

Section 8.1 General Authority - Initiative and Referendum

- A. Initiative guarantees the qualified voters of the town shall have the power by which citizens can propose an ordinance by petition and ensure its submission through the Select Board to the electorate.

State Law Reference: Title 30-A, MRS, Section 2528(5)

- B. Referendum is the actual submission of a proposed public measure or statute to a direct popular vote. The qualified voters of the town shall have the power to require reconsideration by the Select Board of any adopted ordinance and if the Select Board fails to repeal an ordinance so reconsidered, to approve or reject it at a town election. The details of procedure by which both of these rights are fulfilled are described in Title 21, Section 1351 et seq. of the Maine Revised Statutes of 1964 and amendments thereto. Nothing in this Charter shall be construed to diminish the rights granted by law.

Subsequent to the duly published results of a referendum, no further referendum shall be allowed, the subject of which is substantially similar, unless same is held within twelve (12) months of the date the original referendum was published and any petition for a referendum is accompanied by a proper indemnification executed by at least one tax-paying resident of the Town of Eliot indemnifying the Town that in the event of a similar result as the initial referendum, any and all costs incurred by the Town to conduct such referendum are reimbursed including, but not limited to employee overtime compensation, expenses related to moderator, facility, security, printing, copying, publishing, postage. In the event such costs are not promptly reimbursed to the Town they may be collected in the same manner as real estate taxes (Removed the red font....Gary will write up with time period)

If an issue has been submitted to the voters by referendum, either as a citizen's initiative or by the Select Board, that issue may not be resubmitted to the voters for one year from the date of the referendum vote regardless of the outcome of that vote.

RECODIFICATION – ORDAINMENT – 07/26/2010

Title 4 BOARDS, COMMISSIONS and COMMITTEES**Chapter 4.1 ESTABLISHMENT**

Town governance requires attention to many demands pursuant to Federal law, Maine Revised Statutes, and the Town Charter. In order to provide for that range of requirements and make provision for citizen participation in community affairs the Boards, authority, commissions and committees addressed herein, are hereby established.

Chapter 4.2 SELECTION PROCEDURES FOR COUNCIL APPOINTMENTS**4.2.1. Purpose.**

When subject to council appointment, members of Town Boards, which term includes authority, commission, committee (both standing and ad hoc), and trust are selected using the following procedures.

4.2.2 Objectives.

There are certain general objectives which are critical to the successful functioning of council-appointed Boards among these are:

- A. That Boards always have available to them candidates for membership who are qualified for the unique needs of that Board.
- B. That each Board maintain the independent posture needed to encourage the free and open dialogue crucial to its function; and
- C. That all volunteers are shown the appreciation of the community regardless of whether or not they are appointed to a particular Board.

4.2.3 Procedures.

To achieve these goals, the following procedures for the selection of Board members are adopted:

- A. A pool of applicants will be maintained by the Town Clerk.
- B. Volunteers must complete an application indicating on which Boards they wish to serve and in which order of preference. Applicants will be listed in order of precedence set by the date-time of receipt of the completed application by the Town Clerk.
- C. A member whose term is expiring is given consideration for reappointment first, subject to term limitations for the position, if any. Alternates or associates on a Board will be given first consideration for appointment when an opening occurs, in order of length of service.
- D. Pool applicants will be polled for interest for an interview when an opening occurs in order of listing precedence. Those refusing may opt to remain on the list and will be placed back on the list as of the date of refusal.

E. Council may waive the interview requirement for reappointments; alternates applying for full membership; and full members applying for alternate status

F. With the exception of the Planning Board and Board of Appeals, eligible applicants are interviewed for a specific Board appointment prior to consideration by the full Council..

1. The interview is conducted by the Chairperson (or designated permanent member) of the applicable Board and by one Council member designated by the Council. Councilor interviewing assignments are rotated so that no one Councilor would be involved in successive interviews for the same Board.
2. Interviews are considered private.
3. Only one interview is conducted with each applicant for each position.
4. Both interviewers must agree to the acceptability of the candidate in order for that candidate's name to be considered by the full Council.
5. Applicants not recommended to the Council may opt to remain on the list(s) if they so desire.

G. The following criteria are used in evaluating candidates:

1. Education
2. Training and experience
3. Related experiences
4. Any potential for conflict of interest
5. Preference or priority will be given to applicants who are not currently serving on any other Board (i.e., if there is more than one applicant and applicants are equally qualified, preference will be given to the person not currently serving on another Board.)
6. For reappointments or changes from Alternate to Full Member, attendance (rated as 'Excellent', 'Good', or 'Poor' is to be provided by the Chairperson of the Board on the interview form.

