

Town of Fayette
Administrative Ordinance
Adopted
At the Annual Town Meeting
June 14, 2008
By the
Town Fayette

Certified Copy

A. Dobson *June 14, 2008*

Town Clerk

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Article I General Grant and Exercise of Powers

Section 1.01 Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution and the provisions of Title 30-A MRSA Section 3001. The Town shall have all the powers possible for a municipality to have under the constitution and laws of Maine. The powers of the Town of Fayette under this ordinance shall be construed liberally in favor of the Town, and no mention of particular powers in the ordinances shall be construed to be exclusive or as limiting in any way the general power stated in this article.

The Town of Fayette may exercise any of its powers or perform any of its functions and may participate in the financing hereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies hereof, or of the United States or agencies hereof to the extent permitted by law.

Section 1.02 Purpose

The purpose of this ordinance is to provide guidance to the Board of Selectmen and the community for conducting municipal activities

Article II Board of Selectmen

Section 2.01 Composition, Terms and Eligibility

The Fayette Board of Selectmen shall be composed of five members, each of whom shall be elected by the registered voters of the entire town and will serve three—year staggered terms. At each regular municipal election, Board members shall be elected to fill those positions that have become vacant. Only qualified voters of the town shall be eligible to hold the office of Selectman. (Title 30-A MRSA Section 2526-3.) Selectmen shall maintain a place of principal residence in the Town of Fayette during their term of office.

Section 2.02 Compensation of the Board

Initially, upon approval of this ordinance, the annual compensation for each Selectman's services shall be the same as in the prior year's approved budget. Changes in the annual compensation for the Selectmen shall be established from time to time by Article in the Town Warrant at the regular town meeting.

1. Board members will be paid quarterly in the first warrant prepared after the close of the preceding quarter. Members serving unexpired terms shall be paid on a pro rata basis for time served.
2. Board members shall receive reimbursement for actual expenses incurred in the performance of their duties of office providing such expenses are pre approved by the Board of Selectmen.

Section 2.03 Induction and Organizational Meeting

The members of the newly constituted Board shall meet within 10 business days after July 1st-(the first regular meeting in the new fiscal year) and they shall organize to the extent possible as follows:

- a. To be sworn to the faithful discharge of their duties by the Town Clerk, Deputy Clerk, or if either of the preceding are not available, any person authorized by State Law to administer oaths.
- b. Elect a Board Chairman and Vice-Chairman.
- c. Elect a Secretary.
- d. Confirm and appoint town officials: Registrar of Voters, Town Clerk, Tax Collector, Town Treasurer, and any other town officials, review the status of members of standing boards as necessary, and confirm the appointments of existing members and to the extent possible appoint new members.
- e. Determine the rules by which meetings will be run either by adopting Roberts Rules of Order or some other such structure.

Section 2.04 Regular and Special Meetings

- a. The Board of Selectmen shall at its first meeting establish by resolution a regular place and time for holding its regular meetings, shall meet regularly at least twice a month and shall give notice hereof to the public in accordance with Maine law. It shall also provide a method for calling a special meeting. All meetings of the Board of Selectmen shall be open to the public. In the event of an emergency meeting, notice shall be made in accordance with the general laws of the State of Maine, and notice shall be posted for such emergency meetings in two conspicuous places whenever practical.
- b. The chairman, or vice-chairman in his absence, shall preside at meetings of the Board and shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of military law, but he shall have no regular administrative duties. The chairman shall exercise his vote in town affairs as a regular member of the Board. The chairman or vice-chairman

is also responsible for calling special meetings of the Board when such meetings are warranted.

c. Limitations of Board Action

The Board of Selectmen shall act as a unit settling all questions by formal vote in an authorized meeting. Members must not act individually unless some duty has been delegated to a member or members by a majority vote of the Board of Selectmen. A formal minority report may be issued by Board members in the minority, which shall be recorded in the minutes of the Board of Selectmen's meetings.

d. The Board of Selectmen may recess for the purpose of discussing in a closed or executive session any matter which is an allowable topic for executive sessions under the laws of Maine (Title 1 MRSA Section 405 [6]). No ordinances, orders, rules, resolutions, regulations, contracts, appointments, or other official actions shall be finally approved at executive sessions (Title 1 MRSA Section 405 (2)).

e. Recording of Meetings and Minutes

The Board of Selectmen shall provide for the recording of all meetings and make such recordings available to the public in a manner as easily accessible as possible. The journal shall be a public record.

The Town Clerk shall keep a written record of the meeting that shall include but not necessarily limited to a record of any formal votes taken. The record will show the complete language of the motion, who made the motion, who seconded the motion, and how each selectmen voted. The minutes will become a part of the community's record only after being voted on by the Board at a subsequent meeting

f. Voting

The votes of each member shall be recorded in the minutes if other than by unanimous vote. Three members of the Board shall constitute a quorum. No action of the Board shall be binding or valid unless adopted by affirmative vote of three Board members.

Section 2.05 General Powers and Duties of the Selectmen

The Board of Selectmen shall have the following specified powers, in addition to those powers granted to the Board at a regular or special Town Meeting and to those powers provided by law.

a. Supervisory authority over the affairs of the Town of Fayette.

b. Authority to appoint or to remove for cause, after notice and hearing, the Town Manager.

c. The Selectmen shall make appointments to all boards and commissions. The Selectmen also have the right to initiate boards or commissions as they deem necessary for town affairs.

d. Selectmen shall serve as Overseers of the Poor and Assessors of the Town. The Board of Selectmen may appoint as required an Assessor's Agent under contract or annual retainer.

e. The Board of Selectmen may review and evaluate applications for Town positions to insure capable and qualified candidates. All job openings shall be advertised in local publications and posted in the Town Office.

