

Draft Report



Charter Commission for the Town of Bar Harbor

October 15, 2019

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Introduction:

To the Town Council and Citizens of Bar Harbor:

This report represents the recommendations of your elected/appointed Charter Commission. The Commission has endeavored to review, discuss and suggest updates to the current Charter of the town. Members appreciate the history of this document, its traditions and spirit, and the importance of it to the core foundation of our Town. Our recommendations for amendments have been discussed, contemplated and represent our vision for the future of our town. This vision has been developed through a year-long process for considering current and future challenges, regular citizen input, review of other municipal practices in Maine and an understanding of the traditions of our town. We have looked to maintain citizen involvement while suggesting areas for increased efficiencies in our system of governance for the town. The Commission has recommended changes, both minor and substantive, to 19 sections of the current Charter.

We recognize, appreciate and encourage the Council to continue with its efforts of transparency for the Town's processes, increased citizen engagement and thoughtful reflection on input received through these practices.

The Commission recommends that the Council consider having a grammatical review completed of the Charter in order to provide a consistent form for and language that allows for clear understanding of the document. It has become clear to the Commission that as the Charter has been edited and changed over time the document has become less than completely fluid and consistent in form.

I would like to thank all the Commission members for their hard work and dedication, for the community for their thoughtful input and everyone for the opportunity to serve the community as a member of this group. I encourage everyone to read and thoughtfully consider this report as they prepare to vote on the proposed changes.

Respectfully submitted,



Michael Gurtler
Chairperson

Background:

The Charter Commission was established through a ballot vote in November of 2018. Members were elected (6) by the citizens and appointed (3) by the Town Council.

Charter Commission Members:

Julie Berberian
Anna Durand
Joseph Cough
Jill Goldthwait, Vice-Chair
Michael Gurtler, Chair
Patricia Samuel, Secretary
Martha Searchfield
Peter St. Germain
Christopher Strout

An organizational meeting was held on December 17, 2018 where members were sworn in and an election of officers was held. The Commission set a schedule of regular meetings for twice a month beginning in January 2019. Agendas were communicated prior to each meeting and public comment periods were offered at the beginning of each meeting. Two Public Hearings were conducted, in January and June, in addition to the regular comments at meetings and the review of submitted letters and email. The Commission requested an extension for submission of its report in August which was approved by Town Council. A draft of proposed changes was submitted to the Town Attorney for review in September and a draft report was presented to Town Council in October. A Public Hearing was held in November to hear citizen comment on the draft report. The Commission submitted its final report to Town Council in December to be placed on the Warrant for June 2020 Town Meeting.

Agendas, minutes and other Commission documents have been posted on the Town of Bar Harbor website at: <https://www.barharbormaine.gov/460/Charter-Commission> or are available by contacting the Town Clerk.

Summary of Proposed Changes with rationale
(~~strikethrough~~ designated original language; underline designates proposed change)

ARTICLE I - Grants of Power to the Town

§ C-1. Incorporation. No change proposed:

§ C-2. Powers. No change proposed:

§ C-3. Construction. No change proposed:

§ C-4. Intergovernmental relations. No change proposed:

ARTICLE II - Town Meetings

§ C-5. Annual and Special Town Meetings.

A. No change proposed

B. No change proposed

C. State law controlling; exceptions. No change proposed:

(1) Contents of ballots. No change proposed.

(a) For each ballot article ~~except election of officeholders,~~ affecting Land Use Ordinance amendments and the municipal budget, the recommendation of the Warrant Committee, ~~including in the form of~~ the number of Committee members and the number of Committee members voting for and against the recommendation;

(b) For each Land Use Ordinance amendment article, the recommendation of the Planning Board, ~~including in the form of~~ the number of Board members and the number of Board members voting for and against the recommendation;

(c) For each ballot article affecting school issues, the recommendation of the School Committee, ~~including in the form of~~ the number of Committee members and the number of Committee members voting for and against the recommendation;

(d) For each ballot article ~~except Land Use Ordinance amendments and,~~ election of officeholders, revisions or modifications to this Charter, and citizen initiatives and referendums, the recommendation of the Town Council, ~~including in the form of~~ the number of Councilors and the number of Councilors voting for and against the recommendation.

