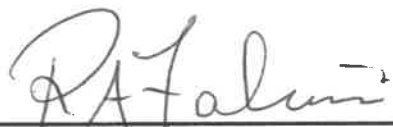


Town of Camden

Charter

Revised November 2, 2021

Certified:  **Date:** 11/4/2021
Robert Falciani, Chairperson

Town Clerk:  **Date:** 11/3/2021
Katrina Oakes

Original Charter: April 11, 1934.

Revised March 13, 1978

Amended:

March 11, 1980

June 11, 1996

June 10, 2003

June 14 and 15, 2016

November 6, 2018.

Revised November 2, 2021

Town of Camden Charter

Table of Contents

	Page
Preamble and Incorporation of the Town	1
Article I Powers of the Town	
1.01 Intergovernmental Relations	1
1.02 Town Meetings, Warrants	1
1.03 Petitions, Citizen Initiatives and Referendums	2
1.04 School Administration	2
Article II Select Board	
2.01 Officers	3
2.02 Composition and Eligibility	3
2.03 Terms and Term Limits	3
2.04 Compensation and Expense Reimbursement	3
2.05 Induction of Select Board Members into Office	3
2.06 Organizational Meeting	3
2.07 Select Board Chair and Vice Chair	4
2.08 Vacancies and Filling of Vacancies	4
2.09 Forfeiture of Office and Notification of Forfeiture	4
2.10 General Powers and Responsibilities	5
2.11 Enumeration of Powers and Responsibilities	5
2.12 Prohibitions	6
2.13 Public Access, Select Board Meeting Protocol and Procedures, and Record Keeping	6
2.14 General and Administrative Ordinances	7
2.15 Emergency Ordinances	7
2.16 Authentication and Recording of Ordinances	7
2.17 Codification of Ordinances and the Camden Code	8
Article III Town Manager	
3.01 Appointment, Compensation and Qualifications	9
3.02 Absence or Disability	9
3.03 Removal Procedure	9
3.04 Powers and Duties	9
Article IV Administrative Organization	
Part A: Personnel Administration	
4.01 Municipal Personnel Policy	11
4.02 Personnel Director	11
4.03 Personnel Policy Revisions and Amendments	11
4.04 Transition of Personnel Board to Personnel Committee	11
Part B: Assessment Administration	11
Part C : Legal Assistance and Town Attorney	11
Article V Wastewater Department	
5.01 Organization and Funding	12
5.02 Wastewater Commissioners	12
5.03 Commission Organization, Voting, Public Access and Appointments	12
5.04 Duties of Department Chief Executive and Administrative Official	13

5.05 Duties of Wastewater Department Superintendent	13
Article VI Financial Procedures	
6.01 Fiscal year	15
6.02 Submission of Budget, Schedule, Message and Format	15
6.03 Budget Committee	15
6.04 Budget Committee Action on the Budget	16
6.05 Select Board Action on the Budget	16
6.06 Town Vote on the Budget	16
6.07 Administration of the Budget, Department Work Plans and Revisions	17
6.08 Tax Anticipation Borrowing Guidelines	17
6.09 Administration of Unexpended Balances and Fund Transfers	17
6.10 Lapse of Appropriations for Capital Expenditures	18
6.11 Endowment Funds and Gift Management	18
6.12 Annual Audit	19
6.13 Bonding Requirements	19
Article VII Growth Management and Long-Range Planning	
7.01 Purpose	20
7.02 Planning Board	20
7.03 Zoning Ordinance and Zoning Map	20
7.04 Comprehensive Plan and Plan Committee	20
7.05 Implementation Program	21
Article VIII Nominations and Elections	
8.01 Conduct of Elections	22
8.02 Nomination by Petition Method	22
8.03 Ballot Order of Candidates' Surnames	22
8.04 Determination of Election Results	23
8.05 Publication and Format of Ballots for Ordinances	23
8.06 Voting Machines	23
Article IX General Provisions	
9.01 Terms of Elected or Appointed Officers	24
9.02 Swearing in Officers and Officials	24
9.03 Conflict of Interest	24
9.04 Prohibited Conduct	25
9.05 Organization, Rules, Records and Vacancies of Appointed Boards, Committees Committees and Commissions	25
9.06 Separability Provisions	26
Article X Transitional Provisions	
10.01 Effective Date	27
10.02 Select Board	27
10.03 Temporary Ordinances	27
10.04 Officers, Employees and Board Members	27
10.05 Departments, Offices and Agencies	28
10.06 Pending Matters	28
10.07 State and Municipal Laws	28
Article XI Final Report of the Charter Commission	29
Glossary	31

CHARTER of the TOWN OF CAMDEN

Preamble

We the people of Camden, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment to the constitution of the State of Maine, pursuant to the provisions of Title 30-A, MRS, §2101, do hereby adopt the following Charter for the Town of Camden, Maine. The form of government provided by this Charter shall be Town Meeting - Select Board - Town Manager.

Incorporation of the Town of Camden

WHEREAS, The Plantation of Camden, in the territory of Maine, had in the year 1790 with a population of 331 attained to a sufficient size and importance to be under Town Government, and an application to the General Court of the Commonwealth of Massachusetts had been filed by an Act dated February 17, 1791, the Plantation of Camden became the Town of Camden, continuing as such until February 25, 1891, when by an Act of the Legislature of the State of Maine, Camden separated from Rockport, so the old Town of Camden ceased to exist and the present Town of Camden came into existence, and shall continue to be a municipal corporation under the name of the Town of Camden established by and in accordance with the Private and Special Laws of the State of Maine for the year 1891.

In 1925 the Town voted to adopt the Town Manager form of government. The original Charter was adopted April 11, 1934. A revised charter was adopted in 1978, and subsequently amended on the following dates: March 11, 1980, June 11, 1996, June 10, 2003, June 14 and 15, 2016, November 6, 2018.

ARTICLE I Powers of the Town

The powers of the Town (see Glossary for definition) under this Charter shall be construed liberally in favor of the Town, and no mention of particular powers in the Charter shall be construed to be exclusive or as limiting in any way the general power stated in this Article.

Section 1.01 Intergovernmental Relations

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

Section 1.02 Town Meetings and Warrants

The Town Meeting shall be the legislative body of the Town, excluding those matters in which the Select Board is empowered with legislative authority by Maine Statute, and shall exercise those powers set forth in this Section and any incidental powers necessary to be consistent with the Laws and Constitution of the State of Maine.

- (1) Annual Town Meeting. This meeting shall be held in the Town of Camden, on the second Tuesday in June of each year, for the purpose of choosing by secret ballot: a moderator, qualified citizens to serve on the Select Board as provided in Article II, §§ 2.02, 2.03, and members of the Budget Committee as

provided for in Article VI, § 6.03. For the purpose of the conduct and completion of all other business, the Town Meeting shall occur within seven (7) days of the date of elections and secret ballot voting.

- (a) Call of Town Meeting. Each Town Meeting shall be called by a **Warrant** (see Glossary for definition). The Warrant shall be signed by a majority of the Select Board. If for any reason a majority of the Select Board members do not remain in office, a majority of those members remaining may call a Town Meeting.
 - (b) Articles for the Warrant. The Select Board, on their own initiative and by an affirmative vote of three (3) of its members or a majority of those remaining in office, may place on the Warrant any Article relating to the welfare of the municipality.
 - (c) Posting of Warrant. At least seven (7) days before Town Meeting the complete Warrant shall be posted in at least three (3) conspicuous places, including the Town Office, the Camden Public Library, and on the Town website.
- (2) Review of Ordinances. All proposed Town Ordinances and Articles shall be examined by the Town Attorney before being submitted to the voters. The Town Attorney is authorized to correct the form of a proposed ordinance or Article for the purpose of avoiding repetitions, illegality, and unconstitutional provisions, and to assure accuracy in its text and references, and clarity and preciseness in its phraseology. Any such corrections shall not substantively change its meaning and effect.

Section 1.03 Petitions, Citizens' Initiatives, and Referendums (see Glossary for definitions)

- (1) Petitions for Articles on the Warrant. Any qualified voter may request that the Select Board place an Article on the Warrant and shall present the substance of the Article in written form. If the request is denied by the Select Board, on the written petition of a number of voters equal to at least ten (10) percent of the number of votes cast in the Town at the last gubernatorial election, the Select Board shall insert that particular Article in the next Warrant issued or shall call a special Town Meeting for its consideration.
- (2) Petition by Voters if Select Board Unreasonably Refuses to Place an Article on the Warrant. If the Select Board unreasonably refuses to call a Town Meeting, a Notary Public may call the meeting on the written petition of a number of voters equal to at least ten (10) percent of the number of votes cast in the Town at the last gubernatorial election, but in no case less than ten (10) voters.

