

APPENDIX A
COUNCIL-MANAGER
CHARTER OF THE TOWN OF BUCKSPORT
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Appendix A

COUNCIL-MANAGER CHARTER OF THE TOWN OF BUCKSPORT

(An Act Granting a Council-Manager Charter for the Town of Bucksport Chapter 123 of the Private and Special Laws of 1969)

Article 1

Grant of Powers to the Town

SEC. 1.01 Powers of the Town

The Town shall have all the powers possible for a town to have under the Constitution and the laws of this State as fully and completely as though they were specifically enumerated in this Charter.

SEC. 1.02 Additional Powers

The powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

Article 2 Town Council

SEC. 2.01 Number, Eligibility, Election and Terms

1. Number: There shall be a Town Council of seven (7) members elected by the registered voters of the Town.
2. Eligibility: Only qualified voters who reside in the Town shall be eligible to hold office as Councilmen.
3. Election and terms: At the first election under this Charter, two (2) Councilmen shall be elected. The selectmen with the longest unexpired terms shall serve as Councilmen for terms of two (2) years. The selectmen with the next longest unexpired terms shall serve as Councilmen for terms of one (1) year. Thereafter regular elections of Councilmen to fill the positions of those whose terms expire shall be elected for a term of three (3) years. The selectmen serving at the time of the acceptance of this Charter shall continue in office until the new Council is sworn in. The terms of Councilmen shall begin upon their induction at the first scheduled meeting of the calendar year after their election.

SEC. 2.02 Induction of Council Into Office

Councilmen elect shall be sworn to the faithful discharge of their duties by the Town Clerk or by a Justice of the Peace at the first regularly scheduled meeting of each year.

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SEC. 2.03 Compensation for Council Members

Salaries shall be forty dollars (\$40.00) for attending each regular and special meeting per Council member. The chairman shall receive fifty dollars (\$50.00) per regular and special meeting, to become effective July 1, 1988.

SEC. 2.04 Chairman-Mayor

At the first meeting, or as soon as practicable, the Town Council shall elect, by majority vote of the Council membership, one of its members for the ensuing year as chairman who will have the title of mayor and the Council may fill for an unexpired term, any vacancy in the office of chairman that may occur. The chairman shall preside at the meetings of the Council, 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. In the temporary absence or disability of the chairman, the Council may elect a chairman pro tempore from among its members, and he shall exercise all the powers of chairman during such temporary absence or disability of the chairman. The Council may appoint a secretary.

Sec. 2.05 Power and Duties

Except as otherwise provided by law or this Charter (Ref. Article 9), all powers of the Town shall be vested in the Town Council, which shall be the general legislative body of the Town. The Town Council shall constitute the municipal officers of the Town of Bucksport.

SEC. 2.06 Prohibitions

Except where authorization by law, no Councilman or spouse shall hold any other town office or full-time employment (exclusive of schools) during the term for which he/she was elected to the Town Council.

Neither the Council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

Except for the purposed inquiry, the Council and its members shall deal with the administrative services solely through the Manager and neither the Council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately.

SEC. 2.07 Vacancies, Forfeiture of Office and Filling of Vacancies

1. Vacancies. The office of Councilman shall become vacant upon his death, resignation, removal from office, in any manner authorized by law, or forfeiture of his office.
2. Forfeiture of office. A Councilman shall forfeit his office upon final conviction of a felony or if he (a) lacks at any time during his term of office

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any qualifications of the office prescribed by this Charter or by law, (b) fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.

3. Filling of vacancies. A vacancy in any elected office shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty (60) days upon the occurrence of the vacancy, but the Council by a majority vote of its members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

SEC. 2.08 Judge of Qualifications

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Town at least one (1) week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

SEC. 2.09 Meetings

1. The Town Council shall at its first meeting or as soon thereafter as possible, establish by resolution a regular place and time for holding its regular meeting and shall meet regularly at least once a month. All meetings of the Council shall be open to the public in accordance with the laws of the State of Maine. The Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the Council until the matter is placed on the agenda.
2. Special meetings may be held on the call of the Council for the transaction of business, but a smaller number may adjourn from time to time or may compel attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. At least twelve (12) hours' notice shall be given of the time and place of holding such adjourned meeting.