Section 2.06 Prohibitions and Bids

Selectmen shall not be employees of the town. Any Selectmen may bid to provide goods or services to the town. However any Selectmen bidding to provide goods or services shall not participate in discussion and/or voting on the award of such bid, in accordance with State laws and local ordinance.

Section 2.07 Vacancy or Forfeiture of Office

a. The office of any municipal official/officer shall become vacant upon non-acceptance, resignation, death, permanent disability, permanent incompetence, failure to qualify for the office within 10 days after written demand by the Board of Selectmen, forfeiture of office or failure of the municipality to elect a person to the office. Determination of permanent disability or permanent incompetence of any municipal official/officer shall be based upon competent medical opinion.

b. Forfeiture of Office

A municipal official/officer shall forfeit their office if they:

1. Lacks at any time during their time of office any qualification for the office prescribed by this ordinance or by law.
2. Intentionally violates any expressed prohibition of this ordinance.
3. Is convicted of a crime or offense which is reasonably related to their ability to serve as a municipal official.
4. fails to attend, without excusal, at least 50 percent of all applicable meetings in a 12 month period.

c. A record of attendance of Board members at all regular and special meetings shall be recorded in the meeting minutes.

d. If a seat on the Board of Selectmen becomes vacant more than 4 months prior to the next annual Town Meeting, the Board of Selectmen shall call a special election to fill the unexpired term. If such a vacancy occurs 4 months or less prior to the next annual Town Meeting, that seat shall be filled at that next annual Town Meeting.

Section 2.08 Recall of Selectmen

a. Any Selectman representing the Town of Fayette may be recalled and removed from office by the qualified voters of the Town of Fayette as herein provided.

b. 10 percent of the voters of the municipality voting in the last gubernatorial election may make and file with the Town Clerk a petition containing the name or names of the member or members whose removal is sought, and a general statement of the reasons why such removal is desired. The Town Clerk shall hereupon prepare petition blanks for such removal with a copy of said petition and general statement printed hereon or attached hereto, which shall contain the signature of said Town Clerk, the Town's official seal, which shall be dated, addressed to the Board of Selectmen, and contain the name or names of the person or persons whose removal is sought. The Town Clerk shall file said petition blanks and shall during office hours for the next 20 business days hereafter, keep the same open for signatures by qualified voters of the town. For the recall petition to be effective it must be signed by at least 20 percent of the registered voters of the town, and to every signature shall be added the place of residence of the signer giving the street and number or description sufficient to identify the place.

c. At the expiration of said 20 business days, the Town Clerk shall declare the petition closed and shall within 5 business days ascertain whether or not the petition is signed by the requisite number of voters and shall attach hereto his certificate showing the result of such examination.

d. If the petition shall be certified by the Town Clerk to be sufficient, he shall submit the same with his certificate to the Board of Selectmen at its meeting and shall notify the officer/s whose removal is sought of such action. The Board of Selectmen shall within five business days of the Town Clerk's certificate order an election to be held not less than 30 nor more than 40 calendar days hereafter, provided that, if a regular municipal election is to occur within 60 calendar days after the receipt of said certificate, the Board of Selectmen may, in its discretion, provide for the holding of the recall election on the date of such other municipal election. The vote on the article of recall shall be submitted to the voters as a referendum, and the provisions of this Ordinance concerning the conduct of

elections and a vote on referendum shall apply, except as those provisions are expressly modified by this section of the Ordinance concerning recall.

e. If a majority of the ballots cast concerning the article of recall approves the recall of an elected municipal official or officials, then such recall shall become effective on the day after the date of the vote; provided that the total number of votes cast for and against the article of recall equals or exceeds fifty percent (50%) of the total votes cast in the municipality in the last gubernatorial election.

In the event of a successful recall, the candidate (s) to succeed him for the balance of the unexpired term shall be determined at a second election following the procedure for a regular municipal election as outlined in Section 6.02.

f. Should the Board of Selectmen fail or refuse to order an election as herein provided, such election may be called by a Notary Public in the county on written petition of a number of voters equal to 10 percent of the number of votes cast in the town at the last gubernatorial election, but in no case less than ten. (Title 30—A MRSA Section 2521—4.)

Section 2.09 Investigations

The Board of Selectmen, or authorized committees, or commissions of its own members or of citizens appointed by the Board may, with good cause, make investigations into the affairs of the town and the conduct of any town department, office, or board.

Section 2.10 General and Administrative Ordinances

a. Ordinances

All ordinances shall be enacted by the registered voters of Fayette, acting through Town Meeting, ordinances shall become effective seven days after adoption unless otherwise specified herein.

b. Articles for the Warrant

The Board of Selectmen on their own initiative may by majority vote place on the warrant any article relating to the welfare of the municipality.

c. Petitions for Articles in the Warrant

Any qualified voter may request the Board of Selectmen to place an article in the warrant and shall present in written form the substance of the article. If the request is denied by the Board, on the written petition of a number of voters equal to at least 10% of the number of votes cast in the Town at the last

gubernatorial election, but in no case less than ten, the municipal officers shall either insert a particular article in the next warrant issued or shall within sixty days call a special town meeting for its consideration.