State law Reference: Title 30-A MRS, §§2521, et seq.

Section 1.04 School Administration

In the event that the Town shall be required to operate its own school system, unless otherwise provided by law, the voters shall provide by ordinance for the administration of such a system.

State Law Reference: Title 20-A MRS

ARTICLE II Select Board

Sec. 2.01 Officers

The members of the Town's Select Board shall be and constitute the municipal officers of the Town of Camden for all purposes required by law and, except as otherwise herein specifically provided, shall have all powers and authority given to and shall perform all duties required of municipal officers under the laws of this state.

Section 2.02 Composition and Eligibility

- 1) Composition. The Select Board shall consist of five (5) members, elected at each municipal election to fill those positions that have become vacant.
- 2) Eligibility. Only **qualified voters** (see definition in Glossary) of the Town of Camden shall be eligible to hold office as a Select Board member. Select Board members shall reside in the Town throughout their term of office. A qualified voter shall be a **resident** (see definition in Glossary), a U.S. citizen, and at least eighteen (18) years of age. State Law Reference: Title 30-A MRS, §2526
- 3) Holding Other Offices. No member of the Select Board shall be an employee of the Town while serving on the Select Board.

Section 2.03 Terms

- (1) Terms. The members shall serve staggered terms of three (3) years.

Section 2.04 Compensation and Expense Reimbursement

- (1) Compensation. Members of the Select Board shall receive annual compensation for their services established by voters at the annual Town Meeting. Members serving unexpired terms shall be paid on a prorated basis for time served.
- (2) Expense Reimbursement. Members of the Select Board shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of the office.

Section 2.05 Induction of Select Board Members into Office

Following the day of the election, or as soon thereafter as practicable, all Select Board members shall be sworn to the faithful discharge of their duties by the Town Clerk or by any other person authorized to administer the oath.

Section 2.06 Organizational Meeting

- (1) The members of the newly constituted Select Board shall meet within twenty-four (24) hours after their election, or as soon thereafter as practicable.
- (2) The Select Board shall, at its organizational meeting or as soon thereafter as possible, elect a Chair and Vice-Chair for the ensuing year.
- (3) The Select Board shall, at its organizational meeting or as soon thereafter as possible, establish a time

and place for holding its regular meetings.

Section 2.07 Select Board Chair and Vice-Chair

- (1) The Chair, or Vice-Chair in the absence of the Chair, shall preside at meetings of the Select Board and shall be entitled to vote on Board matters.
- (2) The Chair, or Vice-Chair, is responsible for calling special meetings of the Select Board when such meetings are necessary.
- (3) The Select Board Chair shall be recognized as head of the Town government for all ceremonial purposes and by State or Federal officials during states of emergency.

Section 2.08 Vacancies and Filling of Vacancies

- (1) Vacancies. The office of a Select Board member shall become vacant upon a member's failure to qualify for office within ten (10) days after written demand by the Town Clerk, non-acceptance, resignation, death, permanent disability (if the essential functions of the job cannot be met through reasonable accommodations), or removal in any manner authorized by law or this Charter, or forfeiture of office.
- (2) Filling of Vacancies. If a seat on the Select Board becomes vacant more than four (4) months prior to the next regular Town Meeting, the Select Board shall call a special election to fill the unexpired term within sixty (60) days from the date the vacancy occurred. If the vacancy occurs less than four (4) months prior to the next regular Town Meeting, the office shall remain vacant until the next Town Meeting.

State Law Reference: Title 30-A MRS, § 2602

Section 2.09 Forfeiture of Office and Notification of Forfeiture

- (1) Forfeiture of Office. Following a hearing by the Select Board and an affirmative vote of at least three (3) Select Board members, a member may be required to forfeit their office if the member:
 - (a) Lacks at any time during their term of office any qualification for the office prescribed by this Charter or by law; or
 - (b) Violates any express prohibition of this Charter or is convicted of a crime or offense which is reasonably related to their ability to serve as a Select Board member while in office; or
 - (c) Fails to attend three (3) regular meetings in any six-month period without being excused. A request for an excused absence shall be submitted in writing. An absence shall be excused upon a finding by the Select Board Chair that request for approval of an excused absence is reasonable. Factors to be considered shall include, but not be limited to, attendance record, circumstances beyond the control of the absent member, professional or family commitments, and illness or medical treatments;
 - (d) Absences not in adherence to an established remote participation policy may be classified as an unexcused absence.
 - (e) Has been recalled from office as provided by State Law Title 30-A MRS, §2505.

- (2) Notification of Forfeiture. Any Select Board member deemed to have forfeited their office under this section shall be notified in writing by certified mail by the Select Board.

Section 2.10 General Powers and Responsibilities

All powers of the Town shall be vested in the Select Board, except as otherwise provided by law or this Charter, and the Select Board shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law.

Section 2.11 Enumeration of Powers and Responsibilities

- (1) Annual Appointments. Annual appointments shall be made at the organizational meeting of the Select Board, or as soon thereafter as possible, and as vacancies occur.
 - (a) Town Manager.
 - (i) No later than at the third regular meeting and after their organizational meeting, the Select Board shall review, appoint, renew, or reappoint a Town Manager by an affirmative vote of three (3) members, provided that any contract entered into by and between the Select Board and Town Manager shall not exceed three (3) years. The Town Manager may not be a member of the Select Board.
 - (ii) The Select Board may, where appropriate and where not prohibited by law, vest in the Town Manager all or part of the duties of any office.
 - (iii) The Select Board may appoint the Town Manager to act as the Overseer.
 - (b) Other Appointed Positions. By an affirmative vote of three (3) members, the Select Board shall appoint the Fire Chief, Police Chief, Town Attorney, Assessor, and Health Officer, and shall have the authority to remove such appointees in accordance with the laws of Maine. None of these appointees may be a member of the Select Board.
 - (c) Other Officers and Boards. By an affirmative vote of three (3) members, the Select Board shall appoint their Overseer, and the members of the Planning Board, the Zoning Board of Appeals, the Conservation Commission, and such other boards and officers when appointments are required by State or Federal law or Town ordinance. Members of these Boards shall be residents of the Town of Camden.

State Law Reference: Title 30-A MRS, §2526 & 2631; 22 MRS, §451

- (2) Advisory Committees. As it deems necessary, the Select Board may establish advisory committees and appoint committee members by an affirmative vote of three (3) Select Board members. In establishing an advisory committee, the Select Board shall outline the committee's purpose, responsibilities, membership qualifications, terms, and shall appoint a liaison from the Select Board. A public hearing shall be held before the Select Board discontinues or suspends an advisory committee.
- (3) 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, and 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) Investigations. The Select Board, or its authorized committees, or commissions of its own members, or of citizens appointed by the Select Board, may make investigations into affairs of the Town and the conduct of any Town department, office, or agency. Title 30-A MRS §2635
- (5) Financial Responsibilities. The Select Board shall regularly oversee and monitor all municipal appropriations and expenditures, sign Warrants authorizing all disbursements of the Town, and

establish a policy for financial procedures to follow generally accepted accounting practices for municipalities. (Also see: Article VI Section 6.10)

- (6) Charter Review. Nothing in this section shall be construed to limit the authority of the Select Board to propose a Charter amendment or revision by its own resolve or motion, at any time, as provided by law.
 - (a) Appointment of Charter Review Committee. Commencing in January of 2027 and every fifth (5th) year thereafter, a Charter Review Committee consisting of five members shall be appointed every fifth year by the Select Board to review and recommend changes in the Charter. In addition to the five-member committee, a member of the Select Board shall serve as a non-voting advisory member.
 - (b) Charter Amendments. If the proposed changes are for proposed Charter amendments, the Select Board shall review them and determine which ones, and in what form, will be referred to the voters, pursuant to Title 30-A MRS ¶ 2101, et seq., as amended.
 - (c) Charter Revisions. If the proposed changes constitute a revision of the Charter, the Select Board shall review them. If it determines the revision of the Charter is warranted, the Select Board shall refer the matter to the voters for creation of a Charter Commission, pursuant to 30-A MRSA Section 2101, et seq., as amended.