(2) Warrant. No change proposed:

(a) No change proposed;

(b) For each ballot article ~~except election of officeholders~~ affecting Land Use Ordinance amendments and the municipal budget, the recommendation of the Warrant Committee, ~~including in the form of~~ the number of Committee members and the number of Committee members voting for and against the recommendation;

(c) For each Land Use Ordinance amendment article, the recommendation of the Planning Board, ~~including in the form of~~ the number of Board members and the number of Board members voting for and against the recommendation;

(d) For each ballot article affecting school issues, the recommendation of the School Committee, including in the form of the number of Committee members and the number of Committee members voting for and against the recommendation;

(e) For each ballot article except Land Use Ordinance amendments and election of officeholders, the recommendation of the Town Council, including in the form of the number of Councilors and the number of Councilors voting for and against the recommendation;

(f) No change proposed

(3) Method of voting at Open Town Meeting. Except where required otherwise by state law the town may use any means of manual or electronic voting approved by the Town Council to ensure accuracy, efficiency, integrity, security, transparency, and voter anonymity.

§ C-6. Powers and responsibilities.

A. No change proposed:

(1) No change proposed;

B. No change proposed

(1) No change proposed

(2) No change proposed

(3) Act on those ordinances placed on the warrant ~~pertaining to the Town's Land Use Ordinance~~ and on any initiative or referendum questions as provided for by this Charter;

(4) No change proposed

(5) No change proposed

(6) No change proposed

(7) No change proposed

C. No change proposed

D. Any Town Meeting amendment made to the budget published in the Warrant or Town Report, shall be voted only by written or electronic ballot.

Rationale for changes to sections C-5 & C-6. Annual and Special Town Meetings:

These changes are proposed so Article II is consistent with the proposed changes for Land Use modifications, Warrant Committee duties and to remove the potential conflict of interest for bodies reporting on future Charter modifications. Changes will also allow for the use of electronic voting technology at Town Meeting which can expedite voting on budgetary articles not requiring written vote by State statute, help to increase participation in Town Meeting and mitigate social pressure on controversial items.

ARTICLE III - The Town Council

§ C-7. Composition, eligibility, election and terms.

- A. No change proposed
- B. No change proposed
- C. No change proposed

§ C-8. Salary.

Each member of the Town Council shall be paid an annual salary of \$1,500, ~~except the Chair, whose annual salary shall be \$1,800.~~ to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members. Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that he/she was sworn into office. In the event that a member vacates his/her office as provided in 30-A M.R.S.A. § 2602(1), as amended, the member's salary shall be prorated based on the number of months that member has held office, to the nearest full month.

Rationale for changes to section C-8. Salary: This change allows for Town Council compensation to be decided annually by the Town through the budget process.

§ C-9. Chair and Vice Chair. No change proposed

§ C-10. General powers and duties.

- A. No change proposed
- (1) No change proposed
- (2) No change proposed
- (3) No change proposed
- (4) No change proposed
- (5) No change proposed
- (6) No change proposed
- (7) No change proposed
- (8) No change proposed
- (9) Make, adopt, alter and repeal ordinances for any purpose permitted by statute ~~with the exception of those pertaining to zoning.~~ In addition to such ordinances, the Council shall have the power to adopt ordinances which: No other changes a – e.

Rationale for changes to section C-10. General Powers and duties. A (9): This change allows for the Town Council to assume authority for Land Use amendments proposed in section C-14

- (10) No change proposed
- (11) No change proposed
- (12) No change proposed
- B. No change proposed

§ C-11. Prohibitions. No change proposed

§ C-12. Vacancies; forfeiture of office. No change proposed

§ C-13. Judge of qualifications. No change proposed

§ C-14. Procedure.

