

# CHARTER

of the

Town of St. George

Revised 2016

Approved November 8, 2016

## Introduction

In 1987 the Town of St. George voted to form a Charter Commission for the purpose of developing a charter for our Town. The charter was promoted as a way to clarify and make improvements to the State laws which governed the operations of local government. This Charter Commission held its first meeting on September 29, 1987. After almost a year and a half of work, a charter tailored to the needs of the Town of St. George was finalized and presented to the voters. At the town meeting in 1989, on a vote of 337 YES and 84 NO, St. George took a step forward in local government by adopting its first charter.

Since its initial creation and approval by the Town in 1989 there have been a number of amendments to the Charter and it has also been revised once as summarized below.

- Initial Charter Approved March 1989
- Amended March 11, 1991
- 1<sup>st</sup> Revision March 1998
- Amended November 6, 2007
- Amended November 2, 2010
- Amended March 14, 2011

Over the last few years, members of Town government have seen the growing need for revisions to the Town Charter to address changes in Town operations. With the creation of the St. George Municipal School Unit (MSU) in 2014/2015 that need became immediate. As a result, the creation of a Charter Commission to update the Town Charter was proposed and was approved by voters at the May 2015 Town Meeting.

The Commission's initial step in addressing this task was to review the existing Charter of the Town of St. George to better understand its description for the organization and operational requirements of town government. With this understanding, the Commission also reviewed the charters of a few "reference towns" for additional perspectives on approaches that might be taken.

The Commission then solicited input regarding potential changes to the Charter from Select Board members, Town Management, the standing boards, committees and commissions in town and from the public at a public hearing. From this process, 60 proposed revisions to the Charter were identified. All were systematically reviewed, discussed and a decision made as to whether to incorporate them in the Revised Charter.

Many of the proposed changes could be categorized as "housekeeping" changes to reflect changes in town operation or procedures. The creation of the St. George MSU is the most significant of these, but a number of smaller changes were also appropriate.

A second group of changes were designed to make the Charter more of a “framework” for Town government, rather than a detailed set of instructions. Priorities, practices and needs change over time, so the Commission felt those are better addressed by Ordinance or Select Board Policy which should be reviewed annually and updated as required. The Commission viewed the Charter as a longer term framework for government that should not require frequent changes. An example of this would be the elimination of all board and committee charges from the Charter. The requirement for specific boards and committees is there, as are references to where the charges for these groups might be found.

A third group of changes were made for “clarification”. The Ordinance section was rewritten to better describe the process and responsibilities for creating ordinances. Another example would be that the responsibilities of the Select Board were described in more detail, to clarify the relationship between it and the various boards and committees that it appoints.

Finally, the proposed draft also includes a couple of changes which the Commission felt would be “beneficial to the town”.

The existing Charter prohibits Select Board members from town employment, because of the potential for conflict of interest. The Commission felt that where a conflict of interest could be avoided that provision should be waived and proposed two exceptions to this rule: school system employees and part time firefighters. The Commission’s view was that the pool of candidates willing and able to make the time commitment required of Select Board members is not that large and it would be a mistake to unnecessarily restrict it further.

The second item “beneficial to the town” is the issue of term limits for Select Board members. The current Charter limits Select Board members to two three-year terms. Most members of the Commission felt that eliminating term limits would be beneficial, as it had the potential to provide more continuity in the Select Board, improving institutional knowledge and expertise in areas such as assessment. Further, with the impending retirement of the Town’s long serving Town Manager, more continuity and knowledge in the Select Board in the coming years might prove even more beneficial than normal.

In the end, the Commission compromised, proposing that the limit on three-year Select Board terms be increased from two to three. This was viewed as a way to gain benefits from greater continuity, but still address the concerns of residents who feel that term limits are a good idea.

The Commission is satisfied with this draft document. Though not every issue brought before us was included in the final version, we spent a considerable amount of time understanding the current Charter, the operation of Town government and considering whether changes proposed would be beneficial to the

Town of St. George. We believe the adoption of this revised Charter will be beneficial to the Town, as it provides a framework for government which has been updated, takes a longer term view and is more clearly defined. On this basis, we believe it is a document in which we can all have confidence.

As soon as this Charter is accepted, the Select Board Policy Manual and all Ordinances should be reviewed and, if appropriate, updated to be consistent with the revisions in this Charter. If this Charter is approved, it will go into effect immediately. If it is not approved, another Commission must be established and given a year in which to produce another Charter. We sincerely hope that will not be necessary.

Respectfully submitted,  
CHARTER COMMISSION, TOWN OF ST. GEORGE

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We would also like to acknowledge the contributions of Marguerite Cutroni and Richard Bates, who were Charter Commission members during portions of the process.

## TABLE OF CONTENTS

Introduction	2
Table of Contents	5
<b>PART I General Provisions</b>	<b>9</b>
Article 101 Incorporation	9
Article 102 Powers of the Town of St. George	9
Article 103 Government	9
Article 104 Intergovernmental Relations	9
Article 105 Amending the Charter	9
Article 106 Individual Rights	9
Article 107 Separability	10
<b>PART II Organization</b>	<b>10</b>
Article 201 <u>Select Board</u>	10
Section 201.1 Composition, Eligibility, Election and Terms	10
201.1.1 Composition	
201.1.2 Eligibility	
201.1.3 Election	
201.1.4 Term of Office	
Section 201.2 Organizational Meeting	10
201.2.1 Board Chairperson	
201.2.2 Meetings	
201.2.3 Appointments	
201.2.4 Policy Manual Review	
Section 201.3 General Powers and Duties	11
201.3.1 Positions	
201.3.2 Required Appointments	
201.3.3 Board and Committee Appointments	
201.3.4 Board and Committee Leadership	
201.3.5 Optional Appointments	
201.3.6 Appointments and Removals	
201.3.7 Expenditures	
201.3.8 Policy Manual	
Section 201.4 Limitations and Restrictions	12
201.4.1 Other Positions	
201.4.2 Length of Service	
201.4.3 Appointments and Removals	
201.4.4 Interference with Administration	
Section 201.5 Vacancies, Recall of Office, Filling Vacancies	13
201.5.1 Vacancies	
201.5.2 Recall	
201.5.3 Filling of Vacancies	
Section 201.6 Procedures	14
201.6.1 Meetings	
201.6.2 Rules and Minutes	