Section 2.12 Prohibitions

- (1) Appointments and Removals. Neither the Select Board nor any of its members shall dictate the appointment or removal of any administrative officers or employees whom the Town Manager or other persons in authority are empowered to appoint or employ.
- (2) Interference with Administration. The Select Board and individual Select Board members are prohibited from dealing directly with Town officers or employees who are subject to the direction and supervision of the Town Manager or other persons in authority. Neither the Select Board nor its members shall give orders to any such officer or employee, either publicly or privately.
- (3) Limitations of Select Board Action. The Select Board shall act as a unit, settling all questions by formal vote in an authorized meeting. Members must not act individually unless some duty has been delegated to them by the Select Board. Select Board members in the minority may issue a formal minority report.

State Law Reference: 30-A MRS, §2635

Section 2.13 Public Access, Select Board Meeting Protocol and Procedures, and Record Keeping

- (1) Public Access. All regular and special meetings of the Select Board shall be open to the public.
State Law Reference: Title 1 MRS, § 401 et. seq.
- (2) Regular Meetings. The Select Board shall meet regularly at least once a month.
- (3) Special Meetings. A special meeting is defined as any meeting that is held outside the regularly scheduled meetings of the Select Board. The Select Board shall determine the location of special meetings to be held at such time and place as is legal and proper to transact the necessary business at hand. Members of the Select Board shall be given at least twenty-four (24) hours notice of any special meeting, except for emergency circumstances in which the Select Board members and the press shall be given as much notice as practically possible.

- (4) Notice of Meeting. Notice shall be given in local media and on the Town website of the time and place of regular and special Select Board meetings by at least the Friday prior to the week of such meetings.
- (5) Agenda. The agendas of regular and special Select Board meetings shall appear on the Town website and at the Town Office at least twenty-four (24) hours in advance of the meeting.
- (6) Quorum. Three (3) members of the Select Board shall constitute a quorum. No action of the Select Board shall be binding or valid unless adopted by an affirmative vote of at least three (3) members, except as provided in 30-A MRS, § 2512(2) which allows for a majority of remaining Select Board members to call a Town Meeting. (See: Camden Charter, Article I §1.02 (1a.).
- (7) Executive Session. The Select Board may by an affirmative vote of three (3) members vote to discuss matters in a closed or executive session to the extent that the matter is a permitted deliberation as identified in Title 1 MRS, § 405(6) or any other enabling statute, and is in accordance with the procedures specified in that statute or any other applicable existing statute. Final action on any matter taken up in such closed session, except those matters which are permitted or required by law to be acted upon in closed session, shall not be voted on by the Select Board until such a matter is placed on the agenda of a regular or special Select Board meeting and voted upon at such a meeting.
- (8) Rules and Record Keeping.
 - (a) Rules. The Select Board shall determine at its organizational meeting, its own rules and order of business to be followed by the Board for the ensuing year. A **written record** (see definition in Glossary) of these rules shall be made available for public inspection and publication.
 - (b) Record of Proceedings. The Select Board shall provide for the keeping of an accurate, permanent **digital recording** (see definition in Glossary) of its meetings and for maintaining a written record of its proceedings, such recordings and written records to be a public record and maintained off-site.
 - (c) Record of Attendance. A record of attendance of Select Board members at all regular and special meetings shall be maintained and published in the annual Town Report.

Section 2.14 General and Administrative Ordinances

The Select Board shall have the authority to enact all general and **administrative** (see definition in Glossary) ordinances authorized to be enacted by the municipal officials and shall follow the procedures for enactment as provided by statute (see definition in Glossary). The authority for the enactment of all other ordinances authorized to be enacted by the municipality shall be held in the legislative body, except for emergency ordinances as provided in Section 2.15. Except for emergency ordinances, or those with dates specified by statute, ordinances shall become effective seven (7) days after adoption unless otherwise specified therein.

State Law Reference: Title 30-A MRS, Chapter 141; Title 22 MRS, § 4305

Section 2.15 Emergency Ordinances

Emergency ordinances affecting life, health, property, or the public peace may be introduced or adopted in accordance with the procedures for regular ordinances, except that pre-adoption, publication, and notice of public hearing requirements may be omitted, provided the enacting clause of the emergency ordinance sets forth a statement of the emergency. An emergency ordinance may be adopted by voters of the Town of Camden, with or without amendment at the meeting at which it is introduced. An emergency ordinance so enacted shall be automatically repealed after the time specified in the ordinance, but not later than the sixty-first (61st) day following the date on which it was adopted.

Section 2.16 Authentication and Recording of Ordinances

- (1) Ordinances Adopted by the Select Board. All ordinances and resolutions adopted by the Select Board shall be authenticated by the signatures of the Chair and Vice-Chair of the Select Board, and recorded by the Town Clerk in a properly indexed book kept for that purpose.
- (2) Ordinances Adopted by the Voters. All ordinances and resolutions adopted by the voters of the Town shall be authenticated and recorded in full by the Town Clerk in a properly indexed book kept for that purpose.

Section 2.17 Codification of Ordinances and the Camden Code

- (1) Codification (see definition in Glossary). Within three (3) years after adoption of this Charter, the Select Board shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by a majority vote of the Select Board and shall be in loose-leaf written form and an **electronic** (see definition in Glossary) form together with this Charter and any amendments thereto, and with such codes of technical regulations and other rules and regulations as the Board may specify. This compilation shall be known as the Camden Code.
- (2) Camden Code. The Camden Code shall be kept current and up to date by inserting all new ordinances and other pertinent material, including an indexed record of rescinded ordinances and other changes. Under the direction of the Select Board, the Code shall be reviewed and updated at least every ten (10) years by the Town Manager and Town staff. Copies of the Code, and of new ordinances as enacted, shall be made available on request to officials, libraries, and public offices for public reference, and made available for purchase at a reasonable price fixed by the Select Board. A complete and current copy of the Camden Code shall be maintained off site, in a physical location and in an electronic format in a separate and secure location.

State Law Reference: Title 30-A MRS, §§ 2526, 2631, 3001, 3004, 3009

ARTICLE III Town Manager

State Reference: Title 30-A MRS, § 2631-2639

Section 3.01 Appointment, Compensation, and Qualifications

- (1) Appointment. The Select Board shall appoint a Town Manager (Manager) for a term not to exceed three (3) years.
- (2) The Select Board shall fix the Manager's compensation and benefits.
- (3) Qualifications. The Manager shall be appointed on the basis of character and executive and administrative qualifications. The Manager need not be a resident of the Town or State at the time of appointment, but requires Select Board approval to reside outside the Town of Camden while in office.

Section 3.02 Absence or Disability

The Manager may designate a qualified administrative official of the municipality to perform the Manager's duties during a temporary absence or disability, subject to confirmation by the Select Board. In the event of a failure to make such designation, the Select Board may appoint an officer of the municipality to perform the duties of the Manager during such absence or disability and until the Manager shall return or the disability shall cease.

Section 3.03 Removal Procedure

The Manager may be removed or suspended for cause by the Select Board in accordance with the following procedure:

- (1) The Select Board shall file with the Town Clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the Manager within ten (10) days of filing.
- (2) The Manager may within twenty (20) days of receiving the resolution reply in writing and may request a Public Hearing.
- (3) Upon request for a Public Hearing, the Select Board shall hold the hearing not sooner than ten (10) days and not later than thirty (30) days after the request is filed.
- (4) After the Public Hearing, or at the expiration of the time permitted the Manager to request a Public Hearing, if no such request is made, the Select Board may adopt or reject the resolution of removal.
- (5) The Select Board may suspend the Manager from duty in the preliminary resolution, but in no event shall the Manager's salary be affected until adoption of the final resolution of removal.

Section 3.04 Powers and Duties

As the chief executive and administrative official of the municipality, except where specifically exempted, the Manager shall:

- (1) Serve as the head of any department under the control of the Select Board when so directed by the Select Board.
- (2) Be responsible to the Select Board for the administration of all departments and offices over which the Board has control.