- A. No change proposed
- B. No change proposed
- C. Voting.

(1) No change proposed

(2) Each Councilor in attendance shall vote on all issues and questions presented for vote except when a valid conflict of interest ~~clearly exists~~ is stated and recognized by a majority vote of the Council. If any Councilor does abstain from a vote other than because of a recognized conflict of interest, he/she shall be considered to have cast a vote with the majority and the record shall so show.

(3) All land use ordinance amendments must be recommended to the Town Council by a supermajority of the full membership of the Planning Board and must be approved by a supermajority of the full membership of the Town Council. Any land use ordinance amendment so approved may be challenged using the citizen referendum process in C-45 to C-49 of this charter. Following successful petition, the amendment will be referred to the warrant of the next regular or special town meeting.

(a) For the purpose of this charter, supermajority shall be defined as two-thirds of the full membership of the body rounded up to the nearest whole number. (ie: 4 in a 5-member body and 5 in a 7-member body.) In the case of a body of 3-members or less a supermajority shall be defined as a unanimous vote.

Rationale for changes to section C-14. Procedure.: This change allows for The Town Council to modify the Land Use Ordinance with a super-majority vote by both Planning Board and Town Council. This change allows for the Town to modify the Land Use Ordinance in a timely and efficient manner. Changes proposed in C-43 outline a method for the voters to reject amendments to the Land Use Ordinance approved by Town Council under the proposed changes to C-14.

§ C-15. Ordinances in general. No change proposed

§ C-16. Emergency ordinances. No change proposed

§ C-17. Authentication, recording, codification and printing. No change proposed

ARTICLE IV - The Town Manager

§ C-18. Appointments; qualifications; compensation.

The Council shall appoint a Town Manager for a term not to exceed three years and shall fix the Manager's compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the Town or state at the time of appointment ~~but~~ and may reside outside the town while in office ~~only~~ with the approval of the Council.

Rationale for changes to section C-18. Appointments; qualifications; compensation.: This change clarifies that the Town Manager may reside outside of Bar Harbor with Town Council approval.

§ C-19. Removal. No change proposed

§ C-20. Acting Town Manager. No change proposed

§ C-21. Powers and duties of the Town Manager.

- A. No change proposed
- B. No change proposed
- C. No change proposed
- D. No change proposed
- E. No change proposed
- F. No change proposed
- G. No change proposed
- H. No change proposed
- I. No change proposed
- J. ~~Make recommendations to the Council for the more efficient operation of the municipality;~~ (Reserved)
- K. No change proposed
- L. No change proposed
- M. No change proposed
- N. No change proposed

Rationale for changes to section C-21. Powers and duties of the Town Manager.:

ARTICLE V - Administrative Organization

§ C-22. General administration. No change proposed

§ C-23. Personnel administration.

A. No change proposed.

B. No change proposed.

C. Personnel policies. The Human Resources Director shall prepare draft personnel policies in compliance with all applicable State and Federal Laws. After approval by the Manager, the policies shall be proposed to the Council for adoption. The Council may adopt them with or without amendment.

D. Planning Director. The Manager or a person appointed by the manager shall be designated as the Planning Director. The Planning Director shall administer the planning department for the town.

Rationale for changes to section C-23: These changes clarify the Human Resource Director's responsibilities and emphasize the importance of the Planning Director function to the Town. The change does not require that the Town hire a Planner but rather emphasizes the importance of the planning function. Town Council can choose to allocate fund in the municipal budget for this position in agreement with the Town Manager. The Charter will still require that the function is assigned to staff at the Manager's direction if funding is not available.

§ C-24. Assessor No change proposed

§ C-25. Town Attorney

There shall be a Town Attorney, appointed by the Council, who shall serve as chief legal adviser to the Town and all of its departments, except for the Superintending School Committee. In any matter where there may be a conflict between the Town Council and any other Town officer, department, board, agency or commission, Town Attorney shall represent the Town Council only. The Town Council may appoint or authorize such additional legal counsel as the Town's interest may require

§ C-26. Superintending School Committee.