	201.6.3	Voting	
Section	201.7	Select Board Compensation	14
Article 202	<u>Town Boards and Committees</u>		14
Section	202.1	General Procedures	14
	202.1.1	Membership	
	202.1.2	Appointment	
	202.1.3	Positions	
	202.1.4	Meetings	
	202.1.5	Annual Report	
Section	202.2	Boards	16
	202.2.1	Authorization	
	202.2.2	Board of Appeals	
	202.2.3	Planning Board	
Section	202.3	Committees and Commissions	16
	202.3.1	Authorization	
	202.3.2	Budget Committee	
	202.3.3	Comprehensive Planning Committee	
	202.3.4	Conservation Commission	
	202.3.5	Coastal Waters Management Committee	
	202.3.6	Solid Waste and Recycling Committee	
Article 203	<u>Town Manager</u>		18
Section	203.1	Appointment and Qualifications	18
Section	203.2	Term, Compensation, Removal, Suspension	18
	203.2.1	Term	
	203.2.2	Compensation	
	203.2.3	Probationary Period	
	203.2.4	Removal or Suspension	
	203.2.5	Absence	
Section	203.3	Powers and Duties of Town Manager	19
Article 204	<u>Administrative Organization</u>		20
Section	204.1	General Provisions	20
	204.1.1	Offices and Departments	
	204.1.2	Fire Department	
Section	204.2	Personnel	20
	204.2.1	Personnel Director	
	204.2.2	Municipal Employees Handbook	
	204.2.3	Personnel Advisory Committee	
	204.2.4	Merit Principle	
Section	204.3	School Administration	20
Article 205	<u>General Provisions</u>		21
Section	205.1	Terms of Elected or Appointed Officials	21
Section	205.2	Oath of Office	21
Section	205.3	Conflict of Interest	21
Section	205.4	Prohibitions	21

<b>PART III</b>	<b>Functions</b>	22
Article 301	<u>Town Meetings</u>	22
Section 301.1	Town Meetings	22
301.1.1	Call of Town Meetings	
301.1.2	Annual Town Meetings	
301.1.3	Special Town Meetings	
Section 301.2	Warrant	22
301.2.1	Requirements	
301.2.2	Petition for Article	
301.2.3	Ballot Warrants	
Section 301.3	Town Report	22
Section 301.4	Elections	23
Section 301.5	Individual Authority	23
301.5.1	Suggestions to the Select Board	
301.5.2	Authority to Vote and Speak	
301.5.3	Discussion Limits	
301.5.4	Rules of Order	
301.5.5	Consideration	
Article 302	<u>Nomination and Elections</u>	23
Section 302.1	Conduct of Elections	23
Section 302.2	Nomination by Petition Method	24
302.2.1	Petitions	
302.2.2	Signatures	
302.2.3	Filing and Acceptance of Petitions	
302.2.4	Procedure after Filing Nomination Papers	
Section 302.3	Order of Candidates` Surnames	24
Section 302.4	Secret Ballot	24
Section 302.5	Determination of Election Results	25
302.5.1	Number of Votes	
302.5.2	Plurality	
Section 302.6	Moderators	25
Article 303	<u>Ordinances</u>	25
Section 303.1	Authority	25
Section 303.2	Requirements	25
Section 303.3	Ordinance Creation	25
Section 303.4	Public Hearings	26
Section 303.5	Ballots for Ordinances	26
Section 303.6	Emergency Ordinances	26
Section 303.7	Authentication and Recording of Ordinances	26
Section 303.8	Codification of Ordinances	27
Article 304	<u>Financial Procedures</u>	27
Section 304.1	Fiscal Year	27
Section 304.2	Budget	27
Section 304.3	Budget Recommendation	27
Section 304.4	Budget Development	27
Section 304.5	Budget Committee Recommendations	28

Section 304.6	Budget Vote	28
Section 304.7	Budget Adoption	28
Section 304.8	Public Records	28
Section 304.9	Budget Administration	28
Section 304.10	Annual Audit	28
Section 304.11	Lapse of Appropriations	28
Section 304.12	Borrowing and Investment Guidelines	29
Section 304.13	Bonds of Officials	29
Section 304.14	Purchase Authority	29
<b>Glossary</b>		30
Appendix 1	Introduction to the Revised Charter of March 1998	32
Appendix 2	Legal opinion on the validity of the Final Draft	33



## **PART I General Provisions**

### **ARTICLE 101 Incorporation**

The Town of St. George was incorporated as a municipality by an act of the Commonwealth of Massachusetts on February 7, 1803.

### **ARTICLE 102 Powers of the Town of St. George**

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

### **ARTICLE 103 Government**

The voters of the Town of St. George, through the Town Meeting, are the legislative body of the Town, exercising all the home rule powers granted through the Constitution and laws of the State of Maine. The government of the Town of St. George under this Charter has been formed under the "Town Manager Plan" as authorized by State law. It consists of a town meeting, an elected Select Board, an elected School Committee for the St. George Municipal School Unit (MSU), an appointed Town Manager and such other officials and employees as may be duly appointed pursuant to law, this Charter or ordinance.

### **ARTICLE 104 Intergovernmental Relations**

The Town of St. George may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more political subdivisions of the State of Maine, or of the United States or any agencies thereof, including any "public agencies" within the meaning of State law. The exercise of such powers shall be governed by such laws as pertain to interlocal cooperation.

### **ARTICLE 105 Amending the Charter**

This Charter may be amended or revised as provided by State law.

### **ARTICLE 106 Individual Rights**

Nothing in this Charter shall be construed to diminish any individual's rights granted by the Constitution of the United States or the laws thereof or by the Constitution of the State of Maine or the laws thereof.

## **ARTICLE 107 Separability**

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

## **PART II Organization**

### **ARTICLE 201 Select Board**

#### Section 201.1 Composition, Eligibility, Election and Terms

1. **Composition:** There shall be a Select Board of five members nominated and elected at large by the voters of the Town, as provided in Article 302.
2. **Eligibility:** Only voters who are at least twenty-one (21) years of age and have been a resident of the Town of St. George for at least one year preceding the filing of nomination papers shall be eligible to hold the office of Selectperson.
3. **Election:** Members of the Select Board shall be elected by Secret Ballot to serve staggered three-year terms. At each Annual Town Meeting, eligible candidates shall be elected to fill the offices of those whose terms expire. Each office will be a separate position when applied for and shall appear on the ballot as such.
4. **Term of Office:** The duties of a member of the Select Board shall commence with his/her taking an oath of office as specified by Section 205.2 and shall terminate with the swearing in of his/her replacement or by the vacating of the office as specified in Section 201.5.1.

#### Section 201.2 Organizational Meeting

The Select Board shall hold an organizational meeting not later than seven calendar days following each Annual Town Meeting and shall organize, to the extent possible, as follows. Any items not completed at that meeting shall be accomplished as soon thereafter as possible.

1. Elect, by majority vote with the entire board present, one of its members as Board Chairperson for that year.
2. Establish the time and place for regular meetings of the Select Board.
3. Make those appointments specified in Section 201.3.2 and have the appointments

completed within the required thirty (30) days.