- (a) Appoint, subject to confirmation by the Select Board, a Finance Director, Tax Collector, Town Clerk, and General Assistance Administrator, for a term of one (1) year. Residency in the Town of Camden is not required for appointment to these positions.
 - (b) Appoint, subject to confirmation by the Select Board, the heads of departments when the department is not headed by the Manager.
 - (c) Appoint and supervise, unless otherwise provided by municipal ordinance, all Town officers and employees whom the Select Board are required by statute to appoint, except members of boards, commissions, and committees, and appoint and supervise all other officials, subordinates, and assistants subject to the limitations given in item (11) in this section. The Manager may delegate this authority to a head of a department.
 - (d) Establish and supervise an ongoing interdepartmental planning and review program for the purpose of coordinating activities of any department, agency, or commission of the Town which may have a substantial effect on activities of other departments, agencies, or commissions within the Town.
- (3) Execute all laws and ordinances of the municipality and ensure the Town's compliance with all State and Federal safety and labor regulations.
 - (4) Act as purchasing agent by establishing purchasing procedures for all departments, including the Wastewater Department, provided that the Town or the Select Board may require that all purchases greater than a designated amount shall be submitted by sealed bid.
 - (5) Attend all meetings of the Select Board and such other meetings as the Board may designate, except when the Manager's removal is being considered.
 - (6) Make recommendations to the Select Board for the more efficient operation of Camden, including those options which are for inter-municipal sharing or departmental functions, regional authorities, and Knox County.
 - (7) Keep the Select Board and the residents of the municipality informed regarding the financial condition of the Town.
 - (8) Prepare the annual Town budget in accordance with Finance Procedures, Article VI, including the preparation of the annual ten-year Capital Improvement Plan for submission to the Select Board. Such plan shall guide the budget development process and be updated annually.
 - (9) Explain, insofar as possible, to residents and taxpayers their lawful options for remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
 - (10) Have exclusive authority to remove for cause, after notice and hearing, all persons whom the Town Manager is authorized to appoint, and report such removals to the Select Board.
 - (11) Not interfere with the operation of the various departments of the Town except through the department head and shall not independently direct employees except in the absence of the person in authority for the department.
 - (12) Prepare the annual Town Report, which shall be available at least seven (7) days prior to the annual Town Meeting, pursuant to Title 30-A MRS, § 2801.

Article IV Administrative Organization

Part A: Personnel Administration

Section 4.01 Municipal Personnel Policy

The Town of Camden is an Equal Opportunity Employer and as such is committed to providing equal employment opportunities for all persons making application to the Town and for equity of treatment and advancement opportunities for its employees. The Town therefore has set forth a policy of nondiscriminatory hiring, employment, and personnel actions. Such decisions or actions shall not be based upon religion, age, sex, sexual orientation, gender identification, marital status, race, color, ancestry, national origin, and physical or mental disability, except as a bona fide occupational qualification.

State Reference Title 5 MRS, Chapter 337 Maine Human Rights Act, § 4551 et. seq.

Section 4.02 Personnel Director

- (1) The Town Manager shall serve as Personnel Director.
- (2) The Personnel Director shall administer the personnel of the Town of Camden in accordance with the rules and regulations established in the Personnel Policy of the Town of Camden and ensure the Town complies with all State and Federal labor standards.

Section 4.03 Personnel Policy Revisions and Amendments

Enactment of Revisions or Amendments to the Town's Personnel Policy. After a public hearing and the approval within seven (7) days of the public hearing by an affirmative vote of three (3) members of the Select Board, revisions or amendments to the Personnel Policy and its rules and regulations shall be in effect and have the force and effect of law. Until such revisions or amendments are enacted, the previous Personnel Policy, shall remain in force.

Section 4.04 Transition of Personnel Board to Personnel Advisory Committee

See Article X, Section 10.04 (4) Officers, Employees and Board Members

Part B: Assessment Administration

The Town shall have a single Assessor as set forth in Title 30-A MRS, Sec 2526(5)(A and B), who shall be appointed by the Select Board for a period, at its discretion of from one (1) to three (3) years. The Select Board may, without further action required by Town Meeting, choose to execute an agreement with one or more municipalities to share services of a single Assessor.

Part C: Legal Assistance and Town Attorney

There shall be a Town Attorney appointed by the Select Board who shall serve as chief legal advisor to the Board, the Town Manager, and all town departments, boards, and agencies with 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. In addition, the Select Board may, from time to time, appoint other lawyers to assist the Town Attorney in matters of complexity or magnitude.

ARTICLE V Wastewater Department

Section 5.01 Organization and Funding

- (1) **Authority.** In accordance with Title 30-A MRS § 5401-5415, the Town of Camden is authorized to acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate a revenue-producing wastewater facility consisting of a sewer system, or part thereof, within or without or partly within and partly without, the corporate limits of the Town of Camden. The system shall be known as the Camden Wastewater Disposal System.
- (2) **Funding.** The original construction cost and any future replacement costs of any portion of the wastewater facility, including but not limited to buildings, sewer lines, force mains, pump stations, or other appurtenant structures including replacement of sewer lines and fixed machinery, shall be considered as capital improvements and may be funded through use of the Wastewater Department's Capital Reserves, user service charges, or use of bonds and other loan sources.
- (3) **Debt Service.** Any debt service for capital improvements incurred by the Town of Camden on behalf of the Camden Wastewater Disposal System may be repaid through user service charges.
- (4) **Operational Costs.** The cost of operation and maintenance of the facility shall be derived solely from user service charges and not from property taxation.
- (5) **Facility Regulations.** All ordinances, rules, and regulations presently existing pertaining to the wastewater facility shall remain in full force and effect until amended.

Section 5.02 Wastewater Commissioners

- (1) **Commissioners Empowered.** The Select Board, acting as Wastewater Commissioners (hereafter in this article called "Commissioners"), are hereby authorized and empowered to perform all duties and functions authorized and established by state statute or law or by municipal ordinance for fulfilling the purposes outlined above.
- (2) **Rates and Fees.** The Wastewater Commissioners shall fix the schedule of rates, fees and other charges for the use of the services provided by the Camden Wastewater Disposal System. State Reference: Title 30-A MRS § 5405
- (3) **Deliberations.** In circumstances in which the Select Board considers, deliberates, or takes action on any Wastewater Department issue in a duly noticed Select Board meeting, the Select Board shall be deemed to be acting in their capacity as Wastewater Commissioners without the necessity of expressly convening as Wastewater Commissioners.

Section 5.03 Wastewater Commission Organization, Voting, Public Access, and Appointments

- (1) **Commission Organization.** The Commission shall determine at its annual organizational meeting the rules and order of business to be followed by the Commission. The rules shall be recorded and made available for public inspection and publication. The Commission shall keep a permanent written and digital recording of all its meetings for the public record.
- (2) **Voting.** The votes of each Commissioner shall be recorded in a written record. Three (3) members of the Commission shall constitute a quorum. No action of the Commissioners shall be binding or valid unless adopted by an affirmative vote of three (3) of the Commission members.
- (3) **Public Access.** The Commission shall hold meetings as often necessary. All meetings of the Commission shall be open to the public.
- (4) **Executive Session.**

- (a) By an affirmative vote of three (3) members, the Commissioners may recess for the purpose of discussing matters in closed or executive session as permitted in Title 1 MRS § 405(6), and in accordance with that statute or any other applicable existing statute.
- (b) Vote on Actions. Similar action on any matter taken up in such closed session, except those matters which are permitted or required by law to be acted upon in closed sessions, shall not be voted on until it is placed on the public portion agenda of a regular or special meeting of the Commissioners.
- (5) Compensation. The Wastewater Commissioners shall receive an annual salary that shall be established by the vote of the Annual Town Meeting for each member. Members serving unexpired terms shall be paid on a prorated basis for time served. The Commissioners shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of office.
- (6) Appointments. The Wastewater Commissioners at their organizational meeting, or as soon thereafter as possible, shall appoint the Town Manager as Chief Executive and Administrative Official of the Wastewater Department, and appoint a Superintendent of the Wastewater Department.

Section 5.04 Duties of the Department Chief Executive and Administrative Official of the Wastewater Department

The duties of the Chief Executive and Administrative Official of the Wastewater Department shall be to:

- (1) Report to and be directly responsible to the Select Board acting as Wastewater Commissioners for the administration of the Department.
- (2) See to the execution and enforcement of all laws and ordinances pertaining to the Wastewater Department.
- (3) Oversee the supervision and control of all personnel working for and in connection with the Department and have the authority to oversee the appointment of Wastewater personnel.
- (4) Attend all meetings of the Wastewater Commission except when matters pertaining to the Town Manager's employment are being considered.
- (5) Oversee the collection of necessary data for preparation of the annual budget, which budget together with supporting materials, is to be submitted directly to the Commissioners.
- (6) Be responsible for the preparation of Articles pertaining to capital expenditures on sewer-related projects for inclusion in the Town Warrant.
- (7) Be charged with the responsibility of establishing and carrying out purchasing procedures to be followed in connection with the operation and maintenance of the Department within the framework of the operating budget as approved by the Wastewater Commissioners.
- (8) Advise the Commission on all matters pertaining to all capital improvements and other matters affecting wastewater disposal.
- (9) Be responsible to the Commission for duties and responsibilities assigned in carrying out all capital improvements.