A. No change proposed

B. No change proposed

C. Elections and terms. Each member shall be elected for a term of three years; with terms to be staggered such that no more than two Committee members are elected to fill expired terms in any one year.

D. Compensation. Each member of the School Committee shall be paid an annual salary of \$400, ~~except the Chair, whose annual salary shall be \$500 to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members.~~ Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that he/she was sworn into office. In the event that a member vacates his/her office as provided in 20-A M.R.S.A. § 2305(4), as amended, his/her salary shall be prorated based on the number of months that member has held office, to the nearest full month

E. No change proposed

F. No change proposed

G. No change proposed

Rationale for changes to section C-26: These changes clarify staggered terms for the School Committee to maintain consistency and allows for the School Committee compensation to be decided annually by the Town through the budget process.

ARTICLE VI - Financial Procedures

§ C-27. Fiscal year. No changes proposed

§ C-28. Budget divisions. No changes proposed

§ C-29. Operating budget. No changes proposed

§ C-30. Capital improvement program. No changes proposed

§ C-30-A. Proprietary Budget. No changes proposed

§ C-31. Preparation and submission of the budget.

The municipal and education divisions of the budget shall be prepared and submitted according to the following procedure:

A. ~~Departmental CIP and operating budget requests. Fifty-six days before the Town Manager is required to submit the budget to the Town Council, all department heads and board or committee chairs, except for the School Committee, shall submit their CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C(2) through (4). shall be prepared according to a timeline set by the Town Manager to allow for submission of the budget by the 1st Tuesday in February each year. Budget submissions shall be in accordance with the provisions set forth in § C-29 and § C-30.~~

B. ~~Departmental operating budget requests. Forty-two days before the Town Manager is required to submit the budget to the Town Council, the department heads, board or committee chairs, except for the School Committee and cooperating agencies shall submit their budget requests to the Town Manager. Said requests shall include the information required in § C-29B through D.~~

B. School Committee budget request. Fourteen days before the Town Manager is required to submit the budget to the Town Council, the School Committee shall submit its operating budget and CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C (2) through (4), as well as § C-29B through

C. Submittal of budget to the Council and Warrant Committee. The Town Manager shall compile the budget information submitted, prepare the budget as provided in this section, and submit the operating budget and CIP to a joint meeting of the Town Council and Warrant Committee on or before the third Tuesday in January 1st Tuesday in March each year. The Town Warrant Committee and Town Council shall then jointly meet with town staff for detailed presentation of the municipal budget by town staff before proceeding to independent review.

D. Warrant Committee and Town Council Review. The Warrant Committee shall review the municipal budget and submit its recommendations to the Council at a joint meeting of those bodies on or before the 4th Tuesday in February. The Council shall review the municipal and school budgets and the recommendations of the Warrant Committee.

E. Tentative adoption of budget by Council. The proposed budget prepared by the Manager shall be reviewed by the Town Council which shall tentatively adopt the budget as presented and reviewed shall be tentatively adopted by the Council with or without amendments on or before the seventh day of February the 1st Tuesday of March of each calendar year and Council shall fix a time and a place for holding a public hearing on the budget prior to the 22nd of February 4th Tuesday of March of each calendar year.

F. Notice of hearing. The Town Clerk shall give public notice of such hearing in a newspaper of general circulation in the Town. Said notice shall contain as a minimum the date, time and place of the meeting, the locations where copies of the budget may be reviewed, the total appropriations requested for both the municipal and education budgets and an estimate of the ~~effect~~ effect on the tax rate. Full copies of the detailed budget shall be made available for public review at the office of the Town Clerk.

G. Adoption of budget by Council. The Town Council shall hear public comment at the budget hearing, review the budget, adopt it with or without change and recommend it to the Warrant committee on or before February 22nd Town Meeting on or before the 4th Tuesday in March.