4. Review the Select Board Policy Manual identified in Section 201.3.8.

### Section 201.3 General Powers and Duties

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

The Select Board shall act as a unit, settling all questions by formal vote in authorized meetings. Members must not act individually unless specific authority related to a particular duty has been delegated to them by the Board.

1. Positions:
  - a. The Select Board shall act as the Board of Assessors.
  - b. The Select Board shall act as the Fair Hearing Authority for General Assistance Appeals.
  - c. The Select Board shall act as the licensing authority.
  - d. The Select Board shall act on personnel matters in conformance with the St. George Municipal Employees Handbook.
  - e. The Selectpersons may act as deputy election wardens.
2. Required Appointments: The Select Board shall appoint the Town Manager and any positions that the Town Manager shall hold.
3. Board and Committee Appointments: The Select Board shall also appoint individuals to fill all vacant Town of St. George Board and Committee offices, except for Committee members of the St. George Municipal School Unit, whose members are elected.
4. Board and Committee Leadership: The Select Board shall provide oversight, liaison and leadership to the volunteer boards, committees, commissions and advisory groups, which serve at its pleasure.
5. Optional Appointments: The Select Board may establish the following offices and appoint individuals to them for one-year terms.
  - a. Town Attorney: To serve as chief legal advisor to the Select Board, Town Manager and the boards, committees and departments of the Town of St. George. The Town Attorney may represent the Town of St. George in legal proceedings and may perform any other duties prescribed by ordinance and law. The Select Board may, from time to time, hire other lawyers in matters of specific expertise.
  - b. Assessors' Agent: An assessor, certified by the State of Maine, to assist the Board of Assessors in performing the duties and responsibilities provided for assessors under general law.
6. Appointments and Removals:
  - a. Appointments by the Select Board shall be made within thirty days after the date

- of the Annual Town Meeting, to be effective July 1<sup>st</sup>.
- b. The majority of the Select Board may make any other necessary appointments of personnel, boards or committees pursuant to the Charter.
  - c. The Select Board may, as a full board by majority vote for cause, after notice and hearing, remove an individual from a position to which the Board has appointed him/her.
  - d. A termination of employment shall result in the concurrent termination of any appointments held by that individual.
7. Expenditures: The Select Board shall adopt a policy pursuant to State Statute for the signing of Treasurer's Warrants.
  8. Policy Manual: The Select Board shall determine rules for conducting Town of St. George business and shall maintain them in a Select Board Policy Manual.

#### Section 201.4 Limitations and Restrictions

1. Other Positions: Except for those positions listed below or that a Selectperson is expressly permitted by statute or Charter to hold during his/her term of office, no member of the Select Board shall hold any other office or employment position in the Town of St. George during that term. In addition, no Selectperson shall hold any paid office or employment position, other than by stipend, or contractual arrangement with the Town of St. George, during the Selectperson's term and for one year thereafter, under circumstance in which such office, employment position or contract was created or the compensation for which was increased by the action of the Select Board during that term.
  - a. A Select Board member may hold an employment position in the St. George Municipal School Unit.
  - b. A Select Board member may hold a part time position of firefighter, as long as he/she is not an officer of the fire department and he/she recuses himself/herself from Select Board votes on fire department issues to avoid any possibility of conflict of interest.
2. Length of service: No member of the Select Board shall serve more than three (3) consecutive full three-year terms. After eighteen (18) months out of office, former Board members may seek re-election.
3. Appointments and Removals: Neither the Select Board nor any of its members shall, in any manner, dictate the appointment or removal of any administrative official or employee whom the Town Manager or any of his/her subordinates are empowered to appoint, consistent with Section 204.1.
4. Interference with Administration: The Select Board shall deal with the administrative services solely through the Town Manager and shall not give orders to any subordinates of the Manager, either publicly or privately.

## Section 201.5 Vacancies, Recall, Filling Vacancies

1. Vacancies: A vacancy in an office of Selectperson may occur by the following means:
  - a. Nonacceptance;
  - b. Resignation;
  - c. Death;
  - d. No longer a resident of the municipality;
  - e. Permanent disability or incompetence;
  - f. Failure to qualify for office;
  - g. Failure to elect an individual to the office; or
  - h. Recall.
  
2. Recall:
  - a. Any Selectperson may be recalled and thereby removed from office by the voters of the Town of St. George.
  - b. A written petition, containing the information required in this subsection and the signatures of a number of voters equal to at least thirty percent (30%) of the number of votes cast in the Town of St. George at the last gubernatorial election, but in no case less than seventy-five (75) voters, shall be used to initiate the recall. More than one Selectperson may be included in a petition if all necessary information is provided for each.
  - c. The petition shall be filed with the Town Clerk. It shall contain, in conspicuous letters, the name of the Selectperson whose recall is sought and a general statement of the reasons in support of that recall. Upon receipt of a petition, the Town Clerk shall verify that the petition meets the requirements of this subsection and after such verification the petition shall be certified and delivered to the Select Board within seven (7) days of receipt.
  - d. At the same time that a qualifying petition is submitted to the Select Board by the Town Clerk, the Town Clerk shall also deliver by hand or send by certified mail (return receipt requested) a certified copy of that petition to the Selectperson whose recall is sought in the petition.
  - e. On receipt of the qualifying petition the Select Board shall either insert an article for recall of the named Selectperson in the next warrant issued for a Town Meeting, if scheduled within sixty (60) days, or call a Special Town Meeting within thirty (30) days for the consideration of such an article.
  - f. The vote on the article of recall shall be submitted to the voters as a referendum item and the provisions of Article 301 concerning the conduct of elections and a vote on referendum shall apply, except as those provisions are expressly modified by this subsection.
  - g. For the vote to be effective the total number of votes cast for and against the article of recall must equal or exceed fifty percent (50%) of the total votes cast in the Town of St. George in the last gubernatorial election. If a majority of the ballots cast concerning the article of recall approve the recall, then such recall shall become effective on the day after the date of the vote.
  
3. Filling of Vacancies:
  - a. A vacancy in the Select Board shall be filled for the remainder of the unexpired term, if any, as provided for in Article 302.
  - b. The Select Board may fill a vacancy of more than thirty (30) days in the office of Chairperson. The replacement must be chosen from the members of the Select Board by majority vote.

