

CITY OF EASTPORT

PUBLIC HEARING NOTICE

***Proposed* AMENDMENTS TO THE CITY CHARTER**

Wednesday, April 9th, 2014

6:00 P.M. - SHEAD HIGH SCHOOL - LIBRARY

The Eastport City Council will hold a public hearing on *Wednesday, April 9th, 2014 at 6:00 p.m.* at *Shed High School, upstairs in the Library*. The purpose of the hearing is to receive public input on the proposed amendments as submitted by the Charter Review Committee and for Council to give consideration to the following changes as outlined below and to put them out to referendum to go on the June 10th, 2014 municipal ballot.

1. Shall the Municipality approve the charter amendment summarized below:

Allow for gender specific terminology to be changed to gender neutral terminology throughout the charter (e.g. he to he/she or councilman to councilor)

It is not practical to print the changes proposed by this amendment as they appear in every Section of the Charter. This summary fairly presents the subject matter of the proposed changes. A full copy of the Charter with these changes is available from the office of the City Clerk and on the City's website.

2. Shall the Municipality approve the charter amendment printed below:

Change Section 2.06 c from: "Notwithstanding the requirement in Section 2.11 that a quorum of the Council is reduced to less than five, the remaining members may by majority action appoint additional members to raise the membership to five" to: "If the number of members is reduced to fewer than a quorum, the remaining councilors by majority action may appoint additional members for the purpose of filling vacancies."

3. Shall the Municipality approve the charter amendment summarized below:

Move Sections 9.03, 9.04, and 9.05 from article 9 to article 1 and rename article 1 to Powers of the City, City Charter, and City Meetings

It is not practical to print the changes proposed by this amendment as they appear in every Section of the Charter. This summary fairly presents the subject matter of the proposed changes. A full copy of the Charter with these changes is available from the office of the City Clerk and on the City's website.

4. Shall the Municipality approve the charter amendment printed below:

Amend Section 1.01 to include the sentence: "All powers of the city are vested in the city council, unless otherwise provided by law or by this charter."

5. Shall the Municipality approve the charter amendment summarized and printed below:

Amend Section 1.06 to change the notification process for meetings from six postings to three postings in compliance with state law and to add a posting on the city's website. Agenda may also be included, and boards and committees must provide their minutes to the city clerk.

Section 1.06. Notice and Minutes of Meetings. (Moved from Art. IX)

All boards, agencies, authorities and committees of this city at their organizational meeting each year shall fix a time and place of regular meetings and shall publish same in the local paper. Thereafter all meetings will be posted in ~~six~~ at least three public places ~~throughout the city will be posted~~ as directed by the city clerk and electronically via the city's website, at least 48 hours in advance of the meetings, together with the agenda ~~and purpose of meeting~~. Other Boards, commissions or committees which meet on call shall notify the city clerk as to date, time, place and purpose of meeting and may include the agenda. Minutes will be kept ~~and made available to the public~~ in the office of the city clerk at City Hall and available to the public within seven working days, after approval by the board.

6. Shall the Municipality approve the charter amendment summarized and printed below:

Add Section 2.02 to list the duties of the city council at its first meeting of the fiscal year and at the first meeting of the calendar year, which will include review of code of conduct and charter section on ethics and election of president and vice president. The amendment also lists the powers of the city council.

Section 2.02. Powers and Duties.

(a). At the first meeting of the calendar year, the city council shall:

- 1 ensure that all councilors, board and committee members are sworn in.
- 2 review code of conduct and charter section on ethics with councilors, board, and committee members and make provisions for their enforcement.
- 3 make all appointments as necessary.
- 4 appoint liaisons to various committees and boards, making sure that liaison positions are fairly distributed among councilors.
- 5 ensure that all councilors, board and committee members complete all required training within 120 days of election or appointment.

b At the beginning of the fiscal year, the city council shall:

- 1 appoint members to the budget committee, as necessary.
- 2 determine the amount above which a competitive bid process must occur to complete any job or contract.

3 provide for an annual audit.

c The city council shall have the power to :

1 regulate the making of bids.

2 regulate the sale of city property, according to ordinance.

3 appoint and remove the city manager and conduct an annual performance review.

4 enact, adopt and repeal municipal ordinances.

5 adopt the budget, raise revenue, make appropriations, and regulate bond elections, issuance of bonds, sinking funds, the funding of indebtedness, and all other fiscal business of the city.

6 regulate elections, initiatives, referendums, and recall.

7 create, change and/or abolish any offices, departments, and agencies of the city government other than the offices, departments and agencies created by this charter; and assign additional powers, duties and functions consistent with this charter to offices, departments and agencies created by this charter.

8 make or confirm all appointments to permanent and ad hoc boards, commissions and committees.

9 establish, by ordinance, fines and penalties for the violation of the city's ordinances.

10 conduct investigations into the operation of any office or department administering the affairs of the city, or on any subject upon which it may legislate. In conducting the investigations, the city council shall have the right to administer oaths, subpoena witnesses and compel the production of evidence.