Section 2.11 Emergency Ordinances

Emergency ordinances affecting life, health, property, or the public peace may be introduced or adopted in accordance with the procedures for regular ordinances except that publication and notice of public hearing requirements may be omitted, providing the enacting clause of the emergency ordinance sets forth a statement of the emergency. The emergency ordinance may be adopted by a vote of the legislative body with or without amendment at the meeting at which it is introduced. Emergency ordinances so enacted shall be automatically repealed after the time specified in the ordinance but not later than the next regular or special Town Meeting.

Section 2.12 Authentication and Recording of Ordinances

All ordinances and resolutions adopted by the Board shall be authenticated by the signatures of the Chairman and the Secretary of the Board and recorded in full by the Town Clerk in a properly indexed book kept for that purpose. Such ordinances and resolutions shall be certified by the Town Clerk in accordance with Title 30-A MRSA Section 3006

Article III: Town Manager Plan

Section 3.01. Government. The town of Fayette adopted the Town Manager form of government pursuant to Maine State Statutes Title 30 Chapter 123 sub chapter 2631. The government of Fayette under her subchapter shall consist of a town meeting, an elected board of selectmen, an elected school committee, an appointed town manager and any other officials and employees that may be appointed under her subchapter, general law or ordinance. Other town officials may be elected by ballot, including, but not limited to, moderator, assessors, and overseers of the poor.

3.02 Duration. Once adopted, the town manager plan remains in effect until revoked at a town meeting held at least 90 days before the annual meeting unless the voters of the town adopt a charter.

PL 1987, Ch. 737, §A2, C106 (NEW).

PL 1989, Ch. 6, § (AMD).

PL 1989, Ch. 9, §2 (AMD).

PL 1989, Ch. 104, §C8, 10 (AMD).

3.03 Qualifications of town manager

a. Selection by board; professional qualification. The selectmen shall choose the town manager solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, the duties of office under her subchapter.

b. Residency. The town manager need not be a resident of the town or State when appointed, but, while in office, may reside outside the town only with the approval of the board of selectmen.

c. Prohibited offices. A town manager may not serve as moderator for Town Meetings, selectman, assessor or member of the school committee

3.04 Term, compensation, removal, suspension

a. Term. The town manager shall hold office for an indefinite term unless otherwise specified by contract.

b. Compensation. The selectmen shall determine the compensation of the town manager.

c. Removal, suspension. The selectmen may remove or suspend the town manager for cause in accordance with the following procedures.

1. The selectmen shall file a written preliminary resolution with the town clerk stating the specific reasons for the proposed removal. A copy of that resolution shall be delivered to the manager within 10 days of filing.
2. Within 20 days of receiving the resolution, the manager may reply in writing and request a public hearing.
3. Upon request for a public hearing, the selectmen shall hold one at least 10 days but not more than 30 days after the request is filed.
4. After the public hearing or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the selectmen may adopt or reject the resolution of removal.
5. The selectmen may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.

3.05. Absence or disability of town manager

The town manager may designate a qualified administrative official of the town to perform the manager's duties during a temporary absence or disability, subject to confirmation by the selectmen. If the town manager does not make such designation, the selectmen may appoint a town official to perform the manager's duties during the absence or disability and until the manager returns or the disability ceases.

3.06. Board of selectmen to act as a body; administrative service to be performed through town manager; committees

It is the intention of this subchapter that the board of selectmen as a body shall exercise all administrative and executive powers of the town except as provided in this subchapter. The board of selectmen 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. This section does not prevent the board of selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town

3.07. Powers and duties of town manager

- a. Executive and administrative officer. Is the chief executive and administrative official of the town.
- b. Administer offices. Is responsible to the selectmen for the administration of all departments and offices over which the selectmen have control;
- c. Execute laws and ordinances. Shall execute all laws and ordinances of the town;
- d. Department head. Shall serve in any office as the head of any department under the control of the selectmen when directed by the selectmen;

e. Appoint department heads. Shall appoint, subject to confirmation by the selectmen, supervise and control the heads of departments under the control of the selectmen when the department is not headed by the town manager under subsection 4;

f. Appoint town officials. Unless otherwise provided by town ordinance, shall appoint, supervise and control all town officials whom the municipal officers are required by law to appoint, except members of boards, commissions, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that the town manager may delegate her authority to a department head and report all appointments to the board of selectmen;

g. Purchasing agent. Shall act as purchasing agent for all departments, except the school department, provided that the town or the selectmen may require that all purchases greater than a designated amount must be submitted to sealed bid;

h. Attend meetings of selectmen. Shall attend all meetings of the board of selectmen, and the town manager may attend meetings when the manager's removal is being considered;

i. Make recommendations. Shall make recommendations to the board of selectmen for the more efficient operation of the town;

j. Attend town meetings. Shall attend all town meetings and hearings;

k. Inform of financial condition. Shall keep the board of selectmen and the residents of the town informed as to the town's financial condition;

l. Collect data. Shall collect data necessary to prepare the budget;

m. Assist residents. Shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices;

n. Remove appointments. Has exclusive authority to remove for cause, after notice and hearing (if the employee so requests), all persons whom the manager is authorized to appoint and report all removals to the board of selectmen.