~~H. Submittal to Warrant Committee. No later than seven days following the date of adoption, the Town Manager shall submit to the Town Warrant Committee the complete detailed budget as adopted by the Town Council~~

H. ~~Warrant Committee review. The Town Warrant Committee shall review the budget and submit its recommendations to the Council prior to April 1. The Council shall review the recommendations as submitted by the Warrant Committee and submit the budget to Town Meeting with or without changes. The recommendations of the Warrant Committee pertaining to the municipal and education budgets~~ budget shall be provided as a commentary to the Town Meeting as set forth in §C-5 1A and §C-5 2B.

Rationale for changes to section C-31: These changes introduce a new budget development timeline that encourages a more efficient and streamlined approach for the development, review and comment on the annual Town budget. Town staff will present the draft budget to both the Town Council and Warrant Committee at a joint meeting and their respective reviews will take place concurrently.

§ C-32. Transfer of appropriations. No changes proposed

§ C-33. Definitions. No changes proposed

ARTICLE VII - Warrant Committee

§ C-34. Nomination Composition, eligibility, terms, and election

~~A. At least 75 days prior to each Annual Town Meeting, the person who held the office of Moderator at the most recent Annual Town Meeting (hereinafter referred to as the "Retired Moderator") shall call and chair a meeting or meetings to select 22 voters to be nominated for election by the Annual Town Meeting to serve as Warrant Committee members.~~

~~B. The Nominating Committee shall be composed of five members: said Retired Moderator, the Chair and Secretary of the Warrant Committee and two other registered voters to be appointed by the Retired Moderator. The Chair of the Nominating Committee may vote on motions coming before the Committee only in the event of a tie.~~

~~C. Should the Retired Moderator or Warrant Committee Chair or Secretary be unable, refuse or fail to fulfill their duties as provided above, the Town Clerk shall appoint a registered voter to fill their seat.~~

~~D. The Nominating Committee shall report the names of its intended nominees to the Town Clerk for inclusion in the Annual Town Report at least 60 days prior to the Annual Town Meeting.~~

~~E. At each Annual Town Meeting, a member of the Nominating Committee shall nominate the 22 voters selected pursuant to this section to serve as the Warrant Committee for the ensuing year. The Town Meeting shall thereupon proceed with the election of the Warrant Committee.~~

A. Composition: There shall be a Warrant Committee of 15 members elected by the qualified voters of the Town in accordance with Article VIII.

B. Eligibility. Only persons who are qualified to vote in elections in the Town of Bar Harbor and have been registered to vote for one year prior to their election to office shall be eligible to hold the office of Warrant Committee Member. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act, no Warrant Committee Member shall hold any other Town office or Town employment while serving as a Warrant Committee Member.

C. Terms: Each member shall be elected to a term for three years, with terms to be staggered such that no more than 5 Warrant Committee members are elected to fill expired terms in any one year.

Rationale for changes to section C-34: These changes provide for the Warrant Committee to be elected individually by voters through an election process that is parallel to other elected bodies of the Town. The reduction in Warrant Committee members is suggested due to the changes proposed in the Warrant Committee's responsibilities in C-36 and to follow the budget development process proposed in C-31.

§ C-35. Organization.

A. The Warrant Committee, upon the call of the Town Clerk, shall meet and organize with the election of a Chair, a Vice Chair and a Secretary within three weeks of its election. It shall have the power to fill vacancies in its number by vote of its members and shall establish its own rules of procedure and bylaws.

B. Filling of vacancies. A vacancy in the Warrant Committee shall be filled for the remainder of the unexpired term, if any, at the next regular election held more than 60 days after the occurrence of the vacancy. The Committee by a majority vote of all of its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. Notwithstanding the requirement of a quorum, if at any time the membership of the Committee is reduced below that requirement, the remaining members may by majority action appoint additional members to raise the membership to the number required; such appointed members shall serve until succeeded by a person duly elected to fill the vacancy.