SEC. 2.10 Town Clerk

The Town Clerk's office shall be the depository for the journal and all other records of the Council. The Town Clerk shall be responsible for the care of the records and shall make them available for public inspection.

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SEC. 2.11 Procedure

1. Rules and journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. The journal shall be a public record.
2. Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal.

SEC. 2.12 Town Council Actions

1. The Town Council shall act by ordinance, order or resolve.
2. Acts by Ordinance. All legislative acts including, but not limited to, acts to adopt, amend or repeal the Bucksport Town Code or this Charter, and acts to adopt or reject citizen initiatives, shall be identified as ordinances.
3. Acts by Order. All quasi-judicial acts including, but not limited to, acts pertaining to licensing or permitting, acts pertaining to personnel matters, acts pertaining to appeals, and acts pertaining to the enforcement of state or local laws, shall be identified as orders.
3. Acts by Resolve. All executive acts including, but not limited to, acts of direction or authorization, acts pertaining to rules and policies, acts to establish budgets, levy taxes and set fees, acts pertaining to capital improvements, acts to authorize expenditures and the borrowing of money, acts pertaining to the function of town services, acts pertaining to the function of town boards and committees, acts to acquire, lease or convey property, acts pertaining to bids and contracts, acts to express recognition, and acts to state opinions, principles, facts or purposes, shall be identified as resolves.
4. An ordinance, order or resolve shall not be required for the ministerial functions of the Town Council.

SEC. 2.13 Ordinances, Rules and Policies in General

1. Municipal ordinances, rules and policies. The Town Council shall adopt such municipal ordinances, rules and policies as they think necessary and proper for the Town of Bucksport. –
2. All existing ordinances, rules and policies shall remain in effect under this Charter.
3. Proposals Submitted For Review. The Town Council shall review any proposed ordinance, rule or policy prepared at the request of the Council, any proposed ordinance, rule or policy submitted by the Town Manager, any proposed ordinance, rule or policy submitted by the Planning Board, and any proposed ordinance submitted in accordance with Article 9 of this Charter. The Town Council shall also consider any informal request from the public to adopt, amend or repeal an ordinance, rule or policy. The full content of every proposed ordinance, rule or policy shall be posted to the Town's website and made available for public viewing at the Bucksport Town Office.
4. Town Council Readings. All proposed ordinances, rules and policies shall receive 2 public readings by the Town Council. The second reading shall take place no less than 2 weeks after the first reading. A reading shall include the

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- title and summary only, unless a full content reading is required by majority vote.
5. Committee Recommendations. After a first reading of any proposed ordinance, rule or policy, the Town Council may request a recommendation from an appropriate Council committee before conducting a second reading, except a recommendation from the Planning Board shall be requested after the first reading of any proposed zoning ordinance. The Council may require a meeting with the Planning Board to discuss the proposed ordinance before conducting a second reading and taking action on the Board's recommendation.
 6. Public Hearings. Public hearings for proposed ordinances, rules and policies shall be held when required by state law, or when the Town Council requires a public hearing by majority vote. Any required public hearing shall take place after the second reading of a proposed ordinance, rule or policy. No public hearing may be held without notice given at least 7 days prior to the date of the hearing or as may otherwise be required by state law. Notice shall be given by publishing in a local newspaper a summary of the proposed ordinance, rule or policy, together with the date, time and location of the public hearing.
 7. Amendments. If a proposed ordinance, rule or policy is amended during the course of review, the Town Council must decide if action can be taken after the second reading. An additional reading shall be required if the Council determines that an amendment has altered a proposed ordinance, rule or policy to the extent that additional time is needed to provide all interested parties with a reasonable opportunity to review and comment on the amended content.
 8. Adoption, Effective Date. Upon completion of review, the Town Council shall act to adopt or reject a proposed ordinance, rule or policy. Notice of the Council's decision shall be posted to the Town's website and at the Bucksport Town Office. Except as otherwise provided for in this Charter or in the Bucksport Town Code, every adopted ordinance shall become effective seven (7) days after the date of adoption. Every rule or policy shall become effective upon adoption by the Town Council.