ARTICLE IV: ADMINISTRATIVE ORGANIZATION

Part A: General Provisions

Section 4.01 - Appointment of Boards, Committees and Town Officials

The following Boards and Committees and Town Officials shall be appointed by a majority vote of the Board of Selectmen:

a. Planning Board, Board of Appeals, Budget Committee, and such other boards as may be required, where appointment is permitted by state or federal law or

municipal ordinance. The chairman of each board shall submit a written report of activities to the municipal officers to be included in the Annual Town Report.

b. Planning Board - shall consist of five (5) voting members with staggered 3-year terms; two (2) alternate members may be appointed. Voting members shall elect their chairman and secretary. Members who miss more than 3 consecutive meetings or more than 50% of meetings in a 3 month period may be dismissed by the Board of Selectmen. An alternate may only vote in the absence of a regular member. The Planning Board shall review the Comprehensive Plan biennially to assure that it meets current needs and requirements of the community, evaluate and prepare amendments for zoning and other land use ordinances, review subdivisions under Title 30-A MRSA Section 4401, and perform other duties as set forth in state statutes or duly enacted ordinances.

c. Board of Appeals - shall consist of five (5) voting members with staggered 3-year terms; two (2) alternate members may be appointed. Voting members shall elect their chairman and secretary. Members who miss more than 3 consecutive meetings or more than 50% of meetings in a 3 month period may be dismissed by the Board of Selectmen. An alternate may vote only in the absence of a regular member. The Board of Appeals shall have the power and authority set forth in Title 30-A MRSA Section 4351 and, in addition, any other powers or authority set forth in any zoning ordinance or other ordinances adopted by the legislative body of the town.

d. Budget Committee - shall consist of five (5) voting members appointed for staggered 3-year terms. Two (2) alternate members may be appointed. Voting members of the Budget Committee shall elect their chairman and secretary. An alternate may vote only in the absence of a regular member. Members who miss more than 3 consecutive meetings or more than 50% of meetings in a 3 month period may be dismissed by the Board of Selectmen. The committee will conduct it's business in accordance with Title 30-A MRSA, Section , 401-410

e. Municipal Officers – Town Manager, Town Clerk, Town Treasurer and Road Commissioner. Each appointed official and Chairman of the Planning Board, Board of Appeals and Budget Committee shall submit a written report of activities to the municipal officers for inclusion in the Annual Town Report. These appointments shall be made during the first Board of Selectmen's meeting following the annual Town Meeting for 1-year terms. The Board may, where appropriate and where not prohibited by law, appoint the Town Manager to any of the foregoing positions.

In addition to these boards and committees the Board may establish other temporary committees for purposes it deems appropriate and not prohibited by state or federal law. The Board must establish a charge for each committee that sets forth the reason for its establishment, length of time it has to complete its work (not to exceed one year) and number of members.

Section 4.02 – Appointment of Town Officials

The following Town Officials shall be appointed by the Board of Selectmen and supervised by the Town Manager:

- a. Health Officer, Registrar of Voters, Plumbing Inspector, Code Enforcement Officer, Sexton, Animal Control Officer, Emergency Management Director, and such other officials as maybe required, where appointment is permitted by state law, federal law or municipal ordinance.
- b. The fire department officers, Fire Chief, Deputy Chief, and other department officers shall be elected by the department members and subject to the approval of the the Board of Selectmen and Town Manager.

Section 4.03 - Removal–Appointed Positions

For just cause after notice and opportunity for a hearing, and upon a majority vote of the Board of Selectmen, the Selectmen may dismiss any appointee of a board or commission appointed by the Selectmen. By majority vote, the Board of Selectmen may remove any individual employee or appointed official of the town for cause after notice and opportunity for a hearing. For the purposes of this ordinance just cause shall include failure to perform duties or attend meetings on a regular basis.

Section 4.04 - Elected Positions

The elected positions and compensation shall be determined at the Annual Town Meeting. Vacancies occurring during a regular term may be filled by appointment until the next Annual Town Meeting at the discretion of the Selectmen. Elected positions are as follows:

- a. A moderator to preside at the Annual Town Meeting shall be chosen by written ballot. Moderators for Special Meetings shall be chosen and elected at each Special Meeting by written ballot.
- b. The Fayette Central School shall be administered under the control of the Fayette School Committee. Five (5) School Committee members shall be elected for staggered 3-year terms. The chairman and Vice Chairman shall be elected at the Committee's first regular meeting after the Annual Town Meeting. The school fiscal year shall run from July 1 to June 30. The School Committee shall be governed by Title 20-A MRSA Sections 2301 through 2305, and by other pertinent provisions of law. The number of members on the School Committee may be changed by the legislative body of the town.

Part B - Personnel Administration for Town Employees

Section 4.05 - Equal Employment Opportunity Policy

- a. The Town of Fayette is an equal opportunity employer and as such will pursue a policy of non-discrimination in personnel practices, including hiring, opportunities for transfer and promotion, conditions or privileges of employment, as well as compensation and benefits. Such practices or procedures shall not favor or penalize any person because of race, creed, color, sex, marital status, national origin, age, or physical handicap, where these are not found to be bona fide occupational disqualifications.

The Town of Fayette recognizes its responsibility to enhance the purposes set forth in the Maine Human Rights Act as well as Federal statutes that may apply as a result of federal grant activities.

Section 4.06 - Personnel Policy

The Board of Selectmen shall develop, maintain and administer a complete and appropriate personnel policy for all town employees. In the event that an employee Appeals the Town Managers decision as part of the grievance procedures set forth in the Towns Personnel Policy Adopted by the Board on April 18, 2000 and as amended on May 12, 2003, the Board shall conduct a hearing in compliance with the requirements set forth in the aforementioned policy.

Article V FINANCIAL PROCEDURES

Part A- -Budget

Section 5.01 Fiscal Year

The fiscal year of the Town shall begin on the first day of July and end on the last day of June.