Section 5.05 Duties of the Superintendent of the Wastewater Department

The Superintendent of the Wastewater Department shall:

- (1) Have the authority and responsibility for the day-to-day management of the Wastewater Department and the personnel of the Wastewater Department.
- (2) Report to and be directly responsible to the Town Manager for the administration of the Wastewater Department.

- (3) Have the authority to hire and supervise all personnel working for, and in connection with, the Wastewater Department, as directed by the Town Manager.
- (4) Be responsible for assisting the Town Manager in collecting the necessary data for the preparation of the annual budget for submission to the Wastewater Commissioners.
- (5) In coordination with the Town Manager, advise the Commissioners on all matters pertaining to capital improvements, which shall include an annual updating of the ten (10)-year Wastewater capital improvement plan, and other matters affecting wastewater disposal.
- (6) Prepare and submit to the Town Manager data necessary for the preparation of articles pertaining to capital expenditures on sewer-related projects for inclusion in the Town Warrant, and necessary for preparation of any other Articles for inclusion in the Town Warrant concerning the Wastewater Department.
- (7) Assist the Town Manager in establishing and carrying out purchasing procedures to be followed in connection with the operation and maintenance of the Department within the framework of the operating budget as approved by the Wastewater Commissioners.
- (8) Attend all meetings of the Wastewater Commission, except when matters pertaining to the Superintendent's employment are being considered.
- (9) Be responsible to the Town Manager and to the Wastewater Commissioners for duties and responsibilities assigned by the Wastewater Commissioners or the Town Manager in carrying out all capital improvements.

ARTICLE VI Financial Procedures

Section 6.01 Fiscal Year

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

Section 6.02 Submission of Budget Schedule, Message and Format

- (1) **Schedule.** Not later than the third week in April, the Town Manager shall submit to the Select Board for their review a budget for the ensuing fiscal year and a budget message. The Select Board shall review that budget and reconsider the budget for final approval after the Budget Committee has reported its recommendations to the Select Board. Such final approval shall be in accordance with the provisions set forth in Section 6.05 Select Board Action on the Budget.
- (2) **Budget Message.** The Town Manager's budget message shall explain the budget in fiscal terms and work programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material the Town Manager deems desirable or the Select Board requests.
- (3) **Format.** The budget shall provide a complete financial plan of all town funds and activities, including the Endowment Fund, for the ensuing fiscal year, except as required by this Charter. The budget shall be in such form as the Town Manager deems desirable or the Select Board may require.
- (4) **Organization.** In organizing the budget, the Town Manager shall utilize the most feasible combination of expenditure classifications by fund, organization unit, program purpose or activity, and object. It shall include:
 - (a) A clear general summary of the contents, and details of all estimated income and all proposed expenditures, including debt service, for the ensuing fiscal year;
 - (b) Comparative figures for actual year-to-date and estimated income and expenditures of the current fiscal year;
 - (c) Anticipated income and expenditures for the remainder of the fiscal year; and
 - (d) Actual income and expenditures for the preceding three (3) fiscal years.

Section 6.03 Budget Committee

- (1) **Purpose and Composition.** The Budget Committee shall consist of eleven (11) regular members, to cooperate with the Select Board, Town Manager, Finance Director, other town departments, and Superintendent of Schools (in the event the Town operates its own school system), in making recommendations concerning all appropriation articles in the Warrant.
- (2) **Inclusion on the Ballot.** Camden citizens interested in serving on the Budget Committee must submit a Committee Interest Form to the Town Office by the deadline set by the Town Clerk, in order for their name to be included on the Town ballot for election to the Budget Committee.
- (3) **Election.** Prospective members will be voted on at the Town Meeting by secret ballot, as provided for in Article I § 1.02 (1). Vacancies will be filled based on the number of votes received by each nominee, starting with filling the vacancies for members by those receiving the highest vote. Each year thereafter a vote will be taken at the Town Meeting to determine new members as required to maintain a total of eleven (11) members.

- (4) Terms. Members shall serve for staggered three (3)-year terms, commencing on the date of the Town Meeting. Members may serve for three (3) consecutive terms, after which they shall be ineligible to serve for one (1) year before they are allowed to serve up to three (3) consecutive year terms, subject to said gap year(s) thereafter.
- (5) Election of Officers and Governing Rules
 - (a) Annually, at their first meeting, the members of the Budget Committee shall vote to set the dates of their meetings and the governing rules of order.
 - (b) Six (6) members of the eleven (11) shall constitute a quorum.
 - (c) At their final meeting, the current members of the Budget Committee shall elect a Chair and Vice Chair for the coming year.

Section 6.04 Budget Committee Action on the Proposed Budget

- (1) The Budget Committee may meet during the development of the proposed budget and shall meet upon completion of the proposed budget prepared by the Town Manager, as outlined in (2) below. The committee shall keep a written record and an audio record of the meetings to include the votes taken at each meeting.
- (2) Prior to the final review of the proposed budget by the Select Board, the Budget Committee shall meet and adopt recommendations concerning the Town Manager's proposed budget. The recommendations shall be reported to the Select Board prior to its final review of the budget. The Budget Committee's recommendations shall be included in the Town Warrant for consideration by the voters at the annual Town Meeting.

Section 6.05 Select Board Action on the Proposed Budget

- (1) Final Review of the Proposed Budget. At a Select Board meeting, the Select Board shall review the Budget Committee's recommendations and the budget as prepared by the Town Manager. The Select Board shall vote to place the Town Manager's proposed budget, with or without their amendments, on the Town Warrant along with the Budget Committee's budget recommendations.
- (2) Publication of the Proposed Budget. Following their vote on the proposed budget, the Select Board shall publish a general summary of their budget recommendations and the recommendations of the Budget Committee. Copies of the proposed budget and recommendations shall be available at the Town Office, printed in the Town Report, and be available at the Town Meeting.

Section 6.06 Town Vote on the Budget

- (1) The budget shall be included in appropriation Articles in the Town Warrant and shall be voted upon by the qualified voters of the Town at the Annual Town Meeting. The qualified voters of the Town shall have power under this article to require consideration or reconsideration of any budget item prior to adjournment of the annual Town Meeting.
- (2) Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated, and shall constitute a levy of the property tax thereby required.
- (3) A copy of the final approved budget, as adopted at Town Meeting, shall be certified by the Select Board and filed with the Assessor.

- (4) Copies of the final budget and capital program as adopted shall be preserved as public records.
State Law Reference: Title 1 MRSA, §401 et seq.

Section 6.07 Administration of Budget, Departmental Work Plans, and Revisions

- (1) Departmental Work Plans. At such time as the Town 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 and duly signed by the department head.
- (2) Town Manager Review. The Town Manager shall review and authorize departmental allotments with or without revision as early as possible in the fiscal year.
- (3) Revisions to Allotments. The Town Manager may revise allotments within a department's approved budget during the year if the Town Manager deems it necessary, and shall revise them to accord with any supplemental, emergency, reduced, or transferred appropriations made.

Section 6.08 Tax Anticipation Borrowing Guidelines

If the Town of Camden finds it necessary to borrow money in anticipation of taxes, the following guidelines shall be followed to the extent practicable:

- (1) Invitations to bid shall be extended to all local banks at the same time.
- (2) Invitations shall be dated and delivered to the banks at least ten (10) complete banking days prior to the bid openings and award.
- (3) Invitations to bid shall specify the following:
 - (a) The maximum amount to be borrowed.
 - (b) A clearly defined method of borrowing; i.e., as needed or lump-sum.
 - (c) Planned maturity dates of said notes, and any required prepayment options.
 - (d) Estimated planned borrowing and repayment schedule. (Does not apply if borrowing is on a lump-sum basis.)
 - (e) The date, time, and place bids are due, and the date bids will be opened and awarded.
 - (f) The Town's right to accept or reject any or all bids.
 - (g) The method by which interest shall be calculated; e.g. actual number of days outstanding over a three hundred and sixty-five (365) day period.
- (4) Bidders shall be asked to submit interest rates in multiples of one one-hundredth of one percent (0.0001%).

Section 6.09 Administration of Unexpended Balances and Fund Transfers

- (1) The Select Board may, after a duly advertised Public Hearing:
 - (a) Vote to carry over any unexpended year-end balance to a surplus account or from any account previously approved by Town Meeting vote from the then current fiscal year to the

next fiscal year in that same account. Those carry-over balances shall be deemed appropriated for that same account for the next fiscal year.

