

**Proposed Amendments to the “Charter of the Town of Eliot, Maine, Article 4: Administrative Organization”**

Annual Town Referendum Election, June 11, 2024

Warrant Article 17

Ballot Question 15

Shall the Town Charter “Proposed Amendments to Article 4 Administrative Organization, Part A General Provisions, Sections 4.1 Appointments, 4.5 Department Heads, Part D Legal, Part E Appointed Officials, and 4.13 Compensation” be enacted?  
Select Board so recommend (5-0)

Rationale: The intent of the amendments is to clarify and simplify the Eliot Town Charter as called for in the Charter itself and is common practice.

**New text underlined in bold**

~~Deleted text in strikethrough~~

**ARTICLE 4  
ADMINISTRATIVE ORGANIZATION**

**PART A. - GENERAL PROVISIONS**

**Section 4.1 Appointments**

The Select Board shall, by majority vote, at no later than their third regular meeting following the annual Town Meeting, review, appoint, renew, or reappoint all necessary Town officials as provided by general statute, this Charter, and Town ordinances.

State Law Reference: Title 30-A, MRS, Sections 2601

The Select Board will appoint members to standing and ad hoc committees whenever an opening occurs, shall appoint members of the Planning Board and Board of Appeals, which shall have such powers and perform such duties as are provided for by the laws of the State of Maine, this Charter and other town ordinances, and shall appoint members to committees created by the Select Board. All board and committee appointments shall be made by rules adopted by the Select Board.

The Town Manager shall appoint department heads subject to the confirmation by the Select Board, and shall have the power to remove such appointees when necessary and in accordance with the laws of the State of Maine, this Charter and town ordinances. All other employees shall be appointed or may be removed by the Town Manager or his or her authorized designee. **The Town Manager shall provide a list annually of all employees or board/committee members who appear or have appeared on the Town payroll during the previous calendar year each February including their**

**annual compensation.**

**4.2 Creation of Departments**

The Select Board may establish departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices or agencies; except that no function assigned by this Charter to a particular department, office or agency may be discontinued or assigned to any other, unless this Charter specifically so provides.

**4.3 Duties and Obligations of Office**

In addition to those duties and responsibilities established by statute, it is provided that the Town Clerk, Tax Collector and Treasurer shall maintain their offices at the Town Office. All current documents, books and public records pertaining to their office shall be maintained at the Town Office, and all business transacted on behalf of the Town by the Town Clerk, Tax Collector and Treasurer shall be carried on at the Town Office, except for those duties required to be carried on elsewhere.

**4.4 Bonds**

The Select Board shall require a Surety Bond from all persons trusted with the collection, custody, or disbursements of any moneys of the Town. The Town shall pay the cost of providing the Surety Bond.

**4.5 Department Heads**

All Departments' Heads and offices responsibilities shall be overseen administered by a Department Head, appointed by the Town Manager, and are subject to the to the direction and supervision of the Town Manager except as set forth in 4.5(A) below regarding the Fire Chief. The Town Manager may appoint himself or herself as a Department Head.

**4.5(A) Fire Chief**

The Fire Chief is elected by the Fire Department membership. As an elected department head, the Fire Chief shall be responsible to the Town Manager in all administrative matters, including but not limited to all federal and state workplace laws, budget administration and public safety policies.

**PART B. - PERSONNEL ADMINISTRATION**

**4.6 Employment Policy**

The Town of Eliot is an equal opportunity employer. It shall be the policy of the Town of Eliot to employ, appoint, assign and promote personnel, without regard to race, color,

religious creed, national origin, gender, ancestry, age, sexual orientation, physical or mental disability, military status or political or religious opinions or affiliations unless related to bona fide occupational qualifications.

#### **4.7 Personnel Director**

The Town Manager shall serve as Personnel Director, or with the consent and approval of the Select Board appoint someone to serve as Personnel Director.

#### **4.8 Adoption of Personnel Policy**

The Town shall adopt a Personnel Policy and will review it on an annual basis.

The Select Board may appoint an ad hoc committee to review and recommend changes to the Personnel Policy.