## Section 201.6 Procedures

1. Meetings: The Select Board shall meet regularly at least twice a month. Special meetings may be held on the call of the Board Chairperson or of three or more Board members. All meetings of the Select Board shall be open to the public, however, the Board may, by majority vote, recess for the purpose of discussing in executive session any matter considered to be of a confidential or personal nature as permitted by law. Final action on any matter taken up in such executive session shall be taken publicly after a public session of the meeting has been reconvened or shall be taken up by the Select Board after such matter has been placed on the agenda of a regular or special meeting, to be considered publicly. Notice of all meetings shall be given as required by law.
2. Rules and Minutes: The Select Board shall establish an order of business and shall provide for keeping minutes of its proceedings. The minutes shall be a public record.
3. Voting: Actions of the Select Board shall be binding and valid when adopted by a majority vote when a quorum is present. A quorum is a simple majority of the full Board. The Board Chairperson may choose to vote, not vote or abstain in Board affairs except that in the event of a tie he/she shall vote to break the tie. This provision shall apply to all Board matters including emergency ordinances under Section 303.6.

## Section 201.7 Select Board Compensation

The compensation for Select Board members shall be established by warrant and voted on at the Annual Town Meeting. The Board Chairperson shall receive a twenty percent (20%) increment over that of the other Select Board members.

## **Article 202 Town Boards and Committees**

### Section 202.1 General Procedures

A Board or Committee of the Town of St. George shall follow any procedural requirements established by law, Charter or ordinance for that Board or Committee. Where there is no such requirement, the Select Board or the Board or Committee may establish written procedures for that Board or Committee. Except for the School Committee, which is the governance structure of the St. George MSU and whose procedural requirements are addressed in the School Administrative Ordinance of the Town of St. George, a Board or Committee of the Town of St. George shall adhere to the following procedures, as a minimum:

1. Membership:
  - a. Each position on a Board or Committee shall be a separate office to which an individual is appointed by vote of the Select Board.
  - b. A candidate for an office on a Board or Committee must be a resident of the Town of St. George.
  - c. A term of office shall commence on the 1<sup>st</sup> day of July following the appointment

by the Select Board and shall terminate on the 30<sup>th</sup> day of June of the year ending the term.

- d. Terms of office shall be staggered so that members will be replaced as evenly as possible over time. When a new Board or Committee is established, the initial terms of office shall be of different lengths to accomplish this.
- e. Resignation shall be in writing, addressed to the Select Board. The Select Board may establish criteria for determining implied resignations for Boards and Committees.
- f. Board or Committee members may be removed from office, for cause with hearing, by the Select Board.
- g. The Select Board shall appoint a qualified candidate to fill any vacancy which may occur in a Board or Committee for the remainder of the term of that office.

## 2. Appointment:

The appointment of any board or committee member shall be in writing and signed by the Select Board. Before assuming the duties of office, an appointed individual shall take an oath of office as specified by Section 205.2.

## 3. Positions:

- a. At the initial meeting of a Board or Committee and at the first meeting after July 1<sup>st</sup> of each year, each Board and Committee shall, as a first order of business, elect a Chairperson and Secretary by a majority vote. The election shall be for the period until the following June 30<sup>th</sup>. If either position becomes vacant, a replacement shall be elected for the remainder of the period.
- b. A Board or Committee may establish other positions and fill them, by majority vote, for the same period of time.
- c. A Board may employ the services of a recording secretary who is not a member of the Board, the individual selected subject to the approval of the Town Manager, to assist the Secretary in taking and transcribing the minutes of all meetings. If authorized by the Select Board, a Committee may also obtain the services of a recording secretary under the same conditions if the funds are available.
- d. In the absence of the Chairperson, the members of a Board or Committee present at a meeting shall elect, by majority vote, one of themselves as acting Chairperson for the period of that meeting.

## 4. Meetings:

- a. A meeting of a Board or Committee may be convened only if a quorum is present. A quorum shall be a majority of the total membership, including alternates if any.
- b. All motions shall require the vote of a majority of the members present to pass. A tie vote will constitute a failure of the motion.
- c. A member shall abstain from voting on any particular matter where there is a conflict of interest or a possible appearance thereof. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged. A tie vote shall result in disqualification.
- d. All meetings shall be open to the public and notice shall be given as provided by law and Town policy.
- e. Minutes of all meetings shall be recorded in writing and approved, with amendments if necessary, by a vote of the Board or Committee. Copies of all

approved minutes and any relevant supporting material shall be maintained by the Town Clerk as public documents.

- f. The approved minutes of all Board and Committee meetings shall be delivered to the Town Manager within five working days after the meeting date.

#### 5. Annual Report:

The Chairperson of each Board and Committee shall prepare a report of the activities of that Board or Committee over the preceding year to be submitted for inclusion in the Annual Report of the Town of St. George.

### Section 202.2 Boards

1. Authorization: The boards of the Town of St. George are established as authorized by law, this Charter or ordinance. They shall have the powers and duties prescribed thereby and the authority to act on their own initiative within such powers and duties.
2. Board of Appeals:
  - a. There shall be a Board of Appeals consisting of five voting members with staggered three-year terms. Two alternate members shall be appointed for a one-year term. An alternate may become a voting member only in the absence, abstention or disqualification of a voting member. The Chairperson shall designate which alternate votes.
  - b. The Board of Appeals shall perform such duties as may be prescribed by law, this Charter, any applicable ordinances and/or the Select Board Policy Manual.
3. Planning Board:
  - a. There shall be a Planning Board consisting of five voting members with staggered three-year terms. Two alternate members shall be appointed for a one-year term. An alternate may become a voting member only in the absence, abstention, or disqualification of a voting member. The Chairperson shall designate which alternate votes.
  - b. The Planning Board shall perform such duties as may be prescribed by law, this Charter, any applicable ordinances and/or the Select Board Policy Manual.

### Section 202.3 Committees and Commissions

1. Authorization: Committees and Commissions, excepting the Charter Commission (hereinafter "Committees"), established by this Charter, by ordinance or by the Select Board, act in an advisory capacity to the Board.
  - a. Standing committees are those authorized by law, this Charter or ordinance and function on a continuing basis until disbanded by the Town of St. George.
  - b. Ad hoc committees may be established by the Select Board on an as needed basis to perform specific functions and are disbanded after those functions are accomplished, a specified time period has passed or at the will of the Board.
2. Budget Committee:
  - a. There shall be a Budget Committee consisting of five voting members with staggered three-year terms. Two alternate members shall be appointed for a one-



year term. An alternate may become a voting member only in the absence, abstention or disqualification of a voting member. The Chairperson shall designate which alternate votes.

- b. The Budget Committee is a standing committee and shall perform such duties as prescribed by law, this Charter, any applicable ordinances and/or the Select Board Policy Manual.

3. Comprehensive Planning Committee:

- a. There shall be a Comprehensive Planning Committee consisting of five voting members with staggered three-year terms. Two alternate members shall be appointed for a one-year term. An alternate may become a voting member only in the absence, abstention or disqualification of a voting member. The Chairperson shall designate which alternate votes.
- b. The Comprehensive Planning Committee is a standing committee and shall perform such duties as prescribed by law, this Charter, any applicable ordinances and/or the Select Board Policy Manual.