- (b) Vote to transfer funds from departmental accounts with balances to other departmental accounts to cover overdrafts.
 - (c) Vote to transfer an amount not to exceed ten percent (10%) of the unexpended balances from any budgetary department to another budgetary department of the annual budget, subject to the limitations contained in this Article, during the period from April 1 to the date of the Annual Town Meeting in June. The transfer of unexpended balances from various budgetary categories shall not increase the expenditure in any budgetary category by an amount that exceeds two-twelfths (2/12) of the budgeted amount approved for that budgetary category.
- (2) Any expenditure from the Town's Surplus Account shall be approved by the voters at an Annual or Special Town Meeting.

Section 6.10 Lapse of Appropriations for Capital Expenditures

An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.

State Law Reference: 30-A MRS, § 5801, § 5802

Section 6.11 Endowment Funds and Gift Management

From time to time, people and/or organizations donate assets to the Town to be managed by the Town and used for the benefit of Town residents. These assets shall be collectively called the Endowment Funds.

- (1) All assets, including cash, financial instruments, or real property donated to the Town may be accepted only upon a vote of acceptance by the voters of the Town at a Special or regular Town Meeting in accordance with Title 30-A MRS §5652-5655.
- (2) Accepted assets shall be managed in the following manner:
 - (a) Assets contributed to the Town in the form of a Trust or with other specific bequest language shall be managed in accordance with the stipulations of the Trust or the specific bequest language.
 - (i) Endowment Funds Committee. The Select Board shall appoint a three (3) person Endowment Funds Committee to ensure that the Endowment Funds are managed in accordance with the Investment Policy Statement. The Investment Policy Statement shall be recommended by the Endowment Funds Committee and approved by the Select Board. The members of the Endowment Funds Committee shall be appointed by the Select Board from interested and qualified Town residents for staggered three (3)-year terms.
 - (ii) Registered Investment Advisor. The Town shall employ one or more Registered Investment Advisor(s) as recommended by the Endowment Funds Committee and approved by the Select Board. The Registered Investment Advisor(s) shall perform to the standards established in the Investment Policy Statement or shall be subject to replacement by the Select Board upon the advice of the Endowment Funds Committee. The Select Board shall issue a Request for Proposal at least every five (5) years from at least three (3) Registered Investment Advisors so that high quality management of the Endowment Funds can be maintained.
 - (iii) Beneficiary Advisers Committee. The Select Board shall appoint a Beneficiary Advisers Committee not to exceed five (5) members; two (2) shall be Select Board members, plus the Town Manager, the Town Finance Director and the General Assistance Manager. They shall be responsible to select beneficiaries to receive distributions from the various Trusts in accordance with the stipulations of each Trust. The Beneficiary Advisers Committee, in

conjunction with the Endowment Fund Committee, shall exercise prudence in the distribution of funds from the Trusts so that the Trusts can operate into perpetuity. No one may simultaneously be a member of the Endowment Funds Committee and Beneficiary Advisers Committee.

- (iv) If the intended purpose of a Trust can no longer be satisfied because that need has been extinguished or is satisfied through some other mechanism, then the Select Board shall pursue legal remedies so that the Trust can distribute funds for some similar purpose.
- (b) Assets other than real property, or not in a Trust, or with no specific bequest language, donated to the Town, shall be converted to cash by the Select Board and placed in the Surplus Account.
- (c) Assets, other than real property donated to the Town, with donor stipulations shall be converted to cash by the Select Board and placed in an account specifically identified to be used as the donor stipulated. These donated assets may be moved to any other account or purpose to the extent such action does not conflict with the stipulations placed on the gift by the donor.
- (d) Real property is donated to the Town. The Select Board shall decide if the property should be retained by the Town or sold. If the property is sold, then the proceeds shall be placed in the Surplus Fund.

Section 6.11 Annual Audit

As authorized by law, the Town Manager shall each year appoint a Certified Public Accountant or accountants, with the approval of the Select Board, for the purpose of conducting the annual audit of the prior fiscal year's municipal finances.

State Law Reference: Title 30-A MRS § 5823

Section 6.14 Bonding Requirements

The Select Board shall require a bond, satisfactory to them and paid for by the Town, by a reputable surety company or other acceptable sureties such as the Town's Property and Casualty Insurance Policy, for all persons entrusted with the collection, custody or disbursements of any moneys of the Town.

State Law Reference: Title 30-A MRS § 5601, Title 36 MRS § 755

Article VII Growth Management and Long-Range Planning

Section 7.01 Purpose

Camden recognizes that in order to survive and prosper in a rapidly changing world, it needs to be diligent about providing for and implementing Growth Management and Long-Range Planning. In accordance with Title 30-A MRS, § 4323-4326, a municipal growth management program may include a Comprehensive Plan and an Implementation Program. The Town's existing Comprehensive Plan and existing land use ordinances and their amendments and successors shall comply with the procedures, goals and guidelines established in state law.

Section 7.02 Planning Board

- (1) Membership and Terms. The Select Board shall appoint a Planning Board of five (5) members to serve staggered three-(3) year terms and two (2) alternates to serve one (1)-year terms. Planning Board members and alternates shall be Camden residents.
- (2) Responsibilities.
 - (a) Review and process applications for subdivisions, site plans, private ways, piers and other land permitting requirements as stipulated in the Zoning and Subdivision Ordinances.
 - (b) When appropriate, initiate amendments to existing ordinances or new ordinances in response to these needs.

Section 7.03 Zoning Ordinance and Zoning Map

- (1) Ordinance Review. The Planning Board shall be cognizant of changing regulations and approaches in land planning in conjunction with the needs of the Town and shall monitor the Town's Zoning Ordinance, recommending needed changes to the Select Board.
- (2) Consistency. The Zoning Ordinance must be pursuant to and consistent with the Comprehensive Plan adopted by the Town Meeting.
- (3) Zoning map required. A zoning map describing each zone established or modified must be adopted as part of the Zoning Ordinance or incorporated in the ordinance.
- (4) Authentication. The zoning map or any amended zoning map must be signed and dated by the Select Board and Town Clerk.

Section 7.04 Comprehensive Plan and Comprehensive Plan Committee

- (1) Review. The Town shall review and maintain a Comprehensive Plan to be presented to the voters at Town Meeting at least every ten (10) years.
- (2) Review Committee. The Select Board shall appoint a Comprehensive Plan Committee of up to eleven (11) voting members to include five (5) members of the Planning Board and additional citizens of the Town of Camden.
- (3) Required Input. Consistent with 30-A MRS ¶4324 (as may be amended from time to time), the Committee shall provide for a broad range of opportunity for comment, review and participation from Town staff, town committees, and the public in revising and updating the Comprehensive Plan.
- (4) Committee Term. The Comprehensive Plan Committee shall serve until the Comprehensive Plan is adopted by the voters.

(5) Periodic Review for Amendments.

- (a) From time to time it may be appropriate to amend the Comprehensive Plan to satisfy changes in State or Federal regulations or to reflect changes in how Camden citizens want to direct the Town in between the normal ten-(10) year cycle.
- (b) Recommendations. The Planning Board shall recommend changes after soliciting input as described in the preceding section from all concerned and submit the proposed changes to the Select Board for its consideration of inclusion at the next Town Meeting.

Section 7.05 Implementation Program

- (1) Select Board Direction. Following the adoption of the Comprehensive Plan and any subsequent amendments, the Select Board shall direct the implementation of the Plan's recommendations and strategies, working with the Town Manager, Town Committees and other parties as needed.
- (2) Town Manager Responsibilities. The Town Manager shall be responsible for working with appropriate department heads to incorporate implementation strategies in department work plans. The Town Manager shall notify other responsible parties as identified in the Comprehensive Plan to coordinate implementation strategies.
- (3) Incorporation of Strategies. Appointed Town Committees and Boards shall incorporate implementation strategies in committee work plans as assigned to them by the Select Board and the Comprehensive Plan.

ARTICLE VIII Nominations and Elections

Section 8.01 Conduct of Elections

The conduct of elections and the recount of ballots shall be in accordance with the provisions of Titles 21-A and 30-A, Maine Revised Statutes.

Section 8.02 Nomination by Petition Method

(1) Nomination Petitions Required.

- (a) With the exception of the Budget Committee per Article 6.03(1), candidates for election to any elective office whose names appear on a written ballot must be nominated by petition.
- (b) Any qualified voter of the Town may be nominated for election by a petition signed by qualified voters of the Town.
- (c) Number Required. Not fewer than twenty-five (25) nor more than fifty (50) signatures of Camden residents are required.

(2) Signatures.