SEC. 2.14 Emergency Ordinances

1. To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise or authorize the borrowing of money otherwise provided in the Charter.
2. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

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3. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SEC. 2.15 Codification; Printing The Town Council shall provide for the codification of all town ordinances, rules and policies. The codification of ordinances shall be known and cited officially as the Bucksport Town Code. The codification of rules and policies shall be known and cited officially as the Manual of Rules and Policies for the Town of Bucksport. Copies of both documents shall be made available for free viewing at the Bucksport Town Office or on the Town's official website, or for purchase by the public at a reasonable price.

SEC. 2.16 Independent Annual Audit

Prior to the end of each fiscal year, the Town Council shall designate the State Department of Audit or certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the town government and shall submit their report to the Council and to the Town Manager. Such accountants shall not maintain any accounts or records of the town business, but shall post-audit the books and documents kept by the town treasurer, and any separate or subordinate accounts kept by any other office, department, or agency of the town government, including the department of education.

Article 3 Administrative Officers and Employees

SEC. 3.01 Title and Appointment

The following officers and boards shall be appointed by ballot by a majority vote of the members of the Town Council: Town Manager, Town Clerk, Town Assessors, Treasurer, Tax Collector and other boards when such appointment is required by state statute or municipal ordinance. The Council may, where appropriate, vest in the Town Manager all or part of the duties of any office. The Town Council shall appoint a town attorney when necessary.

The Town Manager shall appoint the department heads subject to the confirmation of the Town Council, and shall have the power to remove such appointees when necessary. He shall appoint and remove when necessary all other administrative officers and town employees, except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office and except as otherwise provided in this Charter.

SEC. 3.02 Creation of Departments

The Town Council may establish, change and abolish town departments, offices or agencies other than those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department office or agency may be

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discontinued, or unless specifically provided by this Charter, assigned to any other.

SEC. 3.03 Personnel Appeals Board

1. The members of the Town Council will serve as the members of the Personnel Appeals Board.
2. Personnel director: The Town Manager or his appointee shall be the Personnel Director.
3. Personnel appeals board: There shall be a personnel appeals board consisting of the current members of the Town Council. The chairman or mayor will serve as chairman for the Personnel Appeals Board.
4. Personnel rules: The Town Manager or his appointee shall prepare personnel rules. The Town Manager shall submit such rules to the Council which the Council shall adopt with or without amendment. These rules shall provide for:
 - a. The classification of all town positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
 - b. A pay plan for all town positions;
 - c. Methods for determining the merit and fitness of candidate for appointment or promotion, demotion or dismissal;
 - d. The policies and procedures regulating reduction in force and removal of employees;
 - e. A retention and retirement plan for town employees;
 - f. The hours of work, attendance regulations and provisions for sick and vacation leave;
 - g. The policies and procedures governing relationships with employee organizations;
 - h. The policies and procedures governing persons holding provisional appointments;
 - i. Policies regarding in-service programs;
 - j. Grievance procedures, including procedures for the hearing of grievances by the Personnel Appeals Board, which may render advisory opinion based on its findings to the Town Manager with a copy to the aggrieved employee; and
 - k. Other practices and procedures necessary to the administration of the town personnel system.

Article 4 Town Manager

SEC. 4.01 Town Manager; Qualifications

The Town Council shall appoint a Town Manager for a definite term and fix the Manager's compensation. The Manager shall be appointed on the basis of his/her executive and administrative qualifications. The Manager need not be a resident of the Town or State at the time of his/her appointment but may reside outside the Town while in office only with approval of the Council. No Councilman shall

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receive such appointment during the term for which the Manager shall have been elected, nor within one (1) year after the expiration of his/her term, nor shall any member of the Town Council act in that capacity.

SEC. 4.02 Removal of Town Manager

The Town Council may remove the Manager from office in accordance with the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all its members a written preliminary resolution setting forth the specific reasons for removal. A copy of the resolution shall be delivered promptly to the Manager. The Council may suspend the Manager from duty in its preliminary written resolution, but in no event shall the Manager's salary be affected until the final resolution of removal has been adopted.

(2) The Manager may within twenty (20) days of receiving the resolution reply in writing and may request a public hearing, which shall be held by the Council not earlier than ten (10) days after the request is filed nor later than thirty (30) days after the request. 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 Council may by majority vote adopt or reject the resolution of removal.

