

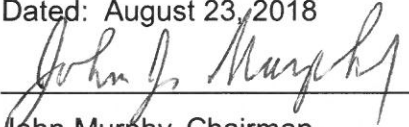
Municipal Officers' Certification of Official Text of Amendments to an Ordinance

To: Wendy J. Rawski, Town Clerk of Eliot, Maine

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "**November 2018 Amendments to the Town of Eliot Referendum Town Meeting Ordinance**", which is to be presented to the voters for their consideration on November 6, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.


Dated: August 23, 2018




John Murphy, Chairman



Philip Lytle, Vice Chairman



Richard Donhauser, Secretary



Alexandros Orestis, Selectman

Select Board
Town of Eliot, Maine

November 2018 Amendments to the Town of Eliot Referendum Town Meeting Ordinance

Section 1) Title.

This ordinance shall be known as the ~~"Town of Eliot Referendum Town Meeting Ordinance"~~
"November 2018 Amendments to the Town of Eliot Referendum Town Meeting Ordinance".

Section 2) Purpose.

The purpose of this ordinance is to:

- a) Enhance the annual Town Meeting process ~~by providing a reasonable overall plan for a smooth transition from "Open Town Meeting" to "Referendum Town Meeting"~~.
- b) Clarify, classify, and consolidate the number and make-up of appropriation articles to be voted by referendum ballot.
- c) Provide for the continued funding of existing municipal services, without unnecessary disruption, in the event an appropriation article is not approved.
- d) Reduce the number of articles to be voted on annually by granting to the Select Board the continuing authority to act on routine administrative matters instead of voting on them annually at town meeting.

Section 3) Authority.

This ordinance is enacted pursuant to the Home Rule authority granted the Town of Eliot pursuant to article VIII, part 2, section 1 of the Constitution of the State of Maine and the laws of the State of Maine, including without limitation Title 30-A, section 3001.

Section 4) Appropriation Articles for Referendum Ballot.

At a minimum, each appropriation described in the following categories shall appear on the referendum ballot in a single article, by category, as applicable:

LD 1 Exceed / Raise Question: 30-A MRSA Section 5721-A Limitation on Municipal Tax Levy

Estimated Revenues

Administration

Hearings and Elections

~~Hearings and Elections~~

Fire Department

Police Department

Public Safety (Individual Listings)

Public Health Officer

Fire Hydrants

Ambulance Serv.
Dispatching
Harbor Master
Animal Control Officer
Streetlights

Public Works Department
Summer Maintenance
Roads and Bridges

Snow Removal

~~Summer Maintenance~~

~~Roads and Bridges~~

Transfer Station

Federal Storm Water Management Plan

Community Service Department

General Assistance

Capital Improvements (Individual Listings)

Reserve Accounts (Individual Listings)

Debt Service

Town Standing Committees (Individual Listing)

Outside Agencies (Individual Listings)

Wm. Fogg Library

Section 5) Citizen's Option Meeting.

Following the initial approval of the budget articles by the Select Board, the Town shall call a Citizen's Option Meeting of the registered voters of Eliot to review the recommendations of the Select Board and the Budget Committee. The meeting shall follow the general town meeting procedures pursuant to 30-A.M.R.S. 2524.

At the Citizen's Option Meeting, an amendment for any budget article may be offered by any registered voter and decided by a majority vote of those assembled. A minimum assembly size of 1% of the total number of registered voters at the commencement of the meeting and at all times during the meeting is required in order to make any motion or amendment to the recommendations of the Select Board or the Budget Committee. In the event that the Citizen's

Option Meeting fails to attract the minimum assembly size to make amendments, the meeting shall be deemed an "Informational Budget Hearing" and shall be conducted as such. If the minimum assembly size is met, amendments shall be made by offering a written amendment to the Moderator of the Citizen's Option Meeting. A majority vote of those assembled is required to approve a Citizen's Option budget recommendation to be included on the ballot. Reconsideration of an approved Citizen Option budget recommendation is not permitted.

Following the passage of any such amendment, the Budget Committee or Select Board may, at a duly-called budget finalization meeting, may vote to accept the Citizen's Option amendment(s) as their own recommendation. If one or more of the Citizen's Option budget amendments are not accepted by the Select Board or the Budget Committee as their own recommendation, the Citizen Option amendment(s) shall be placed on the ballot as a "Citizen's Recommendation."

Section 6) Vote On Budget.

The budget shall be voted upon by a referendum vote and through separate articles consistent with the proposed final budget format.

Each appropriations article shall include the recommendations of the ~~Board of Selectmen~~ Select Board, the Budget Committee and the Citizen's Options (if any) along with a choice of "None of the Above". In the event that the Select Board and Budget Committee agree upon a budget recommendation of a particular article, the form of the ballot shall indicate a singular budget appropriation recommendation with the footnote, "Select Board and Budget Committee So Recommend."

In the event that the Select Board and / or the Budget Committee agree with the Citizen's Recommendation for appropriation, the form of the ballot shall indicate a singular budget appropriation recommendation with the appropriately adjusted footnote, "Select Board and / or Budget Committee and / or Citizens So Recommend."

The dollar amounts of the Select Board, Budget Committee and Citizen's Recommendation ~~shall be~~ shall be published on the ballot, as well as the vote counts of the Select Board, Budget Committee and Citizen's Recommendations. Each article on the ballot shall require a plurality of the votes cast for any recommendation to be approved.

If an article is not approved by a plurality of votes, the appropriation for the immediately preceding year shall constitute the appropriation for the following fiscal year (see section 9).

Any appropriation article that is voted in the affirmative, and which contains two or more specific sub-appropriations within said article, is restricted to the amounts specified in the sub-appropriations as presented, which may not be moved, interchanged, or otherwise co-mingled in any fashion without Legislative body re-appropriation authorization.