- (a) Affidavit Required. The signatures to a nomination petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in the circulator's presence and that certifies each signature to be the genuine signature of the person whose name it purports to be.
 - (b) The signatures shall be executed in ink. Each signer shall indicate next to their signature the date of signing and the street address where the signer resides.
- (3) Filing and Acceptance of Nomination Petitions. Completed nomination papers, including all separate papers comprising the nomination petition, shall be assembled and filed with the Town Clerk during business hours. The clerk shall make a record of the exact time when each petition is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of nomination.
- (4) Procedure After Filing Nomination Papers. Within five (5) days after the filing of a nomination petition, the Town Clerk shall notify the candidate and the person who filed the petition whether or not the petition satisfied the requirements prescribed by this Charter.
- (5) Insufficient Petition. If a petition is found insufficient, the Town Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate.
- (6) Retention. The Town Clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

State Law Reference: Title 30-A MRS, § 2528

Section 8.03 Ballot Order of Candidates' Surnames

Where two (2) or more candidates have been nominated for any office, the names of the candidates shall appear on the ballot in alphabetical order by last name. The name of each nominee or each candidate for nomination must appear on the ballot as follows: last name first followed by the first name and middle name or initial; last name first followed by the first name or the first initial and the middle name; or last name first followed by the first name. State Law Reference: Title 21-A MRS, § 601

Section 8.04 Determination of Election Results

- (1) Number of Votes. Each voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- (2) Plurality. Election shall be determined by plurality vote. In case of a tie for any single one of the vacancies to be filled, a run-off election of those who tied shall be held within fourteen (14) days on one week's notice in a print and electronic media of general circulation in the Town and posted on the Town's website.

Section 8.05 Publication and Format of Ballots for Ordinances

- (1) Publication. Copies of the full text of any ordinance or amendment to be enacted by ballot shall be made available in the Town office at least thirty (30) days before the election date and displayed on election day at the designated place of polling.
- (2) Title. An ordinance to be voted on by written ballot shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement describing the substance of the measure without argument or prejudice.

State Law Reference: Title 30-A MRS § 3001

- (3) Summary. The Select Board may approve a brief summary, to be included on the Warrant and printed below the ballot question, which shall fairly and factually summarize the effect of the proposed Article, ordinance, or amendment.

Section 8.06 Voting Machines

The Select Board may provide for the use of mechanical, electronic or other devices for voting or counting the votes consistent with the law.

State Law Reference: Title 21-A MRS § 808 & 809

ARTICLE IX General Provisions

Section 9.01 Terms of Elected or Appointed Officers

The term of any elected or appointed officer shall begin no later than the second business day following the final determination of the election or appointment of said officer. Any officer shall serve for their prescribed term or until their successor is elected or appointed.

Section 9.02 Swearing in Officers and Officials

Every Town officer or official shall be sworn to the faithful discharge of the duties incumbent upon them to the Constitution and laws of the State of Maine, and the Charter and Ordinances of the Town, and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

State Law Reference: Title 30-A MRS, § 2526 (9)

Section 9.03 Conflict of Interest

- (1) Public Trust. All municipal officials and officers are sworn into public office to serve the interests of the Town of Camden as a whole, and in the municipal official and officer there is vested a public trust. A betrayal of that trust occurs when any official acts in their own interest rather than in the public interest while performing his or her job.
- (2) Requirement to Inform. Any official of the Town who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation or business entity, in any contract with the Town, or in the sale of any land, material, supplies, or services to the Town or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in their capacity as an official, officer, or employee in making of such sale or in the making or performance of such contract.
- (3) Appearance of Conflict. Even if no legal conflict of interest exists, an official, officer or employee of the Town should avoid even the appearance of conflict by disclosing the potential conflict and/or abstention from the issue being considered.
- (4) Recusal. During the meeting any such Town official, officer or employee of the Town with a conflict of interest shall recuse him/herself and shall move to the public section area until such time as the matter involving the conflict of interest is closed and the board, committee or commission is ready to move on the next agenda item. The official's recusal and reason for the recusal shall be recorded in the minutes of the meeting.
- (5) Violation. Any Town official who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section, with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the Town, shall render the contract or sale voidable by the Select Board.
- (6) Application. The standards of conduct established in this section shall apply to all employees of the Town. Any inquiry or disciplinary action of an employee for violation of these standards shall be conducted solely under the terms of the Town's Personnel Policy Manual.

State Law Reference: Title 30-A MRS, § 2605

Section 9.04 Prohibited Conduct

The prohibitions in this section apply to all elected officials of the Town, its employees, committees, commissions and board members.

- (1) **Discrimination.** No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office in violation of the Town's Personnel Policy (see Article 4.01) and the Maine Human Rights Act (State reference Title 5 MRS § 4551 et. seq.)
- (2) **Falsification.** No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification or appointment under any personnel provisions of this Charter or the rules and regulations made thereunder or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
- (3) **Inducement.** No person shall directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, any position within the Town administration.
- (4) **Political Activity.**
 - (a) No person who holds a compensated appointed Town position shall solicit any assessments, contributions, or services for any political party from any employee of the Town. Staff shall not solicit donations to a political candidate or party from Town employees.
 - (b) Nothing contained in this section shall affect the ability of any person to hold membership in, and support, a political party, to vote as the person chooses, to express the person's opinion privately and publicly on political subjects and candidates, to maintain political neutrality, and to attend political meetings.
- (5) No person shall disclose/use information not available to members of the general public and gained by reason of the person's official position for personal gain or benefit or for the personal gain or benefit of any other person or business entity.

Section 9.05 Organization, Rules, Records, and Vacancies of Appointed Boards, Committees, and Commissions

- (1) **Organizational Meeting.** All Boards, Committees and Commissions appointed by the Select Board shall hold an organizational meeting at the first meeting of the membership held after their annual appointment or as soon as practicably possible. Except where otherwise noted, the organizational meeting shall include:
 - (a) Election of officers, which shall include a chair person and vice-chair, and secretary.
 - (b) Adoption of rules of order for conducting meetings.
 - (c) Scheduling of all regular meetings for the year.
- (2) **Public Access and Records.** All meetings shall be open to the public and a record of each meeting shall be maintained and submitted to the Town Office to be made available to the public in a reasonable period of time.

State Reference: Title 1 MRSA, §401 et seq.
- (3) **Forfeiture of membership due to absence.** Should any Board, Committee or Commission member have three (3) consecutive unexcused absences from regular meetings within the fiscal year, their position shall be deemed forfeited and the Select Board shall appoint a new member.
- (4) **Vacancies.** After advertising for interested persons to apply for any vacancy that shall occur on any appointed Board, Committee or Commission, the Select Board shall appoint a replacement for any vacancy as soon as practicably possible.

Section 9.06 Separability Provisions

- (1) Judged Invalid. If any provision of this Charter is held invalid, the other provisions shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.
- (2) Statute Repeal or Revision. Should any of the provisions of this Charter that are governed by the Maine Revised Statutes (MRS) become invalid due to a change in State law after the adoption of this Charter, the new Maine Statute shall take precedence over such provision in this Charter until the Charter can be amended in accordance with Maine State law.

ARTICLE X Transitional Provisions

Section 10.01 Effective Date

This Charter shall become effective for all purposes on and after the first business day of the of the first month following its adoption by the voters of Camden.

Section 10.02 Select Board

All members serving on the Select Board at the effective date of this Charter shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

Section 10.03 Temporary Ordinances

All existing codes, ordinances, and policies, including the by-laws of Atlantic Engine Company #2 and those of the police department, will remain in effect until altered, amended, or rescinded, except where these codes, ordinances, and policies are inconsistent with this Charter.

Section 10.04 Officers, Employees, and Board Members

- (1) Rights and Privileges Preserved. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are Town officers or employees at the time of its adoption.
- (2) Continuance of Office or Employment.
 - (a) Except as specifically provided by this Charter, if at the time this Charter takes full effect, a Town administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, they shall continue in such office or position until the taking effect of some specific provision under this Charter directing that they vacate the office or position.
 - (b) All established boards and committees not inconsistent with this Charter shall continue in effect until changed by Select Board action, and the incumbent members shall serve their appointed terms or until replaced.
 - (c) Personnel System. An employee holding a Town position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for under this Charter.
- (3) Budget Committee. All Budget Committee members serving at the time this Charter takes full effect, shall serve until the expiration of their term. Upon the expiration of their term, they may run for election to any existing vacancy on the Budget Committee as provided for in Charter Article VI, 6.03(1). The terms of future members are to be staggered. A schedule shall be drawn up showing how many are to be elected for 3-year, 2-year and 1-year terms.
- (4) Personnel Board. As of the date of adoption of this Charter, each of the three (3) members elected by the Town voters to the currently existing Personnel Board and serving at the time of the adoption of this Charter shall serve until the expiration of their terms. The Select Board may then make appointments to fill the vacancies on the newly appointed Personnel Committee.