SEC. 4.03 Absence of Town Manager

By letter filed with the Town Clerk, the Manager shall designate, subject to approval of the Town Council, a qualified resident to exercise the powers and perform the duties of Manager during his/her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the Town to serve until the Manager shall return or his/her disability shall cease. In the event of failure of the Manager to make such designation, the Council may by resolution appoint any administrative officer of the Town to perform the duties of the Manager until he/she shall return or his/her disability shall cease.

SEC. 4.04 Powers and Duties of the Town Manager

The Town Manager shall be the chief administrative official of the Town. The Manager shall be responsible to the Town Council for the administration of all town affairs placed in that person's charge by or under this Charter. The Manager shall have the following powers and duties:

1. The Manager shall direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law.
2. The Manager shall attend Council meetings, except when his/her removal is being considered, and shall have the right to take part in discussions but may not vote.
3. The Manager shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by the Manager or by officers subject to his/her direction and supervision are faithfully executed.

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4. The Manager shall prepare and submit the annual budget and a five (5) year capital improvement program to the Council.
5. The Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of each fiscal year.
6. The Manager shall make such other reports as the Council may require concerning the operations of town departments, offices and agencies subject to his/her direction and supervision.
7. The Manager shall keep the Council fully advised as to the financial condition and future needs of the Town and make such recommendations to the Council concerning the affairs of the Town as the Manager deems desirable.
8. The Manager shall prepare an administrative code or amendments to an existing administrative code as required, to be proposed to the Council, and the Council may by ordinance adopt them with or without amendment.
9. The Manager shall perform such other duties as are specified in this Charter or may be required by the Council.

SEC. 4.05 Annual Review

The Town Council shall annually review with the Manager his or her performance as such and said review shall be conducted so as to remove, alleviate or prevent problems in the relationship of the Manager to the Council in the exercise of their respective powers and duties.

Article 5 Special Administration

SEC. 5.01 Tax Assessors

The assessor of taxes shall be (1) one in number appointed by the Town Council. He/she shall hold office for a term of (2) two years or until his/her successor is appointed and qualified. The present board shall remain in office until December 31, 1988.

SEC. 5.02 Board of Assessment Review: Appointments, Vacancies

There shall be a board of assessment review to consist of three (3) members who shall be appointed by the Town Council for a term of three (3) years, except that of those first appointed one (1) shall be for a term of two (2) years and one (1) for a term of one (1) year. The majority of the whole number of the board shall be a quorum and they shall elect their own chairman. Vacancies in the membership of such board shall be filled by appointment by the Council for the unexpired term.

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SEC. 5.03 Board of Assessment Review: Powers, Duties

The board of assessment review shall have the power to:

1. Review, on complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the town limits made by the Town Assessor.
2. Administer oaths;
3. Take testimony;
4. Hold hearings;
5. Adopt regulations regarding the procedure of assessment review.

SEC. 5.04 Planning Board

There shall be a Town Planning Board which shall be appointed, have such powers and perform such duties as are provided by the laws of the State of Maine.

SEC. 5.05 Comprehensive Plan

There shall be a comprehensive plan for the development of the Town of Bucksport as provided by law.

Article 6 (Reserved)

Article 7 Budget

SEC. 7.01 Fiscal Year

The fiscal year of the Town Government shall begin the first day of July and shall end the thirtieth day of June of each year. Such fiscal year shall constitute the budget and accounting year as used in this chapter. The term “budget year” shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

SEC. 7.02 Preparation and Submission of the Budget

The Town Manager, at least one hundred (100) days prior to the beginning of each budget year, shall submit to the Town Council a budget and an explanatory budget message. The budget authority of the Council shall not be limited to the final determination of the total appropriation to be made to each of the several offices, departments and agencies of the Town, including the department of education. This budget shall be compiled from detailed information furnished by the administrative officers and boards on forms which shall be designated by the Manager, and shall contain:

1. Exact statement of the financial condition of the Town.
2. An itemized statement of appropriations recommended for current expenses, and for permanent improvements; with comparative statements in parallel columns of estimated expenditures for the current year and actual expenditures for the next preceding fiscal year. An increase or decrease in any item shall be indicated.

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3. An itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, comparative figures from current and next preceding year.
4. Such other information as required by the Council.