4. Conservation Commission:

- a. There shall be a Conservation Commission consisting of five voting members with staggered three-year terms. Two alternate members shall be appointed for a one-year term. An alternate may become a voting member only in the absence, abstention or disqualification of a voting member. The Chairperson shall designate which alternate votes.
- b. The Conservation Commission is a standing committee and shall perform such duties as prescribed by law, this Charter, any applicable ordinances and/or the Select Board Policy Manual.

5. Coastal Waters Management Committee:

- a. There shall be a Coastal Waters Management Committee consisting of five voting members with staggered three-year terms. Two alternate members shall be appointed for a one-year term. An alternate may become a voting member only in the absence, abstention or disqualification of a voting member. The Chairperson shall designate which alternate votes.
- b. The Coastal Waters Management Committee is a standing committee and shall perform such duties as prescribed by law, this Charter, any applicable ordinances and/or the Select Board Policy Manual.

6. Solid Waste and Recycling Committee:

- a. There shall be a Solid Waste and Recycling Committee consisting of five voting members with staggered three-year terms. Two alternate members shall be appointed for a one-year term. An alternate may become a voting member only in the absence, abstention, or disqualification of a voting member. The Chairperson shall designate which alternate votes.
- b. The Solid Waste and Recycling Committee is a standing committee and shall perform such duties as may be prescribed by law, this Charter, any applicable ordinances and/or the Select Board Policy Manual.

## **ARTICLE 203 Town Manager**

### Section 203.1 Appointment and Qualifications

The Town Manager shall be chosen by a majority vote of the full Select Board, solely on the basis of character and executive and administrative qualifications with special reference to actual experience in, or knowledge of the duties of the office. At the time of appointment the Town Manager need not be a resident of the Town of St. George or the State of Maine, but during tenure of office may reside outside the Town only by contractual agreement. The Town Manager shall not serve as Moderator, Selectperson, Assessor or other elective public office.

### Section 203.2 Term, Compensation, Removal, Suspension

1. Term: The Town Manager shall hold office as specified by contract. A contract not to exceed three years in duration may be negotiated by the Select Board. Prior to assuming office, the Town Manager shall take an oath of office as specified by Section 205.2.
2. Compensation: The Select Board shall determine the compensation of the Town Manager.
3. Probationary Period:
  - a. There shall be a probationary period of at least six months with a review and written evaluation by the Select Board every two months. The evaluation shall be filed in the Town Manager's personnel records.
  - b. Dismissal may be made without cause anytime during this period by a majority vote of the full Select Board.
4. Removal or suspension: The Town Manager may be removed or suspended for cause, by the Select Board in accordance with the following procedure:
  - a. The Select Board shall file with the Town Clerk, or in the event the Town Manager is the Town Clerk, with the Deputy Town Clerk, a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the Town Manager within ten (10) days of filing.
  - b. The Town Manager shall, within twenty (20) days of receiving the resolution, reply in writing and may request a public hearing.
  - c. If requested by the Town Manager, the Select Board shall hold a public hearing not earlier than ten (10) days nor later than thirty (30) days after the request is filed.
  - d. After the public hearing, or at the expiration of the time permitted the Town Manager to request the public hearing if no such request is made, the Select Board may adopt or reject the resolution of removal.
  - e. The Select Board may suspend the Town Manager from duty in the preliminary resolution, but in no event shall the Town Manager's salary be affected until the final resolution of removal has been adopted.
5. Absence: The Town Manager may designate a qualified administrative official of the Town of St. George to perform the Manager's duties during a temporary absence or

disability, subject to confirmation by the Select Board. In the event that the Town Manager does not make such a designation, the Select Board shall appoint a town official or other qualified person to perform the Manager's duties during his/her absence or disability and until the Manager returns or the disability ceases.

### Section 203.3 Powers and Duties of the Town Manager

The Town Manager shall:

1. Be the chief operating and administrative official of the Town of St. George as defined by Title 30-A 2636.
2. Be responsible to the Select Board for the administration of all departments and offices under his/her control.
3. Execute all laws and ordinances of the Town of St. George.
4. Unless otherwise provided by a Town of St. George ordinance, the Town Manager shall appoint, supervise and control all Town of St. George administration officials, except that he/she may delegate this authority to a department head for that department. The Town Manager shall report all appointments to the Select Board.
5. Attend all meetings of the Select Board, and such other meetings as the Board may designate.
6. Make recommendations to the Select Board for the more efficient operation of the Town of St. George.
7. Keep the Select Board, Budget Committee, and the residents of the Town of St. George informed as to the financial condition of the Town.
8. On or before the 15th day of February each year, submit Budget recommendations to the Select Board as outlined in Section 304.3.
9. In so far as possible, assist residents and taxpayers in discovering their remedies in cases involving complaints of services or of administrative and governmental practices.
10. Have exclusive authority to remove all persons whom he/she is authorized to appoint and report all removals to the Select Board, consistent with the Personnel Policy of the Town of St. George.
11. Prior to assuming office, the Town Manager shall take an oath of office as specified by Section 205.2.

## **Article 204 Administrative Organization**

### Section 204.1 General Provisions

1. **Offices and Departments:** In addition to those provided by law, the Town of St. George shall, by ordinance, create such executive and administrative offices and departments, as it may deem necessary for the proper and efficient conduct of the affairs of the Town. The Town of St. George shall also determine and define the duties and powers of such offices and departments. Any office or department so created may at any time be abolished by the Town of St. George
2. **Fire Department:** The Fire Chief, Deputy Fire Chief and Assistant Fire Chiefs shall be appointed by the Town Manager and reported to the Select Board within 30 days after the date of the Annual Town Meeting. Terms shall be effective July 1<sup>st</sup> and continue until the following June 30<sup>th</sup>. Before assuming the duties of office an appointed individual shall take an oath of office as specified in Section 205.2.

### Section 204.2 Personnel

1. **Personnel Director:** The Town Manager shall act as Personnel Director.
2. **Municipal Employees Handbook:** There shall be a Municipal Employees Handbook covering personnel policy for all employees of the Town of St. George approved and adopted by the Select Board as part of the Select Board Policy Manual. The Personnel Director shall review the Municipal Employees Handbook at least annually and submit any recommended changes to the Select Board for their approval and adoption.
3. **Personnel Advisory Committee:** The Personnel Director may appoint an Advisory Committee of three persons to assist him/her in the review of Municipal Employees Handbook.
4. **Merit Principle:** All appointments and promotions of administrative officials and employees of the Town of St. George shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

### Section 204.3 School Administration

The St. George Municipal School Unit shall be constituted, governed and perform such duties as required by law, this charter and the School Administrative Ordinance of the Town of St. George.