Rationale for changes to section C-35: This change clarifies the process for filling vacancies that may occur on the Warrant Committee.

§ C-36. Duties and responsibilities.

A. It shall be the duty of ~~any duly elected~~ the Warrant Committee, meeting as a full body, to consider, investigate and report upon, with recommendations or comments, all articles ~~except those dealing with election of candidates pertaining to Land Use ordinance Amendments and the Municipal Budget included~~ in the Warrant of all Town Meetings, whether annual or special. When requested and available to do so, it shall be the duty of Town officers and committees to meet with the Warrant Committee ~~or any of its subcommittees and/or upon request~~, to furnish in a timely manner all information relative to matters being considered by the Warrant Committee. ~~or subcommittee.~~

B. The Warrant Committee shall submit its recommendations on municipal budget articles to the Town Council as provided by Charter § C-31, Preparation and submission of the budget.

C. No later than ~~60~~ 30 days prior to each Annual or 10 days prior to each Special Town Meeting, the report of the Warrant Committee shall be submitted to the Town Clerk, who shall have it printed and made available for distribution to the voters. The report of the Warrant Committee shall be with respect to all articles submitted to it and shall include its recommendations with respect to each article and contain any commentary which the Warrant Committee elects to have included in said report.

Rationale for changes to section C-36: These changes outline that the Warrant Committee will review and report on items on Town Meeting Warrants pertaining to Land Use Ordinance Amendments and the Municipal Budget only. The Warrant Committee will no longer review and report on the School Budget or Initiatives and Referendums. A moderated Public Hearing will be held for Initiatives and Referendums, to allow for review and comment by the voters, as proposed in C-48.

§ C-37. Meetings public. No changes proposed

§ C-38. Compliance. No changes proposed

ARTICLE VIII - Elections and Nominations

§ C-39. Elections.

A. Conduct of elections. The regular municipal election shall be held on the second Tuesday of June. Except as otherwise provided for by this Charter, the provisions of the Revised Statutes of the State of Maine, as amended, shall govern elections of all Town officials required by this Charter, except the Moderator ~~and the members of the Warrant Committee~~, and said elections shall be conducted by the election officials accordingly.

B. No changes proposed

C. No changes proposed

§ C-40. Nominations.

A. Petitions.

(1) Candidates for election to the Town Council, Warrant Committee, and the Superintending School Committee shall be nominated by petition. Any person who is qualified to vote in elections in the Town of Bar Harbor may be nominated for election as a Councilor, Warrant Committee member, or School Committee member by a petition signed by not less than the number of qualified voters of the Town that is required by state law.

B. Filing and acceptance of nomination petitions. All separate papers comprising a nominating petition shall be assembled and filed with the Town Clerk as one instrument not less than ~~45~~ 60 days prior to the day of election. The Clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination.

C. No changes proposed

Rationale for changes to section C-39 & C-40: These changes are proposed to support the changes proposed in C-34 for Warrant Committee elections.

§ C-41. (Reserved) No changes proposed

§ C-42. Moderator. No changes proposed

ARTICLE IX - Initiative and Referendum

§ C-43. General authority. No changes proposed

A. No changes proposed

B. Referendum.

(1) No changes proposed

(2) The qualified voters of the Town shall have the power to require reconsideration at Town Meeting of any adopted Land Use Ordinance Amendment and voters shall have the power to approve or reject it.

C. No changes proposed

D. Definitions. As used in this article, the following terms shall have the meanings LAND USE ORDINANCE AMENDMENT – An amendment to the Land Use Ordinance as recommended by a supermajority of the members of the Planning Board and approved by a supermajority of the members of the Town Council. (as defined in §C-14 C3a)

Rationale for changes to section C-43: This change allows a check and balance for the changes in proposed in C-14 that grants power to the Town Council to amend the Land Use Ordinance with super-majority votes of both the Planning Board and Town Council. C-43, C-45 & C-48 outline a procedure for the voters to reject Land Use Ordinance amendments approved by the Town Council.