The proposed budget prepared by the Manager shall be reviewed by the Council, which shall approve the budget with or without amendment. The Council shall fix the time and place for holding a public hearing on such budget and shall give a public notice of such hearing. The Council shall thereafter review the budget and adopt it with or without change no later than seven (7) days prior to the beginning of the fiscal year.

In the period from the first day of the fiscal year until the budget for the current fiscal year has been adopted, the budget for the prior fiscal year shall be deemed to have been adopted, on a month to month basis, with all items in it appropriated accordingly.

SEC. 7.03 Budget Establishes Appropriations

From the date of adoption of the budget, the several amounts stated therein as proposed appropriations shall be and become appropriated to the several agencies and purposes therein named.

SEC. 7.04 Budget Establishes Amount to Be Raised By Property Tax; Certification to Town Assessor

From the date of adoption of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the Manager and filed by him with the town assessor, whose duty it shall be to levy such taxes for the corresponding tax year

SEC. 7.05 Administration of Budget

At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Sections 7.06, 7.07, 7.08 and 7.12.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his designee, or the superintendent or his designee in the case of the department of education, first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are

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or will be available to cover the claim or meet the obligation when it becomes due and payable. Except when prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by the Town Council.

SEC. 7.06 Transfer of Appropriation

At the request of the Manager, the Council may by resolve transfer any unencumbered appropriation balance or portion thereof including surplus between the general accounts.

SEC. 7.07 Supplemental Appropriations

If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council may make supplemental appropriations for the year up to the amount of such excess.

SEC. 7.08 Reduction of Appropriations

If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may reduce one or more appropriations.

SEC. 7.09 Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

SEC. 7.10 Capital Program

The Manager shall prepare and submit to the Town Council a five (5) year Capital program at least three months prior to the beginning of each budget year. The Capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessities for such improvements;
3. Cost estimates, method of financing and recommended time schedules for each improvement; and

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4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

SEC. 7.11 Council Action on Capital Program

Notice and hearing: The Council shall publish in one or more newspapers of general circulation in the Town the general summary of the capital program and a notice stating:

1. The time and place where copies of the capital program are available for inspection by the public; and
2. The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.
3. The Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the last day of the 10th month of the current fiscal year.

SEC. 7.12 Emergency Appropriations

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid no later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

Article 8 Nominations and Elections

SEC. 8.01 Municipal Elections

The regular election for the choice of elective officers of the Town shall be held on the first Tuesday after the first Monday in November. Polling hours shall be from 7:00 A.M. to 8:00 P.M.

SEC. 8.02 Nominations

Any qualified voter of the Town who is a resident thereof may be nominated for an elective office in accordance with the laws of the State of Maine.

SEC. 8.03 Election Provisions

Provisions of the laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections.

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Article 9 Referendum and Initiative

SEC. 9.01 Rights of Initiative and Referendum

1. Initiative. The qualified voters of the Town shall have power to propose ordinances to the Council and, if the Council fails to adopt any ordinance so proposed without any change in substance, to adopt or reject it at a town election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of town officers or employees.
2. Referendum. The qualified voters of the Town shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

SEC. 9.02 Commencement of Proceedings; Petitioners Committee; Affidavit

1. Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.
2. Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.
3. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the ordinance, order or resolve sought to be considered. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing.
4. Initiative and referendum petitions must be signed by fifteen percent (15%) of the registered voters of the Town and each voter's signature shall be followed by his address.

SEC. 9.03 Procedure after Filing

1. Action of the clerk and Council. If, within twenty (20) days after the enactment of any such ordinance, order or resolve, the appropriate petition signed by not less than fifteen percent (15%) of the registered voters of the Town is filed with the Town Clerk requesting its reference to a referendum, the Town Council shall call a public hearing to be held within thirty (30) days from the date of the filing of such petition with the Town Clerk.
2. Submission to voters. The vote of the Town on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than six (6) months from the date of the final Council vote thereon. If no regular town

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election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

3. Withdrawal of petitions: An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.
4. Results of the election:
 - a. Initiative: If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
 - b. Referendum: If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