Section 7) Form of Ballot.

The form of the ballot shall be established by adoption of this Ordinance. Some of the various possible ballot forms are set forth herein. Their appearance may be formatted differently on the ballot.

Possibility #1

TWENTIETH – To see what sum the Town will raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of Administration.

**** Select Only One ****

The Select Board Recommends \$1,000,000	_____
(4 - 1)	
The Budget Committee Recommends \$900,000	_____
(5 - 2)	
Citizens' Option \$875,000	_____
(57 - 22)	
None of the Above	_____

Possibility #2

TWENTIETH – To see what sum the Town will raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of Administration.

**** Select Only One ****

The Select Board and Budget Committee Recommend \$1,000,000	_____
(Select Board 4 - 1; Budget Committee 5 - 2)	
Citizens' Option \$875,000	_____
(57 - 22)	
None of the Above	_____

Possibility #3

TWENTIETH – To see what sum the Town will raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of Administration.

**** Select Only One ****

The Select Board Recommends \$1,000,000	_____
(4 - 1)	
The Budget Committee and Citizens Recommend \$900,000	_____
(Budget Committee 5 - 2; Citizens 57 - 22)	_____
None of the Above	_____

Possibility #4

TWENTIETH – To see what sum the Town will raise, appropriate, and transfer for employee salary, benefits, operation, and maintenance of Administration.

**** Select Only One ****

The Select Board and Budget Committee Recommend \$1,000,000	_____
(Select Board 4-1 and Budget Committee 5-2)	
None of the Above	_____

Section 8) Public Hearing Requirement.

The Select Board must properly post and advertise at least one informational Public Hearing on the proposed Annual Budget no more than 30 days in advance of the Referendum Vote on the Annual Budget. Summary budget information shall be made available to the public no less than 14 days prior to said required Public Hearing.

Section 9) Budget funding provision in the event an appropriation article is not approved.

In the event ~~a previously approved~~ **an** appropriation article is not approved, the appropriation for the immediately preceding year shall constitute the appropriation for the following fiscal year, in most cases. In the event an appropriation article is not approved, the Town Manager shall review the previous year's budget appropriation for expenses ~~that were one-time and / or non-recurring~~ and shall report **same** to the Select Board for approval of an "adjusted" prior year budget.

The Select Board may call one additional referendum election in the same fiscal year to vote on appropriation articles that were not approved or that are for a similar purpose. The additional referendum election shall take place within 90 days **of the last Town Meeting** and the ballot shall include only the recommendations of the Select Board, Budget Committee and None of the Above.

Nothing in this ordinance shall prevent the ~~Board of~~ Select Board from calling special "Open Town Meetings" during the year as the need may arise from time to time to address unforeseeable issues, funding emergencies, or issues beyond the normal course of town operations.

Section 10) Select Board's Administrative Authority.

The Select Board shall be authorized to act on the following administrative matters usually acted on annually at town meeting:

Taxes are due and payable at the time of the mailed demand. The Select Board is granted the authority to set dates in the months of November and the following May as the dates when interest on unpaid current tax amounts will begin to accrue.

To establish the rate of interest charged on each half of taxes after the November and May dates, such rate of interest not to exceed the maximum rate as established annually by the State Treasurer.

To authorize the Select Board to set an interest rate to be paid on abated taxes for the fiscal year.

To authorize the Tax Collector to accept prepayments of taxes not yet committed, pursuant to 36 MRSA Section 506.

To authorize the Select Board, when Town Meeting is delayed into the next fiscal year, to spend from Unassigned Fund Balance an amount per month not more than 1/12 of the appropriated amount of the current fiscal year budget until the required Town Meeting can be held.

To authorize the Select Board to annually execute signatures as may be required to borrow funds through Tax Anticipation Notes, if necessary for cashflow, and to pay interest on said Tax Anticipation Notes from any general fund revenue

To pay tax abatements and applicable interest granted during the fiscal year from the Overlay account.

To authorize the Select Board to dispose of Town-owned personal property under such terms and conditions as they deem to be in the best interest of the Town.

To authorize the Select Board, on behalf of the Town, to sell and dispose of any real estate acquired by the Town for non-payment of taxes thereon, on such terms as they deem advisable and to execute quitclaim deeds for such property. The Select Board must first request the advice of the Conservation Commission.

To authorize the Select Board to receive insurance and/or other property damage restitution funds and to expend said receipts for materials and labor to correct said damages without further appropriations.

To authorize the Select Board to accept and appropriate or to reject any and all funds from grants, donations, and reimbursements during the year for any Municipal Department, Committee, Commission and/or project, to include but not limited to reimbursements from F.E.M.A. for any State declared emergencies, Community Development Block Grants, donations for the parks, and capital or program grants for Community Service Department.

To authorize the Select Board and Treasurer to borrow on notes or to appropriate money from Unreserved Fund Balance for any further amount needed for snow removal.

To make final determinations regarding the closing or opening of roads to winter maintenance, pursuant to 23 M.R.S.A. section 2953.

To authorize the Select Board to establish the rate of interest charged of delinquent sewer accounts.

To authorize the Select Board to make any budgetary changes, in their sole discretion, as a result of a LD1 override failure.

Section 11) Revocation of Ordinance.

This ordinance and all of its provisions shall continue and remain in effect until such time as the Select Board or a citizens' petition calls for a referendum to resume Open Town Meeting or some other form of Town budget approval as may be allowable by law. By adoption of this ordinance, all prior Referendum Town Meeting ordinances are hereby repealed and superseded.

Section 12) Validity and Severability.

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

Section 13) Effective Date.

The effective date of this ordinance shall be the date of adoption by the legislative body.