§ C-44. Commencement of proceedings; petitioners' committee; affidavit.

No changes proposed

§ C-45. Petitions.

A. No changes proposed

B. No changes proposed

C. No changes proposed

D. Time for filing referendum petitions. Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance or land use ordinance amendment sought to be reconsidered.

§ C-46. Procedure after filing. No changes proposed

§ C-47. Referendum petitions; suspension of effect of ordinance. No changes proposed

§ C-48. Action on petitions.

A. Public Hearing: When an initiative or referendum has been finally determined sufficient the Council shall set a date no later than 30 days from the final determination of sufficiency to hold a public hearing for the purpose of presentation and information on the proposed initiative ordinance or resolution and to receive public comment.

B. Action by Council.

(1) Except for Land Use Ordinance Amendments referendums, when an initiative or referendum petition has been finally determined sufficient, and after holding a public hearing, the Council shall promptly consider the proposed initiative ordinance or resolution or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance or resolution without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.

(2) In the case of a Land Use Ordinance Amendment referendum, when the referendum petition has been finally determined sufficient and after holding a public hearing, the Council shall place the question to repeal the amendment on the Warrant for the next regular or special town meeting.

C. Submission to voters.

(1) Initiated or Referred Ordinances.

(a) ~~The vote on a proposed or referred ordinance shall be by secret ballot at a Town election, held not less than 45 days and not later than~~ but not less than 45 days nor more than one year from the date of the final Council vote thereon. If no scheduled regular annual Town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as the regular annual election, ~~except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.~~

i. Council may provide for a special election at an earlier date within the prescribed period.

ii. Copies of the proposed or referred ordinance shall be made available at the polls.

(b) No changes proposed

(2) Initiated Resolutions.

- (a) Timeline for Voting. The vote on a proposed resolution shall be held at either a Town election or an open Town Meeting not less ~~then~~ than 45 days and not more than one year from the date of the final Council vote thereon. If no regular annual Town Meeting is to be held within the period prescribed in this subsection, the Council shall provide for a special Town Meeting; otherwise, the vote shall be held at the same time as the regular annual Town Meeting, except that the Council may in its discretion provide for a special Town Meeting at an earlier date within the prescribed period.
- (b) No changes proposed
- (c) No changes proposed

Rationale for changes to section C-48: These changes clarify the procedures for action on petitions. Town Council hosting moderated public hearings for all Citizens' initiatives and referenda will provide a forum for providing information and discussion on any ballot items which fall outside the usual warrant article processes.

§ C-49. Results of election.

- A. No changes proposed
- B. No changes proposed

ARTICLE X - General Provisions No changes proposed

§ C-50. Elected officers; term.

§ C-51. Swearing in officers.

§ C-52. (Reserved)

§ C-53. Personal financial interest.

§ C-54. Prohibitions.

§ C-55. Separability.

ARTICLE XI - Transitional Provisions No changes proposed

§ C-56. Time of taking full effect - Charter Modification.

§ C-57. through § C-61. (Reserved)

§ C-62. Pending matters.

§ C-63. State and municipal laws.

Attorney Review:

Letter from the Town Attorney

DRAFT

Minority Opinion:

Report from Members in Minority

Town Meeting votes are the gold standard for citizen participation in town decision-making. We believe Land Use Ordinance amendments should continue to be included on the Warrant at Town Meeting, rather than by being decided by a two-thirds majority vote by Town Council and Planning Board as proposed in these Charter changes.

We support the efforts that the Town Planner has begun to expand public participation in Land Use Ordinance amendment changes through improved public hearings, announced agendas, etc. These are a welcome part of the process, yet should not be the process itself.

With the exceptions of C-14 segments C-3 and C-3a, we support all other Charter changes.

Respectfully submitted,
Julie Berberian
Anna Durand

Charter:

Full Updated Charter

DRAFT