SEC. 9.04 Ordinances, Orders or Resolves Submitted to Popular Vote

1. The Town Council may submit on its own initiative a proposition for the enactment, repeal or amendment of any ordinance, order or resolve, except as herein otherwise provided to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance, order or resolve shall be enacted, repealed or amended accordingly.
2. All ordinances, all orders, or resolves appropriating or transferring three hundred thousand dollars (\$300,000.00) or more of local funds for a single capital improvement and all orders or resolves authorizing bond issues of three hundred thousand dollars (\$300,000.00) or more for capital improvement shall be submitted for popular vote. For the purposes of this section, a capital improvement includes but is not limited to the purchase and/or lease of equipment and land, the construction and/or renovation of buildings, the construction and/or reconstruction of infrastructures and all other public facilities. All direct and associated costs are included when determining funding for capital improvements, except for ongoing or routine maintenance costs. No single capital improvement project will be divided so as to defeat the purpose of this section.

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SEC. 9.05 Form of Ballot

The form of the ballot for the proposed ordinance, or repeal of such ordinance, order or resolve shall be substantially as follows:

“Shall the ordinance, order or resolve entitled “.....
.....” be repealed?
(or adopted?)”

(The voters shall indicate their choice by a cross or check mark placed in the appropriate box under the words YES or NO.)

Article 10 Recall

SEC. 10.01 Right of Recall

Any elected official of the Town may be recalled and removed from office by the electors of the Town as herein provided.

SEC. 10.02 Procedure for Initiating Recall Petition

1. Any twenty (20) qualified voters of the Town may make and file with the Town Clerk an affidavit containing the name of any elected official whose removal is sought. These twenty (20) qualified voters shall be referred to as the Recall Committee. The affidavit shall also contain a statement detailing the reason(s) why recall is sought. This statement detailing the reason(s) for removal shall thereafter be made a part of the recall petition.
2. Upon filing of the affidavit by twenty (20) qualified voters and acceptance of the affidavit by the Town Clerk, the clerk shall prepare a recall petition relating to the elected official named in the affidavit. The Recall Committee shall have forty-five (45) business days from the date of acceptance of the affidavit by the Town Clerk to cause the petition to be signed by not less than twenty percent (20%) of the qualified voters of the Town. The petition shall be available for signing only at the Town Clerk’s office during normal business hours and shall be signed by qualified voters in the presence of the Town Clerk or Deputy. At the end of the forty-five (45) day period, the Town Clerk shall declare the petition closed.
3. The Recall petition to be effective shall have been signed by voters of the Town numbering not less than twenty percent (20%) of the number of qualified voters as determined at the time of the last preceding municipal election and each voter’s signature shall be followed by the voter’s place of residence with the street number and street or other description sufficient to identify the place.

SEC. 10.03 Examination and Certification of the Recall Petition

1. Within ten (10) business days after the closing of the petition, the Town Clerk shall ascertain whether or not the petition was signed by the required number of voters and, upon such finding, shall attach a certification to the petition stating that the petition has the required number of signatures of qualified voters, that all signatures were affixed in the presence of the Clerk or Deputy.

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2. Should fewer qualified voters than required have signed the petition within the required time, the petition shall have no further force or effect and all proceedings shall be terminated.

SEC. 10.04 Calling of Recall Election

1. If the petition shall be certified by the Town Clerk to be sufficient, the Clerk shall submit the petition with certification to the Town Council within five (5) days of certification as sufficient, and shall notify the member whose removal is sought by such action.
2. The Town Council shall thereupon, within ten (10) days of the receipt of the Town Clerk's certification, order an election to be held not more than thirty (30) days after receipt to submit to vote the question of recall.
3. The form of the ballot at the recall election shall be as follows:
"Shall elected official (name of person proposed for recall) be recalled?"
Immediately below such question shall appear in the following word order the words "Yes" or "No" and to the right of each word a square within which the voter may cast his vote.
4. The elected official whose recall is sought as provided above shall be recalled and immediately removed from office when a majority of those voting thereon shall have voted in the affirmative.

SEC. 10.05 New Election for Recall Vacancy

1. If recall is effective, the Town Council shall within sixty (60) days after the vote for recall hold a special election to fill the vacancy, provided, however, that if a regular municipal election is to occur within ninety (90) days after the vote for recall, the Town Council may, at its discretion, hold the election to fill the vacancy on the date of such other regular municipal election.
2. The recall election shall be called and held, and nominations for new official(s) to fill any vacancy created by the recall election shall be made as in other elections under this Charter except for the specific limitations hereunder.
3. The successor elected after recall shall serve for the balance of the unexpired term of the recalled official.