Section 10.05 Departments, Offices and Agencies

- (1) If a department, office, or agency is abolished by or under this Charter, the powers and duties given it by law shall be transferred to the Town department, office, or agency designated in this Charter, or if the Charter makes no provision designated by the Select Board.
- (2) Property and Records. All property, records, and equipment of any department, office, or agency existing when this Charter is adopted shall be transferred to the department, office, or agency assuming its powers and duties. But, in the event that the powers or duties are to be discontinued or divided between units, or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices, or agencies designated by the Select Board in accordance with this Charter.

Section 10.06 Pending Matters

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

Section 10.07 State and Municipal Laws

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

Article XI Final Report of the Charter Commission to the Town of Camden

On June 11, 2019 the Town of Camden voted to form a new Charter Commission. Three (3) members were appointed by the Select Board and six (6) were elected by the citizens of Camden¹. After their organizational meeting in August, the Commission began work in September. The Commission included members with town government experience: former members of the Select Board, Planning Board, Zoning Board of Appeals, Personnel Board, Comprehensive Plan Committee, Conservation Commission, the 1979 Charter Commission and current members of the Budget Committee. Their work continued throughout 2021 and the Final Report and full draft of the revised Charter was presented to the Select Board on September 21, 2021 for inclusion on the November 2021 ballot.

In spite of the breadth of experience the Commission struggled a bit in the beginning on how to approach a Charter that had not been fully revised or reviewed in forty years. We realized it required modernization – bringing it up to date and in compliance with current Maine statutes and references; the format needed to be more accessible and various duties scattered throughout the Charter needed consolidation.

The first thing we studied was our form of government—our current Town Meeting/Select Board/Town Manager model versus a hybrid model with a town council that shares legislative authority with the voters (Town Meeting). We reviewed charters from other towns and communicated with various town managers within Maine. Although some Select Board members expressed an interest in a hybrid model form of government, we received no comments from citizens during our public hearings held in July and August of 2021 or via the Commission's email account. The Commission concluded that our current form of government is still appropriate and currently meets the needs of its citizens.

As the work progressed, we considered how to bring the Charter in line with current practices in the administration of the Town. There are some changes that warrant particular attention, such as changes to the structure of the Budget Committee—streamlining the nomination process and reducing the number—and we added a new section on the management of Endowment Funds and Gifts, these both appear in Article VI; we added a new article on Growth and Long-Range Planning in Article VII. We transitioned the Personnel Board to an advisory Personnel Committee. We also realized the need to provide a process to make sure another forty years did not go by before revisiting the Charter. This was added to Article II.

The changes to the Budget Committee and Personnel Board do not in any way diminish the value and need for the work done by both. They simply reflect certain current realities. When the Charter Commission of 1979 established the Personnel Board, they noted there was a need to set standards for qualifications and performance. Since then the town has adopted a complete Personnel Policy Manual to establish a “uniform, equitable and efficient system of personnel administration” (Personnel Policy Town of Camden Maine, page 1). The work of the Personnel Board has since evolved into one with advisory responsibilities. The current Personnel Board has drafted a new statement of responsibilities that the Commission recommends the Select Board adopt to form the new Personnel Committee. To transition, currently elected members of the Personnel Board shall serve until their terms are up, and then are eligible to be appointed by the Select Board to the Personnel Committee.

Recent history has shown that finding citizens to serve on a Budget Nominating Committee has been problematic with many years with an insufficient number of candidates nominated at Town Meeting. Equally difficult has been the task of filling 21-25 seats on the Budget Committee. An analysis of other Town Meeting towns revealed that Camden is the only town with such a large committee and that most Budget Committees are appointed by Select Boards. We are retaining the election of committee members, but reduced the number to eleven (11), a number still higher than most towns. Instead of a

¹ Deb Dodge, John French & Lowrie Sargent were appointed. Elected members were Nancy Caudle-Johnson, Mark Haskell, Jim Heard, Steve Melchiskey, Robin McIntosh, Christopher MacLean. Melchiskey, McIntosh and MacLean resigned and their replacements, Karen Grove, Bob Oxtan and Jean White were elected by the remaining Charter Commission members.

Nominating committee, prospective Budget Committee members shall fill out a committee interest form in order for their name to be placed on the ballot.

Due to restrictions on in-person meetings during the Covid-19 emergency, the Town was unable to hold the open Town Meetings in June of 2020 and 2021. The citizens voted on the Town's budget by secret ballot instead of by a show of hands at the open Town meeting. That raised the issue of whether voting by secret ballot was a preferable way for the citizens to approve the annual budget. The Commission has not changed the method of voting in this proposed revision, but rather recommended that the Select Board include on the November 2021 Warrant a non-binding article to gauge the voters' interest in making such a change. While the results of the non-binding article do not mandate any action, it will be a good indication of whether the Charter should be revised in the future to allow the change.

Covid concerns did disrupt the Commission's work in 2020 and 2021 delaying presentation of a working draft to the public until the summer of 2021. Two public hearings were held in the French Conference Room on July 21 and August 18, 2021, in addition to creating an email address to receive feedback and answer any questions or concerns from the citizens. We received very helpful editing suggestions, comments on some of the proposed revisions, but no requests for substantive changes in Camden's form of government. It should be noted that all Commission meetings were open to the public and announced on the Town calendar and available for viewing on YouTube.

This revision of the Town Charter is the result of the Commission's meetings, public hearings, research into the Charters of other Towns, communications with Town Manager Audra Caler, the Select Board, Finance Director Jodi Hanson, members of the Budget Committee and Personnel Board, former Town Manager Roger Moody, and Town Attorney Bill Kelly. Mr. Kelly has participated in numerous meetings, as well as reviewed revisions to the Charter as it progressed.

The Commission believes this newly revised Charter provides a solid foundation for the Town going forward.

The Commission would like to extend special thanks to Assistant Town Manager, Janice Esancy for her invaluable administrative support.

Respectfully Submitted,

Deb Dodge, Chairperson



Lowrie Sargent, Vice-Chair
Nancy Caudle-Johnson
John French
Karen Grove
Mark Haskell
Jim Heard
Bob Oxtan
Jean White

GLOSSARY

Administrative Ordinance - The body of laws that governs the administration and regulation of government agencies.

Board - Select Board, when the words are capitalized.

Camden Code – see Codification

Capital Expenditure - The expenditure of funds for assets of a permanent or fixed nature.

Citizen's Initiative and Referendum - Initiative guarantees the right by which citizens can propose a law by petition and ensure its submission to the electorate. Referendum is the actual submission of a proposed public measure or statute to a direct popular vote.

Codification - The process of collecting or arranging all the ordinances and resolutions of the Town that have the force and effect of law into a uniform and complete system, called the Camden Code.

Digital Recording - Audio and/or video signals picked up by a microphone and/or a camera then recorded to a storage device.

Electronic – relating to technology having electric, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

Electronic Record – means a record created, generated, sent, communicated, received or stored by electronic means.

Ensuing Year - One year from a stated date.

Fiscal Year - The year by which accounts are reckoned.

General Assistance - A program designed to assist persons in meeting their basic needs for housing, utilities, personal needs, and transportation.

Legislative Body - Voters of the Town.

Local Banks - Banks that maintain banking facilities within the Town of Camden.

Manager - Town Manager

Qualified Voter - A resident of Camden and a U.S. citizen who is at least 18 years of age. Title 21-A MRS §111

Overseers - Supervisors, public officers whose duties involve general superintendence of the inhabitants of the municipality with monies furnished to them by State, Federal or local authorities.

Recording - A relatively permanent oral or written record.

Residence - That place where the person has established a fixed and principal home to which the person whenever, temporarily absent, intends to return to. Title 21-A MRS § 112

Resident - A person occupying a residence within the Town with intent to make that place their permanent home.

Select Board – The elected Town Officials

Statute - A written law passed by a legislative body.

The Town - Camden

Town Officer - One who is invested with some portion of the functions of the government to be exercised for the public benefit.

Warrant – A document issued by the Select Board to call a town meeting and lists items to be voted at town meeting.

Written Record - A written document preserving knowledge of facts or events such as the proceedings of Town Boards, Committees and Commissions.