Section 5.02 Budget Committee (Pursuant to Title 30-A M.R.S.A., Section 3001)

The Committee shall consist of seven members who shall be appointed by municipal officers and shall be registered voters of the Town. No Other official or employee of the Town may be a member. Members shall serve for terms of three years, except that they shall continue in office until their successors are appointed. (for transition purposes, the initial terms shall be staggered so that as nearly an equal number of terms shall expire annually.) Vacancies shall be filled within 30 days by appointment of the municipal officers for the unexpired term.

Section 5.03 Officers; meetings quorum, procedure.

The committee shall annually elect a Chairman and a Secretary from amongst its members. The Chairman shall call meetings as necessary or when so requested by a majority of members or municipal officers. A quorum necessary to conduct business shall consist of at least a majority of members. The Chairman shall preside at all meetings. The Secretary shall maintain a record of all proceedings including all correspondence of the Committee. All meetings and records shall be subject to the Maine Freedom of Access Act, 1 M. R. S. A. Sections 401-410. The committee may adopt rules of procedure not inconsistent with this ordinance.

Section 5.04 Powers and duties; authority; recommendations; official cooperation

The committee shall have the following powers and duties:

- A. To review and make recommendations to the municipal officers on the upcoming annual operating budget as proposed by the town manager and school committee.
- B. To recommend capital improvement budgets for the town. Additionally the committee will monitor the physical condition of all town capital infrastructures including but not limited to roads, buildings and equipment. The Committee shall submit a budget for maintaining and improving the towns capital infrastructures on an annual basis to the Board of Selectmen and complete a five year plan (beginning in the year of enactment of this ordinance) for capital improvements to be included in the towns Comprehensive Plan.
- C. To review and make recommendations on supplemental appropriations and expenditures and other budgetary action whenever proposed by the municipal officers and/or town manager.
- D. To make such other recommendations on fiscal matters as it may from time to time deem advisable.

Section 5.05 Advisory Authority

The Committee's authority shall be advisory only. Any recommendation on a matter requiring town meeting action shall be printed with the article in the warrant and on the ballot, if any, along with such other recommendations as may be included by the municipal officers or required by law. The municipal officers, School Committee and town manager shall cooperate with and provide the Committee with such information as may be reasonably necessary and available to enable it to carry out its functions under this ordinance.

Section 5.06 Town Budget

The Town Budget shall provide a complete financial plan of all Town and Town Administration funds and activities for the ensuing fiscal year, and shall be in such form as the Town Manager deems desirable or the Board of Selectmen may require. In organizing the budget, the Town Manager shall utilize the most feasible combination of expenditure classifications by fund, organization unit, program, purpose or activities and object. The Budget shall show:

- a. All estimated income and all proposed expenditures for current operations during the ensuing fiscal year in detail by office, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.
- b. Debt service, and proposed capital expenditures during the ensuing fiscal year detailed by offices, departments and agencies when practical, and the proposed method of financing such expenditures.
- c. Data arranged to show comparative budget figures for the estimated income and expenditures for the fiscal year in progress and the comparative actual income and expenditures for the most recently completed fiscal year.
- d. The best estimate of the anticipated change in Town Assessed Valuation from the prior year, as provided by the Assessor's Agent.

Section 5.07 School Budget

The School Committee shall provide a complete financial plan of all school funds and activities for the ensuing fiscal year. Data provided shall be by standard school account categories/classifications and shall contain the actual income and expenditures for the most recently completed fiscal year, the current budget for the fiscal year in progress, and the proposed income and expense budget for the ensuing fiscal year. The School Budget shall be prepared by the School Committee. The School Budget shall be reviewed and revised, in preparation for its inclusion in the Town Warrant and vote at the Annual Town Meeting, in accordance with Section 5.04 of this ordinance.

Section 5.08 Budget Submissions, Reviews, and Public Hearings

- a. No later than the first Selectmen's meeting in March, the Town Manager shall submit to the Board of Selectmen a budget for the ensuing fiscal year, and an accompanying message. The Town Manager's message shall explain the budget in fiscal terms, describe the more important features of the budget, indicate any major changes from the current year in expenditures and revenue together with the reasons for such changes, summarize the Town's debt position, and include

such other material as the Board of Selectmen deems desirable. The budget prepared by the Manager shall be reviewed by the Board of Selectmen, prior to a formal meeting with the Budget Committee.

b. The Selectmen and Town Manager shall meet with the Budget Committee for a formal review of the Town Budget in the month of March or sooner.

c. The School Committee and Superintendent shall meet with the Budget Committee for a formal review of the School Budget in the month of April or sooner.

d. The Town and School Budgets shall be reviewed at a Public hearing in May at a date to be determined by Board of Selectmen by April 30 or sooner each year.

Her hearing will enable both the Town officials and School officials to arrive at final budgets for inclusion in the Town Warrant to be voted upon at the Annual Town Meeting in June.

Section 5.09 Budget Follow-up

Following the close of the fiscal year and no later than October 31, the Town Manager and the School Superintendent respectively shall furnish to the Chairman of the Budget Committee a copy of the estimated income and proposed expenditures for the current year and the actual income and expenses for the previous year to facilitate the preparation and review of the next fiscal year's budget. The formats shall be the same as those described in Section 5.03 and 5.04.

Section 5.10 Public Records

a. Copies of the budget and the capital program as adopted by the Selectmen, School Committee, and Budget Committee shall be public record and shall be made available to the public in accordance with the Maine Freedom of Access Act, Title 1, Chapter 13, MRSA Sections 401-410

b. The Town Warrant shall contain the total budgeted expenditures for the previous year, together with (under each article requiring an appropriation) the recommendation for the ensuing fiscal year of the School Committee or Budget Committee (as appropriate) and of the Board of Selectmen.