SEC. 10.06 Recall Remedy in Addition to Other Provisions

Recall of elected officials is in addition to the provisions of forfeiture and filling of vacancies as to the Town Council under Article 2 and as to the School Committee under Article 6.

Article 11 General Provisions

SEC. 11.01 Oath of Office

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk:

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“I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Bucksport and will faithfully discharge the duties of the office of.....”

SEC. 11.02 Bonds of Officers

The Town Council shall require a bond with sufficient surety or sureties, satisfactory to the Town Council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for said bonds to be paid by the Town.

SEC. 11.03 Charter Amendment

1. Proposal of amendment: Amendments to this Charter may be framed and proposed:
 - a. In the manner provided by law; or
 - b. By ordinance of the Town Council containing the full text of the proposed amendment and effective upon adoption; or
 - c. By the registered voters of the Town; or
 - d. By report of a Charter commission created by ordinance.Proposal of an amendment by the registered voters of the Town shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article 10 for initiative petitions until such time as a final determination as to the sufficiency of the petitions is made. The petition must be signed by registered voters of the Town equal in number to at least 20% of the total number of registered voters.
2. Election: Upon passage of an ordinance, or upon receipt of a petition finally determined sufficient, or upon receipt of the report of a Charter commission, proposing an amendment to the voters of the town at an election, the town council shall submit the proposed amendment to the voters of the town at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the town at least thirty (30) days prior to the date of election. The election shall be held not less than sixty (60) and not more than one hundred twenty (120) days after the adoption of the ordinance or the final determination of sufficiency of the petition or report proposing the amendment. The form of the ballot shall be as specified in Article 9, Section 9.05.
3. Adoption of amendment: If a majority of the qualified voters of the Town voting upon a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment, or if no time is therein fixed, thirty (30) days after its adoption by the voters.

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SEC. 11.04 Ordinances Not Inconsistent Continue in Force

All ordinances of the Town of Bucksport in force at the time when this Charter takes effect, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

SEC. 11.05 Existing Contracts Not Invalidated

All rights, actions, proceedings, prosecutions and contracts of the Town, pending or unexecuted when this Charter goes into effect, shall be enforced, continued or completed in all respects as though begun or executed hereunder.

SEC. 11.06 Continuance of Present Administrative Officers

All persons holding administrative office or employment at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office or position.

SEC. 11.07 Title

This Charter shall be known and may be cited as the “Council-Manager Charter of the Town of Bucksport.” The Clerk shall cause it to be printed and made available to the public promptly.

SEC. 11.08 Separability Clause

If any portion of this Act shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

SEC. 11.09 Repealing Clause

All acts and parts of Acts of the private and special laws of Maine relating to the Town of Bucksport, inconsistent with the provisions of this charter, are repealed.

Appendix A, “Council-Manager Charter of the Town of Bucksport,” was adopted in conjunction with the Town Code on March 9, 1978, and amended on the following dates: October 11, 1984; February 11, 1988; July 26, 1990; January 11, 1996; May 9, 1996; January 30, 1997; and September 11, 1997.

Amend Sections 2.13 of Article 2 and replace with new language, also section 3.03 of Article 3 and replace with new language.

Article 2 and 3 adopted during the Referendum of 11-2-99.

Amend Section 8.01 to change starting time of polling to 7:00 a.m.

Approved by referendum on November 4, 2003.

Amend Section 2.01, item 3 to clarify when terms begin, amend Section 2.12, item 5 to update Statute reference, amend Section 9.04, item 2 to raise capital improvement subject to popular vote to \$250,000.

Approved by referendum on November 6, 2007.

Amended 11-02-10 to add or change language in Article 4 relating to the term, removal and annual evaluation of the town manager and to change language so that Article 4 is gender neutral; and to repeal Article 6, Department of Education, since all educational

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responsibilities were transferred by vote of the citizens to Regional School Unit #25 effective 7-1-2009.

Approved by referendum on November 2, 2010.

Amend Section 7.01 to delete the reference to when the fiscal year was changed in 1987.

Amend Section 7.02 to change when the manager must submit a budget to the council.

