

TOWN COUNCIL
TOWN OF FALMOUTH, MAINE
ORDER

Voted: That it be and is hereby Ordered that the Questions set forth below be placed on the ballot of a referendum of the Town of Falmouth to be held on November 4, 2008; that the Warrant for the referendum and the Notice of Public Hearing be approved in form presented to this meeting; and that an attested copy of this Order be placed on file with the Town Clerk of the Town of Falmouth:

Question 2: Shall the Town approve the Charter modification recommended by the Charter Commission and summarized below?

- Section 202 is amended to create an exception to the current prohibition on Town employees serving on the Town Council for on-call non-ranking firefighters and fire police. This amendment would not change common law limitations on a Town Councilor's participating in matters that affect the Councilor's interests as an employee of the Town, e.g., salary and benefits.
- Section 204.4 is amended to authorize the Town Council to make inquiries into the functioning of Town offices, agencies and departments without beginning a formal investigation.
- Section 208 is amended to require that any communication with the Council concerning the re-zoning of land must be available to the public and discussed in public.
- Section 213 is amended to delete the Falmouth Memorial Library from the list of places where proposed ordinances must be posted. Copies are available and posted at the Town Hall. It also requires that the wording of proposed ordinances be published in print and that documents considered by the Town Council be made available to the public. It also allows documents to be made available to the public electronically.
- Section 215 is amended to require the Town Council to appoint three or more of its members as a finance committee which will review the annual audit and make a report and recommendations to the Council and the Town Manager on financial procedures and controls.
- Section 303 is amended to clarify the process for designating someone to act in the Town Manager's stead when the Manager is temporarily absent or disabled.
- Section 510 is added to the Charter to make it clear that school budgeting may be governed by State law if the Town becomes part of a regional school unit.
- Section 602 is amended to remove the term limits for members of the Board of Assessment Review, which by ordinance also serves as the Sewer Appeals Board.
- Section 701 is amended to change the number of consecutive terms that a Planning Board member may serve from two to three.
- Section 703 is amended to change the number of consecutive terms that a Board of Zoning Appeals may serve from two to three.
- Section 704 is added to the Charter to create a Long Range Planning Committee that will have the duties assigned to it by ordinance and statute.
- Section 801 is amended to require that special municipal elections be held not less than 60 days before or 60 days after a regular municipal election. This limitation would not apply to State required school budget referendums. It also provides that, in the event that school district consolidation is enacted by the voters, the elections for school board shall be held in accordance with State law.
- Section 901 is amended to give further definition to the term "capital improvement" so as to include buildings, infrastructure improvements and expansions, major equipment and land. It also changes from

20 days to 60 days the time period within which to gather signatures on a petition to overrule Town Council approval of a bond issue or appropriation in excess of \$200,000 for a single capital improvement.

- Section 903 is amended to raise from \$400,000 to \$1,000,000 the threshold amount for single item expenditures and for bonding which must be submitted to referendum and to establish a minimum voter participation in the referendum of 10% of the registered voters in the Town.
- Section 903.1 is amended to clarify that State law on resubmitting defeated bond issues to the voters in a regional school unit will control that issue if the Town becomes a member of a regional school unit.
- Sections 905.1 and 905.2 are amended to reduce the number of signatures required on a recall petition and to require the recall election to be held within 60 days of receiving certified petitions.
- A number of non-substantive modifications are made to provide internal consistency; to remove obsolete language; and to clarify the intent of various provisions.

Question 3: Shall the Town approve the Charter modification recommended by the Charter Commission and summarized below?

- Section 204.1 and section 601 are amended to change the appointing and supervising authority for the position of Assessor from the Town Council to the Town Manager.

Dated: September 22, 2008 at Falmouth, Maine.

A majority of the Falmouth Town Council

A true copy

Attest: _____
Ellen Planer, Town Clerk
Town of Falmouth