Section 5.11 Budget Amendments after Adoption

a. Modifications of Appropriations

If at any time during the fiscal year it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, he

shall report to the Board of Selectmen without delay, indicating the estimated amount of the deficit, any remedial action taken by him, and Her recommendations as to any other steps to be taken. The Board of Selectmen shall then take any further action as it deems necessary to prevent or minimize any deficit.

b. Transfer of Appropriations

The Board of Selectmen may call a Special Town Meeting to consider and vote on the transfer of part or all of any unencumbered appropriations balance from one appropriation to another.

Section 5.12 Lapse of Appropriations

General fund appropriations, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered, or except as prohibited by law or prior agreement, or unless the Town legislative body has granted specific authority to continue in force an appropriation for other than a capital expenditure. Lapsed funds shall be transferred to a surplus account. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

Section 5.13 Annual Post-Audit

The Board of Selectmen shall each year obtain the services of the Maine State Department of Audit or a qualified public account for the purpose of conducting the annual post-audit of the prior fiscal year municipal finances, as authorized by law.

Section 5.14 Review of Towns Finances

The selectmen shall review the town's finances on a regular basis their review will consist of the following:

1. The Treasurer shall provide monthly expense reports showing budgeted amounts per budget line item, current months activity, year to date activity and percentage of funds expended and received on a Year to date basis
2. The Treasurer shall prepare quarterly statements of income and expenses for the Board of Selectmen These reports will show budgeted amounts per budget line item, year to date activity and percentage of funds expended and received on a Year to date basis

Part B—Operating Procedures

Section 5.15 Preparation of Warrants

- a. The Treasurer will be responsible for preparation warrants for all municipal expenditures except for school expenses. The Superintendent of Schools will be responsible for preparing warrants for the School department
- b. The deadline for submission of bills and payroll is the Monday prior to submission to the next selectman's meeting for review.
- c. The Treasurer will complete preparation of the Warrant by noon on Friday.
- d. The school finance committee will review and sign the school warrants prior to submission to the Selectman for approval meeting.

Section 5.16 Payment of Town Real Property Taxes

- a. Tax bills for the total real property taxes due shall be issued no later 30 days prior to the due date established by this ordinance.
- b. One half (1/2) the total amount shall be due on November 1st and, one half (1/2) shall be due on April 1st of each year. If the due date falls on a day in which the Town office is closed the due date will be extended to the next regular business day during which the Town office is open.
- c. The total taxes due may be paid in full at the first billing if the taxpayer so desires.
- d. The Tax Collector may accept payment of taxes not yet committed as outlined in Title 36 M.R.S.A. Section 506
- e. A newsletter or postcard shall be mailed to the taxpayers 30 days prior to the second due date for real property taxes as a reminder of outstanding taxes due. The Town Meeting shall establish the amount of interest to be charged for delinquent tax payments.
- f. Taxpayers may pay real property taxes by installments so long as taxes paid meet the due dates of part b in this section

Section 5.17 Town Clerk's Fees

Pursuant to Title 30-A Section 2652, any and all fees which would normally accrue to the Town Clerk shall accrue directly to the Town of Fayette.

Section 5.18 Tax Anticipation Borrowing Guidelines

In the event that the Town of Fayette finds it necessary to borrow money in anticipation of taxes, the following guidelines shall be followed:

- a. Invitations to bid shall be extended to three or more banks at the same time;
- b. Invitations shall be dated and delivered to the invited banks on a timely basis prior to the bid opening and awarding of the bid;
- c. Invitation to bid shall specify the maximum amount to be borrowed;
- d. The method of borrowing shall be clearly defined; i.e., as needed or lump sum;
- e. Invitation shall specify planned maturity dates of said notes, and may require the option to prepay;
- f. Invitation shall show estimated planned borrowing and repayment schedule (Does not apply if borrowing is on a lump—sum basis.);
- g. Invitation shall state date, time and place bids are due, and shall indicate date bids will be opened and awarded;
- h. Invitation shall inform bidders of the Town's right to accept or reject any or all bids;
- i. Bidder shall be asked to submit interest rates in multiples of one-hundredth (1/100) of one percent (1%);
- j. The Town must specify the method in which interest shall be calculated; i.e., actual number of days outstanding over a 365— day period.

Section 5.19 Bid Procedure

In those cases where the scope of work or services to be performed for the Town or the School shall require an expenditure of \$5,000.00 or more, the following guidelines shall be followed:

- a. A clear statement defining the required scope of services or specifications of the work to be performed shall be provided to the potential bidders along with notice as to where the bid forms may be picked up.
- b. The manner of which the bids are to be submitted, when they shall be due in the town office, and when the bids are to be opened shall be clearly stated.

c. Requests for bids shall be advertised in the local papers. Such advertisements should include the statement that "the Selectmen reserve the right to accept or reject any or all bids."

Section 5.20 Purchasing Guidelines

a. The Town Manager has the final responsibility for all purchases for the town of Fayette with the exception of the School Department

b. Department heads are responsible for the following:

1. Practice economy in the use of materials;
2. To maintain equipment in serviceable condition;
3. To plan future purchases to provide ample time to secure favorable prices;
4. To ensure compliance by employees with purchasing regulations and procedures;
5. To assure that a sufficient unencumbered balance in the department's annual appropriation is available before a purchase is made;
6. To advise the Town Manager of supplies and services required for operations.
7. To advise the Town Manager of the existence of any surplus property appropriate for use by another department or for disposition in accordance with these guidelines.