Amend Section 7.10 to remove the effective date regarding the capital program.

Approved by referendum on November 8, 2011.

Article 2 Section 2.12 is amended to expand the purpose of the section by adding details about when the Town Council acts by ordinance, order or resolve. Existing language identifying when an ordinance is required is deleted because some of the provisions are inconsistent with the new provisions. Deletion of item #5 removes a requirement that borrowing any amount of money requires voter approval. This is a conflict with Section 9.04 of the Charter, which only requires voter approval if the amount borrowed is \$250,000 or more.

Ministerial describes an act or a function that conforms to an instruction or a prescribed procedure. A ministerial act or duty is a function performed without the use of judgment by the person performing the act or duty.

Article 2 Section 2.13 is amended to add details about how rules and policies are addressed, in addition to ordinances. More details are provided about the process for adopting, amending or repealing an ordinance, rule or policy. As proposed, a proposal to adopt, amend or repeal an ordinance, rule or policy may be requested by the Council, as well as by the Town Manager and Planning Board. The public may also submit requests. Clarification is added concerning ordinance recommendations submitted by the Planning Board. As proposed, the Town Council will act on the Board's recommendation for the adoption of a zoning ordinance without further review by Council committee, but a joint meeting with the Board can be required before acting on a recommendation. As proposed, the Council will hold a public hearing on a proposed ordinance, rule or policy only if required by law or by a majority vote. As proposed, ordinances will become effective 7 days after adoption instead of 30 days, except as otherwise required by the Charter or the Bucksport Town Code.

Article 2 Section 2.15 is amended to require the codification of all town ordinances, rules and policies, but to eliminate the requirement of a 5-year recodification cycle. The need for recodification will, instead, be determined by the Town Council.

Article 3 Section 3.02 is amended to remove the requirement of an ordinance for any decision the Council may make about town departments and their functions. Acts of this nature will be done by resolve, as proposed in Section 2.12.

Article 3 Section 3.03 paragraph #4 is amended to remove the requirement of an ordinance for any decision the Council may make about personnel rules. Acts of this nature will be done by resolve, as proposed in Section 2.12.

Article 7 is amended to remove all references to the requirement of an ordinance for any budget decision the Council may make. Acts of this nature will be done by resolve, as proposed in Section 2.12.

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Approved by referendum on November 7, 2017.

Town Clerk's note: *Several scrivener errors and omissions of approved amendments in Appendix A occurred when the Bucksport Town Code was translated to an electronic format. The following errors and omissions found in Appendix A were corrected on August 2, 2007:*

Section 2.04: A spelling error was corrected. "Temporare" was changed to "tempore".

Section 2.06: In the first sentence, the phrase "for which he" was changed to "for which he/she", as worded in the voter-approved 11-4-97 warrant.

Section 2.13.3: In the last sentence, the phrase "shall have it published" was changed to "shall have published", as worded in the voter-approved 11-2-99 warrant.

Section 2.14: An erroneously-omitted portion of the first sentence was reinserted. The sentence now reads as originally worded.

Section 3.03: In paragraph 4, the phrase "to this Council" was changed to "to the Council", as originally worded. In paragraph 4, item c, the word "candidate(s)" was changed to "candidate", as originally worded.

Section 5.03: In item #1, an erroneous reference to "Town Manager" was changed to "Town Assessor", as originally worded.

Section 8.01: Opening of polling hours was changed from 8:00 A.M. to 7:00 A.M., as worded in the voter-approved 11-4-03 warrant.

Section 9.01: In item #2, the erroneously-worded phrase "to require consideration" was changed to "to require reconsideration", as originally worded.

Section 10.01: The phrase "as herein approved" was changed to "as herein provided", as worded in the voter-approved 9-29-83 warrant.

Section 10.03: In item #2, the phrase "shall have no further force or effort" was changed to "shall have no further force or effect", as worded in the voter-approved 9-29-83 warrant.

Section 10.05: In item #2, the phrase "under this Chapter" was changed to "under this Charter", as worded in the voter-approved 9-29-83 warrant.

Section 11.03: In item #2, an erroneously-omitted portion of the first sentence was reinserted. The sentence now reads as originally worded.

Section 9.04: In Item #2, Dollar amount changed from 250,000 to 300,000.

Approved by referendum on November 3, 2020