## **ARTICLE 205 General Provisions**

### Section 205.1 Terms of Elected or Appointed Officials

The term of any elected or appointed official shall begin on the date specified in this Charter and he/she shall serve for his/her prescribed term. In any situation not otherwise covered by this Charter the term shall begin no later than the second business day following the final determination of the election or appointment of said official and continue until his/her successor is elected or appointed.

### Section 205.2 Oath of Office

Every Town of St. George official shall take an oath of office to support the Constitutions of the United States and of the State of Maine and to faithfully discharge the duties incumbent on him/her in accordance with the laws of the State of Maine, this Charter and the ordinances of the Town of St. George. The oath shall be sworn to the Town Clerk or to any other person authorized by law to administer an oath, in a manner compliant with Title 30-A 2526.9.

### Section 205.3 Conflict of Interest

1. Any official of the Town of St. George who has an interest, including a direct or indirect pecuniary interest as defined in Title 30-A 2605.4, in any contract with the Town, or in the purchase or sale of any land, material, supplies, or services to the Town or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as an official or in any other capacity concerning the negotiation or award of a contract or any other matters with reference to such a contractor. The official's disclosure and notice of abstention from taking part in a decision in which such official has an interest shall be recorded with the Town Clerk.
2. Any contract that is negotiated or issued in violation of the preceding sub-section shall be voidable.

### Section 205.4 Nondiscrimination

No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town of St. George position or appointive Town administrative office, based on race, color, religion, national origin, ancestry, age, sex, sexual orientation (including gender identity and expression), physical or mental disability, genetic information or history, veteran status, or status as a whistleblower, or any other category protected under state and federal law or the Municipal Employees Handbook.

## **PART III Functions**

### **ARTICLE 301 Town Meetings**

#### Section 301.1 Town Meetings

1. Call of Town Meetings: Each Town Meeting shall be called by a warrant. A warrant must be signed by a majority of the Selectpersons or, if the Selectpersons refuse to call a Town Meeting, by a notary public on the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town of St. George at the last gubernatorial election, but in no case less than ten (10) voters.
2. Annual Town Meetings: Annual Town Meetings shall be held in the Town of St. George on the second Monday in May each year.
3. Special Town Meetings: Special Town Meetings may be called as provided in Title 30-A 2521.

#### Section 301.2 Warrant

1. Requirements: A warrant for calling any Town Meeting must specify the time and place of the meeting and state in distinct articles the business to be acted upon. No other business may be acted upon. The warrant shall be directed to a Town Constable, or any resident by name. The person to whom it is directed shall post an attested copy in some conspicuous public place in the Town at least seven days before the meeting. The Select Board may adopt a policy to use other methods of notification in order to make the public more aware of meetings.
2. Petition for Article: On a written petition of a number of voters of the Town of St. George equal to at least ten percent (10%) of the number of votes cast in the Town of St. George at the last gubernatorial election, but in no case less than ten (10) voters the Select Board shall either insert a particular article in the next warrant issued or shall within sixty (60) days call a Special Town Meeting for its consideration.
3. Ballot Warrants: Two warrants shall be used for the Annual Town Meeting and any Special Town Meeting at which the voters will be voting on Secret Ballot items as well as open town meeting articles. One warrant shall be used to call a meeting for consideration of items to be voted on by Secret Ballot and a second warrant shall be used to call a meeting for consideration of all open town meeting articles. Each warrant shall provide for the election of a moderator.

#### Section 301.3 Town Report

The Town Report shall include a copy of the warrant for the Annual Town Meeting and shall be

made available at least five days before the Meeting and will be mailed to any registered voters or taxpayers on their request.

#### Section 301.4 Elections

At each Town Meeting a moderator shall be elected by written ballot as the first order of business. Candidates shall be elected at large, by Secret Ballot, to fill vacant or expiring offices in the Select Board and the School Committee of the St. George Municipal School Unit.

#### Section 301.5 Individual Authority

1. Suggestions to Select Board: All residents and property owners of the Town of St. George have the authority to make suggestions to the Select Board. In those instances where the Select Board do not agree with the suggestions the provisions of Section 301.2.2 may be followed.
2. Authority to Vote and Speak: Every voter in the Town of St. George may vote in all elections and on all Town matters. Every voter in the town may speak during the discussion of any matter which is before the Town Meeting. Additionally, a person who is not a voter may speak at the meeting with the consent of two thirds (2/3) of the voters present.
3. Discussion Limits: The moderator shall allow people wishing to speak as much time as is reasonably necessary to express their opinions on any matter which is before the town meeting. The moderator may limit discussion by an individual after two minutes if the comments are not relevant to the issue in question or are clearly redundant or repetitive.
4. Rules of Order: Unless the voters determine otherwise during a particular Town Meeting, the conduct of the affairs of the Town of St. George shall be governed by the Maine Moderator's Manual. Conduct at a Town Meeting shall also be governed by Robert's Rules of Order in cases where the Maine Moderator's Manual does not address or resolve a certain procedural issue.
5. Consideration: The voters of the Town of St. George shall have the authority to require consideration of any warrant article. They shall also have the authority to require one reconsideration of any article prior to the movement of a subsequent article.

### **ARTICLE 302      Nominations and Elections**

#### Section 302.1 Conduct of Elections

The conduct of Town of St. George elections and the recount of ballots shall be in accordance

with the provisions of Titles 21-A and 30-A.

### Section 302.2 Nomination by Petition Method

1. Petitions: Candidates for election to any elective office whose names appear on a written ballot must be nominated by petition. Any qualified voter, unless otherwise specified in this Charter, may be nominated for election by a petition signed by not less than twenty-five (25) voters of the Town of St. George.
2. Signatures: The signatures to a nomination petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in his/her presence and that he/she believes each signature to be the genuine signature of the person whose name it purports to be. The signature shall be executed in ink or indelible pencil. Each signer shall indicate next to his/her signature the date of his/her signing and the address of his/her residence in the town.
3. Filing and Acceptance of Petitions: All separate papers comprising a nomination petition shall be assembled and filed with the Town Clerk as one instrument not later than thirty-five (35) days before the election, except as stated in Title 30-A 2528.4.E. The Town Clerk shall make a record of the exact time when each petition is filed. No nomination petition shall be accepted unless accompanied by a signed statement of acceptance of nomination in which the person proposed as a candidate agrees in writing as follows:
  - a. To accept a nomination if nominated.
  - b. Not to withdraw; and
  - c. If elected at the Town Meeting, to qualify for the office.
4. Procedure after Filing Nomination Papers: Within five (5) days after the filing of a nomination petition, the Town Clerk shall notify the candidate and the person who filed the petition whether or not it satisfied the requirements prescribed by this Charter. If a petition is found insufficient, the Town Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions, a petition revised to correct any insufficiencies may be filed for the same candidate. The Town Clerk shall keep on file all petitions found sufficient for at least six (6) months after the election.