4.2.4 Planning Board or Board of Appeals Interviews and Appointments.

A. Applicants will be interviewed for the Planning Board or Board of Appeals with at least a quorum present at a regular or special Council meeting. If there are multiple applicants for a Board, they will be interviewed by Council as a group including applicant(s) already interviewed.

B. After the interviews are completed, Council, in open session, and by the following meeting, shall nominate, with a second, discussion and vote on the candidate(s) for the open vacancy.

C. A tie vote on an appointment shall be voted on by Council twice. Following the second tie vote the Council Chairperson shall determine the winner by lot by a coin toss.

D. Interviewed applicants not appointed may remain in the pool if they so desire.

4.2.5 Appointment Exceptions.

A. Building Committee – when Council-appointed membership is involved, appointment procedure is determined by the sitting Council.

Referendum Budgets

Robert G Pomerleau [bobgpom@yahoo.com]

Sent: Tuesday, September 30, 2014 11:36 AM

To: Charles Rankie

Attachments: York budget referendum bal~1.pdf (166 KB)

The town manager recently provided you with the Mechanic Falls version of a budget referendum format. It is a really poor example from my point of view as it does not allow voters any choices other than the budget proposed by the selectmen. If the BOS budget is rejected, the vote settles nothing and must be revisited in subsequent voting.

In contrast, I am attaching the format used by York which provides for three choices for the voters. There is an option to reject both BOA and budget committee budget proposals and to remain at current year levels. I believe that it is critical that voters have the option for a "flat funded" or no tax increase budget.

This issue will be before the voters in November and will provide the charter commission with guidance on this issue. I believe that it will be overwhelmingly in favor of a referendum process. The work for the town and charter commission will then be developing a suitable format and process to make it work well.

Bob Pomerleau

Attached were 25 pgs from York Referendum

SIX: Shall the Town raise and appropriate a sum not to exceed **\$5,000** for **Unemployment Costs**, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget, as proposed by the Budget Committee?

Statement of Fact: The Town is self-insured and pays unemployment claims as they arise. Any unspent funds from this account may be carried forward to future years because expenditures are unpredictable.

Budget Committee recommends approval (7-0).
Board of Selectmen recommends approval (5-0).

A **YES** vote authorizes an expenditure of **\$5,000**.
A **NO** vote authorizes the previous year's appropriation of **\$5,000**.

- YES
- NO

SEVEN: Shall the Town raise and appropriate a sum not to exceed **\$410,903** for **Property, Health Contingency, Liability and Workers' Compensation Insurance**, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget, as proposed by the Budget Committee?

Statement of Fact: The Town of York has seen an increase in both frequency and severity of claims during the look back period of 36 months, ending June 30, prior to the January 1 policy year. As a result of the relatively small size of the York group, even a single large claim can have a substantial impact on the Town's experience modification rate which in the metric utilized to determine annual premium increases.

Budget Committee recommends approval (7-0).
Board of Selectmen recommends approval (5-0).

A **YES** vote authorizes an expenditure of **\$410,903**.
A **NO** vote authorizes the previous year's appropriation of **\$342,972**.

- YES
- NO

EIGHT: Shall the Town raise and appropriate a sum not to exceed **\$3,996,255** for the **Police Department, Communications, Animal Control and Harbor Management and to authorize the Selectmen to expend any revenues received for dispatching and other Public Safety Services**, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget, as proposed by the Budget Committee?

Department	FY 2014	FY 2015
Police	\$3,258,896	\$3,256,127
Communications	\$ 621,230	\$ 637,430
Animal Control	\$ 36,311	\$ 46,970
Harbor Management	\$ 52,850	\$ 55,727
Total	\$3,969,227	\$3,996,254

Statement of Fact: The Town of York provides PSAP (Public Safety Answering Point) E911 service for several surrounding towns, for which the Town will receive approximately \$116,427. These revenues are reflected in the budget request shown in this article.

Budget Committee recommends approval (7-0).
Board of Selectmen recommends approval (5-0).

A **YES** vote authorizes an expenditure of **\$3,996,254**.
A **NO** vote authorizes the previous year's appropriation of **\$3,969,227**.

- YES
- NO

NINE: Shall the Town raise and appropriate a sum not to exceed **\$78,000** for the **Vehicle Replacement Account for Police Vehicles**, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget, as proposed by the Budget Committee?

Budget Item	FY 2014	FY 2015
Police Vehicles	\$ 68,000	\$ 78,000
Total	\$ 68,000	\$ 78,000

Statement of Fact: Police vehicles are replaced by utilizing a replacement guideline that provides the flexibility to allow purchases to be made at the most opportune times and to get the best prices.

Budget Committee recommends approval (7-0).
Board of Selectmen recommends approval (5-0).

A **YES** vote authorizes an expenditure of **\$78,000**.
A **NO** vote authorizes the previous year's appropriation of **\$68,000**.

- YES
- NO