#### **4.9 Specially Classified Positions**

The following persons and positions shall be exempt from the Personnel Policy, except where the Policy specifically addresses that person or position. There shall be no exemption pertaining to equal opportunity and other non-discrimination provisions of the Personnel Policy for any person or position.

A. Elected officials, including all persons chosen by popular election or appointed to fill an elective office, shall be exempt.

B. Members of Boards, Committees and Commissions appointed by the Select Board, whether standing or ad hoc shall be exempt.

All town employees not specifically exempted in this section shall be subject to the Personnel Policy and the rules and regulations pertaining thereto except to the extent that the specially classified employee has a written agreement with other terms and conditions.

In addition, the Select Board is authorized, upon recommendation from the Town Manager, to offer special employment benefits or conditions which vary from the provisions of the Personnel Policy. Any such variations or differences from the Personnel Policy shall be in writing and retained in the personnel file of that employee and shall be reviewed annually.

### **PART C. - ASSESSMENT ADMINISTRATION**

#### **4.10 Assessor**

The Assessor of Taxes shall be an appointed position. The Select Board shall not act as Assessors.

The Assessor appointed by the Town Manager shall have all the legal qualifications for this position. The Town Manager shall take into consideration, prior to appointment, the skills necessary to be successful.

The Assessor shall perform all Assessment duties and responsibilities provided for Assessors under the laws of the State of Maine.

State Law Reference: Title 36, MRS, Section 701et seq.

#### **4.11 Assessment Review**

Property owners have the right to appeal individual assessments and are entitled to (1) meet with the Assessor; (2) review assessment (3) with unsatisfactory results at the municipal level may appeal the decision and request a hearing before the County Commissioners.

#### **PART D. - LEGAL**

The Select Board will retain a lawyer or law firm licensed in Maine from time to time to provide legal advice to the town. The Town Attorney shall serve as chief legal adviser to the Select Board, the Town Manager, as well as all Town Departments, Boards, Agencies, Committees and Commissions subject to the approval of the Town Manager. The Town Attorney shall represent the Town in all legal proceedings and shall perform any other duties prescribed by ordinance and law, unless otherwise determined by the Select Board.

#### **PART E. - APPOINTED OFFICIALS**

Town Officials, in addition to those positions provided for elsewhere in this Charter or State Statute, shall be appointed by the Town Manager subject to confirmation by the Select Board. Said appointments shall be acted upon **expediently and no later than three months from the scheduled end of term** ~~no later than the third (3<sup>rd</sup>) Select Board meeting after the Annual Town Meeting.~~ Terms of office for appointed positions shall **be defined by the appointing authority. However, an appointee will remain on a board or commission for an additional three months beyond the original appointment with full power and authority unless a resignation has been accepted, a replacement has been appointed or the board or committee (ad-hoc only) has been dissolved by a formal vote of the Select Board** ~~run concurrently with the fiscal year.~~ The appointed officials shall be duly sworn in prior to sitting or acting in their position.

#### **4.12 Job Descriptions and Qualifications**

The Town Manager shall maintain job descriptions for all Town of Eliot employees as well as qualifications required by Maine State Law.

#### 4.13 Compensation

The Town shall provide for compensation to be paid to the appointed officials, including boards and committees, for the performance of their duties as determined when recommended by the Town Manager with approval by majority vote of the Select Board.

#### Municipal Officers' Certification of Official Text of a Proposed Charter Amendment

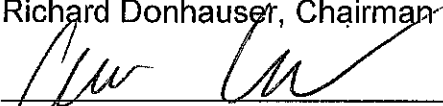
To the Town Clerk of the Town of Eliot, Maine:


We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of the proposed amendments to "**Article 4 Administrative Organization of the Charter of the Town of Eliot, Maine**", which is to be presented to the voters for their consideration on June 11, 2024.


Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the Charter Article 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.

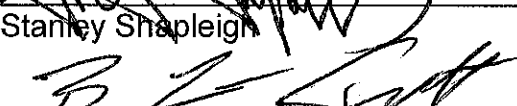
Dated: April 11, 2024

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Richard Donhauser, Chairman

  
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William Widi, Vice Chairman

  
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Lauren Dow, Secretary

  
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Stanley Shapleigh

  
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B. Cabot Trott

**Select Board  
Town of Eliot, Maine**