### Section 302.3 Order of Candidates' Surnames

Where two or more candidates have been nominated for any office, the names of such properly nominated candidates shall be arranged under the proper office designation, in alphabetical order by their last names. The ballot may contain no other names.



### Section 302.4 Secret Ballot

Voting shall be by Secret Ballot. The Select Board may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with the law.

### Section 302.5 Determination of Election Results

1. Number of Votes: Every voter shall be entitled to vote for a candidate for each vacancy to be filled.
2. Plurality: Election shall be determined by plurality vote. In case of a tie vote, the meeting shall be adjourned to a day certain, when ballots shall again be cast for the candidates tied for the office in question.

### Section 302.6 Moderators

The requirements of this Article do not apply to the election of Moderators.

## **ARTICLE 303     Ordinances**

### Section 303.1 Authority

By State Statute, Title 30-A §3001, the Town may enact ordinances necessary for the welfare of the municipality and its inhabitants. The Town shall compile and publish these ordinances as the St. George code per State Statute, Title 30-A §3004.

### Section 303.2 Requirements

At a minimum, ordinances are required to:

1. Adopt or amend an administrative code;
2. Establish or abolish any town department, office or agency;
3. Grant, renew or extend a franchise;
4. Provide for land use and planning;
5. Meet other regulatory requirements that may arise.

### Section 303.3 Ordinance Creation

1. Proposed ordinances shall be drafted by the appropriate board, committee or administrative department as requested by the Select Board and sent to the Select Board for review.
2. Proposed ordinances may also be drafted by the Select Board.
3. Ordinances may also be initiated by the petition process outlined in Section 301.2.2 of this Charter.
4. If applicable, proposed ordinances enacted by the Town of St. George or by the Select Board shall specify the portion of the St. George Code which shall be modified, amended or repealed by any such enactment.

### Section 303.4 Public Hearings

All proposed ordinances shall be given public hearings before presentation to the voters. The proposed ordinance shall be attested to and posted in the manner provided for in the calling of town meetings or the Notice of Public Hearing shall be accompanied by a statement that a copy of the ordinance is available from the Town Clerk's office.

### Section 303.5 Ballots for Ordinances

Ordinances shall be voted on by Secret Ballot and shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement describing the substance of the measure without argument or prejudice.

### Section 303.6 Emergency Ordinances

The Select Board may, by affirmative vote of at least three of its members, pass emergency ordinances to take effect at the time indicated therein. Such action shall be limited to ordinances affecting life, health, property and public welfare. Prior to enactment, there shall be a specific statement as to the nature of the emergency and the reason that the enactment of the ordinance is an appropriate response to that emergency. Within two days after passage, such ordinance shall be posted at the Town Office and in such other public places and media as the Select Board may designate. No public hearing or notice thereof shall be required prior to the passage of an emergency ordinance. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61<sup>st</sup>) day following the date on which it was adopted. The Select Board may withdraw an emergency ordinance upon a determination by the Board that the emergency has subsided.

### Section 303.7 Authentication and Recording of Ordinances

1. All ordinances passed by warrant shall be authenticated by the signatures of the Town Clerk and be recorded in full by the Clerk in a properly indexed book kept for the purpose.
2. All ordinances passed by the Select Board shall be authenticated by the signatures of the Board Chairperson and the Town Clerk and be recorded in full by the Clerk in a properly indexed book kept for the purpose, unless state statute requires differently.

### Section 303.8 Codification of Ordinances

1. Within one year of the effective date of this Charter, the Town shall compile and maintain a book of general codification, known as the St. George Code, which shall include all ordinances and resolutions having the force and effect of law, this Charter and any amendments thereto and such codes or technical regulations and other rules and regulations as the Select Board may specify. The St. George Code shall be maintained in a form suitable for public access.
2. The St. George Code shall be reviewed annually and updated as needed.

## **ARTICLE 304 Financial Procedures**

### Section 304.1 Fiscal Year

The fiscal year of the Town of St. George shall begin the first day of July and shall constitute the budget year.

### Section 304.2 Budget

The Budget shall provide a financial plan of all Town of St. George activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the Town Manager deems desirable or the Select Board may require. In organizing the budget the Town Manager shall utilize the most feasible combination of expenditure classifications.

### Section 304.3 Budget Recommendation

On or before February 15<sup>th</sup> of each year the Town Manager shall submit to the Select Board a set of budget recommendations, with written explanations, for the next fiscal year.

#### Section 304.4 Budget Development

On receipt of the recommendations of the Town Manager, the Select Board shall develop a proposed Budget for the next fiscal year. A copy of the proposed budget shall be delivered to the Budget Committee by March 15<sup>th</sup>. The Budget Committee shall, using their independent judgment, make their separate recommendations. The process shall be completed on or before April 1<sup>st</sup> of each year and the proposed Budget, with the separate recommendations of the Budget Committee, presented to the Town of St. George for consideration at the Annual Town Meeting.

#### Section 304.5 Budget Committee Recommendations

The Budget Committee shall make a recommendation on any article having monetary significance and that recommendation shall be included in the warrant.

#### Section 304.6 Budget Vote

The Budget shall be included in the Town Warrant and each article shall be voted upon at the Annual Town Meeting.

#### Section 304.7 Budget Adoption

Action on the Budget by the Town of St. George shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax thereby required. A copy of the Budget as finally adopted shall be certified by the Town Clerk and filed with the Town Assessors, whose duty it shall be to levy such taxes for the corresponding tax year.

#### Section 304.8 Public Records

Copies of the operating and capital budgets, as adopted, shall be public records.

#### Section 304.9 Budget Administration

The Town Manager shall review and authorize department and office allotments, with or without revision, as early as possible in the fiscal year. The Town Manager may revise such allotments during the year if he/she deems it desirable, and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made. Such changes shall be reviewed and approved by the Select Board.

#### Section 304.10 Annual Audit

The Select Board shall engage a Certified Public Accountant or qualified accountants each fiscal year for the purpose of conducting the annual audit of the prior fiscal year's finances of the Town of St. George, as authorized by law. Each audit is a public record.

#### Section 304.11 Lapse of Appropriations

General fund appropriations shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered or except as provided below or prohibited by law. Such funds shall be transferred to a surplus or fund balance. However, if approved by the Select Board, an appropriation may continue in force until the purpose for which it was made has been accomplished or abandoned. The Select Board shall annually review and approve any appropriations that continue in force, also known as carryforwards. An appropriation will be considered abandoned if, within five (5) years, no commitment has been made and the appropriation has not been reconsidered at an Annual Town Meeting. If abandoned, any remaining funds shall be transferred to fund balance.