11 be the judge of the election and qualifications of councilors.

12 enact whatever powers and duties which are already in the charter or which are accorded by state law.

7. Shall the Municipality approve the charter amendment reprinted below:

Add Section 2.05 d Enforcement. When the city council has a reasonable expectation that a provision of this charter or of any policy or rule has been violated by an elected or an official appointed by the city council, the city council may issue any of the following forms of sanctions (from least to most severe):

- 1 Oral reprimand.
- 2 Written reprimand. (A written reprimand is less formal than a formal sanction. It may be issued by consensus during executive session.)
- 3 Formal sanction, with penalties to be determined by city council. (A formal sanction is public and the official may have an attorney involved in the proceedings.)
- 4 Expulsion or removal from office.

2.06b5 (forfeiture) accrues three sanctions or written reprimands during his/her term in office

8. Shall the Municipality approve the charter amendment reprinted below:

Add the following to Section 2.10(a):

Emergency meetings may be held on the call of the council president or of three (3) council members. If possible, such notice shall be given not less than six (6) hours before the emergency meeting. The local media, as determined by the city council, must also be advised of the meeting. When possible, notice should be posted in at least three public places, including online notification via the city website, prior to the meeting. All business conducted at the emergency meeting shall be reviewed at the next regularly scheduled meeting of the city council. All effort should be made to contact all councilors.

9. Shall the Municipality approve the charter amendment reprinted below:

Change Section 3.01 from: "The council shall appoint a city manager for a term of one year and fix his/her compensation. The manager shall be appointed solely on the basis of his his/her executive and administrative qualifications he/she need not be a resident of the city while in office, only with the approval of the council."

To: "The council shall appoint a city manager for a term specified by contract, not to exceed three years, and fix his/her compensation. The manager shall be appointed solely on the basis of his/her executive and administrative qualifications and shall be subject to an annual review by city council. With the approval of the council, he/she may reside outside of the city while in office. If the city manager decides to resign, he/she must give one month's notice."

10. Shall the Municipality approve the charter amendment reprinted below:

Change Section 3.03 from: "During his the absence or disability of the city manager, the city council shall designate qualified person to exercise the powers and perform the duties of the manager during his/her temporary absence or disability; the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his/her disability ceases. "

To: "During a long-term absence or disability of the city manager, the city council shall designate an interim qualified person to exercise the powers and perform the duties of the manager during his/her temporary absence or disability. The interim manager shall not be a city councilor. During absences of the city manager for short periods of time the assistant city manager or the city clerk may perform such duties of the city manager as he/she is qualified to perform."

11. Shall the Municipality approve the charter amendment reprinted below:

Add to Section 3.04 number 4 the following: "Except with the council's permission to be absent".

12. Shall the Municipality approve the charter amendment reprinted below:

Delete Section 3.04 number 12

"**12** He shall conduct all sales of property belonging to the city which is unfit or unnecessary for the city's use but only after such sale has been authorized and advertised by the city council, and subject to such restrictions as the city council may by resolve provide; except when the owner or his immediate family has paid taxes, interest, and all other costs in full before such advertisement."

Add numbers 12 and 13:

“12 He/she shall ensure that all required training for all city employees is completed within the required period of time.

13 He/she shall maintain executive project files on each major project in the city, including all grants, funded capital programs, emergency funds and disaster appropriations. Received grants and authorized capital improvement programs are to be reported on monthly.”

13. Shall the Municipality approve the charter amendment reprinted below:

Change Section 4.01 a from: “The following officers and boards shall be elected by ballot by a majority vote of by the members of the city council: city manager; sealer of weights and measures; health officer; city treasurer; tax assessor; code enforcement officer; building inspector; collector of taxes; purchasing agents.”

To: “The following officers shall be appointed by the city council and can only be removed by the council: city manager; sealer of weights and measures; health officer; city treasurer; tax assessor; code enforcement officer; building inspector; collector of taxes; purchasing agents; and public access officer”

14. Shall the Municipality approve the charter amendment summarized & reprinted below:

Change Section 4.01(b) to state that city departments are under the supervision of the city manager, which may include temporary suspension of personnel, subject to council’s review and final action. The appointment of the chief of police will be with the consent of council. City employees need not be residents of Eastport.

It is not practical to print the changes proposed by this amendment as they appear in every Section of the Charter. This summary fairly presents the subject matter of the proposed changes. A full copy of the Charter with these changes is available from the office of the City Clerk and on the City’s website.

15. Shall the Municipality approve the charter amendment reprinted below:

Section 4.03. Legal Officer.

There shall be a legal officer or officers of the city, appointed by the city council as provided in Section 4.01 who shall serve as chief legal advisers to the council, the manager and all city departments, offices and agencies, shall represent the city in all legal proceedings and shall perform any other duties prescribed by this chapter or by ordinance. The council may employ other attorneys when it is deemed to be in the best interests of the city.