 2. Schedule an election to occur at the same time as the recall election in order to fill the potential vacancy, using the following procedure:
 - a. Separate ballots must be used for the recall election and the potential election of a successor to a recalled incumbent;
 - b. If the incumbent is not recalled, this election is null and void;
 - c. Ballots used in election of a successor to a recalled incumbent shall submit the following question:
 - i. "This question is a vote for a successor to a recalled incumbent."
 - d. Under this question shall appear the word "Candidates" and the direction to "Vote for one", and beneath this shall be the name(s) of

candidate(s) nominated as hereinbefore provided. In the event the vote "For" recall in Section 6 receives a plurality of the votes cast, the candidate receiving a plurality of the votes cast in this question shall be deemed elected, except in the event where the incumbent is the only candidate and the vote "For" recall in Section 6 receives a plurality of the votes cast, in which case the candidate is deemed to be recalled and shall cease to hold the office in question, thus rendering the vote in this section to be null and void, and the office shall be declared vacant.

ARTICLE VIII: GENERAL PROVISIONS

Section 1: RULES OF ORDER

- A. Robert's Rules of Order shall govern all Town Meetings, and Town board, commission and committee meetings.

Section 2: EXECUTIVE SESSION

A. Procedure for Calling

- 1. All boards, commissions and committees may meet in executive session only upon the publicly recorded vote of three-fifths (3/5) of the members present and voting. A motion to go into executive session shall indicate the precise nature of the business of the executive session, and no other matter shall be considered in that particular executive session.

B. Purposes and Restrictions

- 1. Executive sessions shall be held only for purposes permitted by the laws of the State of Maine as amended. No ordinances, orders, rules, resolutions, regulations, contracts, appointments or any other official actions shall be finally approved at any executive session.

Section 3: PROPOSAL OF AMENDMENT

- A. Amendments to the Charter may be amended in the manner provided by law and this Charter.

Section 4: BIDDING PROCEDURE

- A. The Board of Selectmen shall adopt a purchasing/procurement policy.
- B. The Town Manager shall act as purchasing agent and, at his discretion, may request a bidding process for all purchases over \$500.00.

Section 5: SEPARABILITY

- A. 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 circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 6: PRIORITY OF CHARTER

- A. When provisions of this Charter conflict with provisions of Town rules, regulations, orders or ordinances, this Charter shall govern.

Section 7: CONFLICT OF INTEREST

- A. Any officer or employee who has 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 shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as an officer or employee in the making of such sales or in the making or performance of such contract. Violation of this section, with knowledge expressed or implied by the person or corporation contracting with or making a sale to the Town, shall render the contract or sale void by the Board of Selectmen. Officer means any elected or appointed member of a municipality, quasi-municipal corporation, board, commission or committee. Employee means any person, employed by the Town of York, either full-time or part-time.
- B. No municipal officer, Town employee or the spouse of either of the aforementioned shall knowingly act as agent for the purpose of contracting sales or employment for or to the municipality during the officer or employee's term of service and for a period of up to one year after termination of service to the municipality.
- C. Any person found in violation of this section, or any ordinance enacted pursuant to this section, by a court of competent jurisdiction shall immediately forfeit his office or position and shall be ineligible for the period of five (5) years thereafter to hold any town office or employment.

Section 8: PROHIBITED ACTIVITIES

- A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any Town employment or appointive position because of race, gender, color, ethnic origin, age, 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 the provisions of this Charter or the rules and regulations made there-under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- C. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal services.
- D. No person who holds a compensated Town position shall solicit any assessments, contributions, or service for any political party from any employee in the municipal service.
- E. Nothing herein contained shall affect the right of any person to hold membership in, or support, a political party, to vote as he chooses, to express privately and publicly his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.
- F. Any person found in violation of this section, or any ordinance enacted pursuant to this section, by a court of competent jurisdiction shall immediately forfeit his office or position and shall be ineligible for the period of five (5) years thereafter to hold any town office or employment.

**Section 9: ORGANIZATIONAL MEETING FOR BOARDS, COMMISSIONS,
AND COMMITTEES**

- A. Each Town board, commission or committee, whether elected or appointed, shall hold an annual organization meeting of its membership.
- B. The annual organization meeting shall occur at the time designated below regardless of whether or not the membership has changed.
- C. The annual organization meeting shall be held at the first meeting after an appropriate event as follows:
 - 1. If any of the membership is elected by the voters of the Town, the organization meeting shall be the first meeting of the membership held after the annual Budget Referendum;

2. If all of the membership is appointed, the organization meeting shall be the first meeting of the membership held after the annual appointment of members of boards, commissions, or committees, currently on or about April 1st, or as it may be amended in the future, and as it may be extended from time to time by the appropriate appointing authority.
- D. The organization meeting shall include but not be limited to the following items of business:
1. The election of officers, which officers shall always include a chairman and a vice-chairman and may include additional officer(s) as defined by the laws of the State of Maine, local ordinance, this Charter, or the by-laws of the board, commission or committee;
 2. The adoption of rules, policies, and procedures required for the conduct of business, provided that said adoption does not conflict with any provisions of the laws of the State of Maine, local ordinance, or this Charter;
 3. The scheduling of all regular meetings for the ensuing year, including a provision for additional special meetings to be scheduled by as necessary;
 4. Other normal business of the board, commission or committee.

Section 10: NON-GENDER SPECIFIC CONSTRUCTION

- A. This Charter is non-gender specific. Masculine pronouns are used herein only to promote clarity of construction. In all instances, the masculine pronoun shall be construed to mean both masculine and feminine genders, and any reference to "man" shall be construed to mean "man or woman".

Section 11: CHARTER AS AN ORDINANCE

- A. Adoption of this Charter by the voters of York shall constitute adoption of a Town ordinance for the Charter.

Section 12: EFFECTIVE DATE OF CHARTER

- A. This Charter shall become effective 30 days after the adoption of its contents by the registered voters of the Town.

Adopted November 5, 1991
Amended November 7, 1995
Amended November 4, 1997
Amended November 2, 1999
Amended November 6, 2001
Amended November 4, 2003
Amended November 8, 2005
Amended May 20, 2006
Amended November 7, 2006
Amended May 18, 2013

January 8, 2019 A clerical error was brought to our attention that Article IV: Section 9 York School Committee Composition, was missing a section of previously approved language and has now been restored