#### Section 304.12 Borrowing and Investment Guidelines

The Select Board shall establish and maintain in the Select Board Policy Manual guidelines for the prudent and safe borrowing and investment of money, consistent with federal and state law.

#### Section 304.13 Bonds of Officials

The Select Board shall require a bond from all persons trusted with the collection, custody or disbursement of any moneys of the Town of St. George. The bond shall be by a reputable surety company or other acceptable sureties, equal to the potential liability, satisfactory to the Select Board. The Town shall pay the costs of providing such bond.

#### Section 304.14 Purchase Authority

The Select Board shall state in the Policy Manual the authority of the Town Manager to purchase up to a specified dollar amount before requiring Select Board approval and the requirements for sealed competitive bids.

## GLOSSARY

**Abstention** - The voluntary withholding of a vote; e.g., to avoid a possible conflict of interest or the appearance thereof.

**Ad hoc committee** - A committee established for a special purpose, to be disbanded when the purpose is complete or no longer required.

**Administration** - For the purposes of this Charter, administration refers to the Town Manager and those under his direction.

**Affidavit** - A written and signed statement of fact, sworn under oath.

**Annual Town Meeting** - The regularly scheduled meeting of the voters of the Town of St. George for the election of members of the Select Board and the School Committee for the St. George MSU, the establishment of an annual Budget and to address any other matters which should come before the voters.

**Annual Report** - A report published each year by the Select Board containing financial records and statements, reports of the activities of the various parts of the government, taxpayer records and other required or desired information.

**Capital program** - Investment in long-term or permanent assets.

**Certified Maine Assessor** - An assessor certified by the State of Maine.

**Charter** - A document defining the home rule powers of a municipality, granted by the Constitution and laws of the State of Maine.

**Codification** - The process of collecting or arranging the laws of a municipality into a permanent, identifiable record.

**Comprehensive Plan** - The term, as used by the State of Maine, to identify a Long Range Plan.

**Fiscal year** - A one year period with reference to accounting for finances and financial matters. A fiscal year may or may not coincide with the calendar year.

**Law** - For the purposes of this Charter, the word law means a federal law or law of the State of Maine. The laws of the Town of St. George are the Charter and ordinances.

**May** - As used in this Charter, the word may is used in the sense of providing permission or offering an alternative.

**Moderator** - The individual elected to preside over a Town Meeting.

**Office** - A specific position in the government of the Town of St. George held by an official; e.g., there are five offices contained in the Select Board, each having a specific term.

**Official** - An elected or appointed member of the government of the Town of St. George.

**Ordinance** - Generally, an authoritative law, regulation or rule. In particular, an enactment of the Town of St. George at a Town Meeting applicable to the town as a whole.

**Petition** - A document requiring the submission of an issue to the voters. To be valid a petition must meet the requirements of law or this Charter.

**Quorum** - The minimum number of members required to be present to constitute a legal body to conduct business.

**Resident** - An individual who is qualified to register to vote in the Town of St. George, according to state statute.

**Resolution** - A formal expression of opinion or intention, usually after voting.

**Secret Ballot** - A ballot bearing the names of all the candidates for public office or referendum question, handed to the voter at the polling station to be marked in secret. In the Town of St. George this includes the use of voting booths.

**Shall** - As used in this Charter, the word shall is used to state a requirement.

**Special Town Meeting** - A meeting of the voters of the Town of St. George in addition to the Annual Town Meeting, called to address matters which require prompt attention.

**Staggered terms** - Terms of office which, for purposes of expiration, are arranged so that such terms shall expire in different years to provide continuity in the organization.

**Standing committee** - A committee which has been established by law or by ordinance for an ongoing period of time.

**Surety** - A guarantee of performance, payment or other obligation.

**Title nn-a www.y** - An identified portion of the Maine Revised Statutes Annotated (M.R.S.A.); e.g., Title 30-A 2632.2 being Sub-section 2 of Section 2632 of Title 30-A of M.R.S.A.

**Voter** - A registered voter of the Town of St. George.

**Warrant** - A Town Meeting Warrant is a document stating the time and place of a Town Meeting and, in distinct articles, the business to be acted on at the meeting. A Treasurer's Warrant is a document listing the expenses to be paid by the Treasurer of the town, which is approved by the signature of a majority of the Select Board members.

# Appendix 1

## Introduction to the Charter Revised Charter of March 1998

### Introduction

In 1987 the Town of St. George voted to form a Charter Commission for the purpose of developing a charter for our Town. The charter was promoted as a way to clarify and make improvements to the State laws which governed the operations of local government. This Charter Commission held its first meeting on September 29, 1987. After almost a year and a half of work, a charter tailored to the needs of the Town of St. George was finalized and presented to the voters. At the town meeting in 1989, on a vote of 337 YES and 84 NO, St. George took a step forward in local government by adopting its first charter.

Two years later, after working out some of the "bugs", some amendments were made to the original charter. One amendment addressed the election of one moderator prior to the opening of the polls with another moderator being elected at the beginning of an adjourned meeting being called back to order. This allowed for those voters in attendance to elect a moderator from those people present at the time. The second amendment dealt with voter authority. This allowed any voter the right to speak on any matter before the town meeting, being given at least two minutes to speak. The second amendment also provided for the rules of governing town meetings, as well as the rules dealing with the reconsideration of articles.

Ten years after the adoption of the original charter, the Selectpersons voted to form a committee to review the charter and report on the necessity of amendments or a revision. This committee recommended a revision and a new Charter Commission was formed to begin the work of revising our Charter.

This document is the result of the Charter Commission's work. Various aspects of the Charter were changed, most in keeping with local practice, and some with a look to again improving the operations of how we govern ourselves here in St. George. This Charter was approved at the March 1998 town meeting on a vote of 346 YES and 181 NO.



## Appendix 2

# Legal Opinion on the Validity of the Final Draft of the Revised Charter of the Town of St. George



**Bernstein, Shur,  
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March 29, 2016

John M. Falla, Town Manager  
Town of Saint George  
PO Box 131  
Tenants Harbor, ME 04860

**Re: Town of St. George - Proposed Charter**

Dear John:

At the request of the St. George Charter Commission, I have reviewed the final draft of the proposed Charter and, based upon my review and research, I am of the opinion that the final draft, as presented herewith, is not in conflict with the Constitution of Maine or the general laws of the State of Maine.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lee K. Bragg".

Lee K. Bragg

LKB/gc

bernsteinshur.com