Section 5.21 Purchase Orders Required

a. Purchase orders are required for all purchases. Purchases of not more than \$200 per transaction with any single vendor may be made by department heads and given to the Treasurer on a biweekly timeframe before warrants are due. Department heads are expected to investigate a local market and select the items best suited for their needs by both quality and price.

b. Purchases of more than \$200 shall require the authorization of the Town Manager, in advance.

c. Purchases of \$1000 or more shall require the prior approval of the Board of Selectmen.

Section 5.22 Invoices Required

The person making the purchase will ensure that the invoice is addressed to the Town of Fayette and that the vendor provides a legible and complete description of the item or service purchased on the invoice. A copy of the supplier's invoice, signed by the person making the purchase, will be delivered to the department

head. The department head shall verify, or cause to be verified, the receipt of the item(s) and ensure that the invoice reflects the department and activity for which the purchase was made by signing the invoice. Invoices shall be delivered to the Treasurer for payment.

Section 5.23 Purchase Orders.

- a. The Treasurer shall record all purchase order numbers assigned to each department. It shall be the responsibility of the department head, or other authorized employee, to prepare the purchase orders after selection of the vendor. The purchase order shall identify the item(s) or service(s) to be purchased, unit and extended prices, account number to be charged, shipping address, and the signature of the department head or other authorized employee.
- b. The purchase order original (white) is to be given to the vendor and as the vendor's authorization to ship the equipment, supplies or perform the services specified thereon. The second copy (pink) of the purchase order will be retained by the Treasurer. After final payment, the photocopy will be returned to the appropriate department; pink copy filed with the invoice and will be retained for records.
- c. The Town Manager shall review and initial all purchase orders.

Section 5.24 Exceptions

Invoices for the following items or services shall not require an approved purchase order for payment and must be initialed by the Town Manager.

- a. Utility bills.
- b. Expense reimbursement.
- c. Debt payments.
- d. Equipment lease or lease/purchase payments under an approved original lease or lease/purchase agreement. Identical recurring purchases such as uniform rental and cleaning services, except that the original contract must be authorized prior to any payments.
- e. Payments of agency revenues or fees to the State of Maine, or any other unit of government, or any other agency or escrow funds held by the Town.
- f. Payroll or payroll taxes, direct deposits, deductions, insurance premiums and other benefits, retirement contributions, or any other benefits or costs required as part of payroll processing.

Section 5.25 Notification of receipt of supplies or services

The department head will notify the Treasurer upon receiving supplies by signing the invoice and forwarding the signed bill and other documents accompanying the shipment to the Treasurer's Office.

Section 5.26 Partial Receipt of Shipment

If partial shipment of an order is received, the department head should note what remains to be received. The invoice or packing slip should also be noted that the order is incomplete and the Treasurer's Office should be notified.

Section 5.27 Inspection and Acceptance

The department head will be responsible for the inspection of supplies or services received. He will determine that the supplies or services are as specified and satisfactory before accepting same.

ARTICLE VI TOWN MEETINGS AND ELECTIONS

Section 6.01 Annual Town Meeting

The Annual Town Meeting held in Fayette will begin on the second Tuesday of June for the election of municipal officials and referendum issues and will conclude the following Saturday to vote on warrant articles for the towns financial appropriations and any other articles. Questions to be acted upon by referendum and the election of the municipal officers and municipal officials shall be voted on a day in June prior to the date of the floor vote for the Annual Town Meeting; on the day of the vote which is prior to the floor vote of the Annual Town Meeting, a Moderator shall be nominated, then elected by written ballot, and the Moderator shall continue to preside at the floor vote of the Annual Town Meeting. As the legislative body of the Town, the Town Meeting shall have general authority for the enactment of ordinances and other legislation by the Town.

Section 6.02 Election of Officials

The established current procedure for the election of officials shall be followed until or unless changed by popular vote at a Town Meeting. Current procedure is as follows:

- a. The nomination for any elected office shall be made by nomination papers signed by not less than 25 nor more than 100 persons registered to vote in Fayette. Nominations papers shall be made available by the Town Clerk to prospective candidates during the 40 days prior to the final date of filing, and before issuance, the Town Clerk shall complete each sheet by filling in the name of the candidate, the title and term of office which is being sought. The

nomination papers will include a statement attested to by the candidate that requires the candidate to serve if elected.

b. Each voter who signs a nomination paper shall add her place of residence with the street and number, if any. Each voter may sign only as many nomination papers for each office as here are vacancies to be filled.

c. Notwithstanding the provisions of this subsection, where the municipal officers determine to fill a vacancy which must be filled by election, the municipal officers may designate a shorter time period for the availability of nominations papers but not less than 10 days prior to the final date for filing, and may designate a shorter time period for the final date for filing nominations papers but not less than the 14th day next to the day of election. Notice of her designation shall be posted, and local representatives of the media shall be notified of the designation.

d. The names of candidates nominated and the office for which they are nominated shall be attested by the Clerk and posted at least 7 days prior to Town Meeting.

e. Order of Candidates' Surnames

Where two or more candidates have been nominated for any office, the names of such candidates shall appear on the ballot in alphabetical order by surname.

f. Absentee ballots will be made available and will be accepted for election of officers and referendum issues on the second Tuesday of June. However, absentee ballots are neither available nor accepted for warrant articles to be voted on at the continuation of town meeting on the following Saturday.

g. All warrant article and ballot referenda language will be approved by the Selectmen with the exception of prepared petitions pursuant to Title 21-a MRSA

h. Determination of Election Results

1. Number of votes:

Every voter shall be entitled to vote for as many candidates as here are vacancies to be filled.

2. Plurality:

Election shall be determined by plurality vote. In case of a tie, a run-off election of those who tied shall be held within ten (10) days of a notice hereof in a newspaper of general circulation in the Town

3. Write-in Candidates:

A write-in candidate shall be elected by plurality vote, provided that such write-in candidate shall receive a minimum of five (5) votes. Any write-in candidate receiving fewer than five votes shall not be considered elected.

h. Ballots for Ordinances

An ordinance to be voted on by secret ballot 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 of prejudice.

i. Voting Machines

The Board of Selectmen may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with the law.

j. Conformity with State Law

To the extent that provisions concerning elections are not otherwise set forth in her ordinance, provisions relating to elections shall conform with the requirements of Title 30-A MRSA Section 2528.

Section 6.03 Special Town Meetings

Special Town Meetings may be called by order of the Selectmen or by citizen's petition to the Selectmen signed by 10 percent of the voters of the municipality voting in the last gubernatorial election filed with the Town Clerk. The petition must contain a general statement of the reasons why such a meeting is necessary and specific language for warrant articles to be voted on, in accordance with the provisions of Title 30-A MRSA Section 2521 (4).

ARTICLE VII GENERAL PROVISIONS

Section 7.01 Initiative and Referendum

a. Definition

Initiative guarantees the right by which citizens can propose a law by petition and ensure its submission to the electorate.

Referendum is the actual submission of a proposed public measure or statute to a direct popular vote. (Title 30-A MRSA Sections 2521 and 2522.)

b. Procedure

The details of procedure by which both of these rights are fulfilled are described in Title 21-A MRSA Section 901. Nothing in this Ordinance shall be construed to diminish the rights granted by law.

Section 7.02 Ordinance Amendments

Amendments to the ordinance, which may be appropriate due to changed circumstances, may be initiated either by the municipal officers, or by the voters of the Town at a town meeting, pursuant to Title 30—A MRSA Sections 2104 and 2105

Section 7.03 Elected or Appointed Officials: Terms

The term of any elected or appointed official shall begin the first day of July unless the official is elected at a special election. For officials elected at a special election their term will begin as soon as they take the oath of office. The term of any appointed official shall begin as soon as they take the oath of office. Any official shall serve for their prescribed term or until a successor is elected or appointed or duly sworn as long as they are a resident of Fayette.

Section 7.04 Swearing in of Officials

Every town official shall be sworn to the faithful discharge of the duties incumbent upon him according to the Constitution and laws of the State of Maine and ordinances of the Town and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

Section 7.05 Personal Financial Interest

a. Any official of the Town who has a financial interest, direct or indirect, as defined in Title 30-A 2605 (4) in any contract with the Town, or in the 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 their capacity as an official, officer 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.

b. Any contract, sale, or other transaction which is negotiated or issued in violation of Section 7.05 a. shall be void able.

Section 7.06 Prohibitions

a. Activities Prohibited

1. No person shall be favored or discriminated against with respect to any town position or appointive town administrative office because of the following: age, race, color, sex, marital status, political or religious opinions or affiliations, ancestry or national origin, or physical mental handicap, in accordance with Title 5 MRSA Section 4552.

2. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test certification or appointment under the personnel provisions of this Ordinance or rules and regulations made here under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

3. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal service.

4. Nothing herein contained shall affect the right of any person to hold membership in, and support a political party, to vote as they choose, to express privately and publicly their opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings.

b. Sanctions

If any person employed by the Town of Fayette should be found to have violated any provision of Section 7.06 (a) by the appointing body, may be removed for cause or reprimanded as deemed necessary by the appointing body after proper notice and hearing.

Section 7.07 Separability

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

Section 7.08 Gender Neutral

Wherever required by the context in this Ordinance, the use of the masculine shall include the feminine, the feminine shall include the masculine, and the use of the singular and the plural shall be interchangeable.

ARTICLE VIII TRANSITIONAL PROVISIONS

Section 8.01 Effective Date

After adoption of this Ordinance by the Registered Voters of Fayette, this Ordinance shall become effective immediately. (Title 30-A MRSA Section 2105 [4] [A]).

Section 8.02 Board of Selectmen

All members serving on the Board at the effective date of this Ordinance shall continue to hold office as prescribed when elected.

Section 8.03 Temporary Ordinances

All existing codes, ordinances, and policies will remain in effect until altered, amended, or rescinded except where these codes, ordinances, and policies are inconsistent with this Ordinance.

Section 8.04 Officials, Employees, and Board Members

a. Continuance of Office

1. All established boards and committees not inconsistent with this Ordinance shall continue in effect until changed by action of the Board of Selectmen, and the incumbent members shall serve their appointed terms or until replaced.

Section 8.05 Pending Matters

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Ordinance and in each case shall be maintained, carried on or dealt with by the town department, office or agency appropriate under her Ordinance.

Section 8.06 State and Municipal Laws

All town ordinances, resolutions, orders and regulations which are in force when this Ordinance becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Ordinance or of ordinances or resolutions adopted pursuant hereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting her town or its agencies, officials or employees which are in force when her Ordinance becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of her Ordinance or of ordinances or resolutions adopted pursuant hereto.