

## **Charter Index**

### **CHARTER**

An Act to Grant a New Charter to the City of Gardiner  
1955-H.P 100-L.D. 118  
Adopted September, 1955  
1955 Private and Special laws, ch. 44

### **INDEX**

#### **ARTICLE**

- I. Grant of Power to the City
- II. City Council
- III. The Mayor
- IV. The School Board
- V. Nominations and Elections
- VI. Administrative Officers
- VII. Business and Financial Provisions
- VIII. Initiative and Referendum
- IX. Miscellaneous Provisions

Last Updated: Friday, Apr 19, 2002

Corporate Existence Retained

#### **City Charter Article I Section 1**

Corporate Existence Retained

The inhabitants of the City of Gardiner shall continue to be a municipal corporation under the name of the City of Gardiner and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation; and may enact ordinances, by-laws, and regulations not inconsistent with the constitution and laws of the State of Maine.

City Council

## **Article II**

### **City Council**

#### Sections

1. Powers and Duties
2. Composition, Election, Tenure of Office
3. Vacancies, Forfeiture of Office
4. Regular Meetings and Qualifications
5. Special Meetings
6. Quorum
7. Procedure
8. Adoption and Amendment of Codes by Reference
9. Waiver of Publication

#### **Powers & Duties**

The Administration of all fiscal, prudential and municipal affairs of said City with the government thereof, except as otherwise provided by this charter, shall be and are vested in one body of seven members and a mayor, which shall constitute and be called the City Council, all of whom shall be qualified voters of said City, and shall be sworn in the manner hereinafter prescribed. Said City Council shall exercise its powers in the manner hereinafter provided.

The members of the City Council shall be and constitute the municipal officers of the City of Gardiner, for all purposes required by statute and except as otherwise herein specifically provided, shall have all the powers and authority given to and perform all duties required of municipal officers and mayors of cities under the laws of this state.

The said City shall be divided into four voting districts, except that it shall be the duty of the City Council at least once in ten years to review and, if alteration is deemed necessary, to alter the boundaries of said voting districts in such manner as to preserve as nearly as convenient an equal number of inhabitants in each voting district.

All other powers now or hereinafter vested in the inhabitants of said City and all powers granted by this act, except as herein otherwise provided, shall be vested in said City Council.

## **Composition, Election, Tenure of Office**

The City Council shall be composed of the Mayor and seven other members. Four members shall be elected, one from each of the Four voting districts provided for in Section 1 of this article. Three members shall be elected at large. The candidate from each voting district receiving the largest number of votes cast in that voting district shall be the elected Council member from that voting district. In elections for at large members, each voter shall be entitled to cast their votes for up to three candidates and the three candidates receiving the largest number of votes cast city wide shall be elected Council members at large. The term of office of all Council members and Mayor shall be for 2 years or until their successors are elected and qualified, voting districts shall be elected. for a two year term. Each member, except the Mayor shall receive the annual salary of \$1,000 and shall not be eligible while a member of the Council to any office of employment or profit under the City Charter or ordinances, nor to hold the office of City Manager, nor to act as City Manager during the term for which he was elected. No member of the City Council or their spouse shall be employed as an employee of the City during their term of office and for one year after leaving office

## **Vacancies, Forfeiture of Office**

In case of a vacancy caused by the death, resignation, removal from the City, or removal from the office, as hereinafter provided, of any member of the City Council, the vacancy shall be filled temporarily by a majority vote of the remaining members of the Council, and the person qualified. If the vacancy occurs with respect to a particular voting district, the Council shall appoint a voter residing in that district to temporarily fill the vacancy. In this regard, the position of councilman to fill the unexpired term created by this vacancy shall be placed on the ballot at the next regular or special municipal election. The person thus elected at this regular or special election shall take office as soon as possible under the terms of this Charter and shall serve for the remainder of the vacated councilperson's term. The nomination of all candidates for the said regular or special election shall be by petition in accordance with Article V, Sections 3 and 4, or the Charter, submitted not earlier than sixty days nor later than thirty days before such election.

Any member of the City Council who shall convicted of a crime while in office, may after due notice and hearing before the City Council, be removed from office

## **Regular Meetings and Qualifications**

The council shall meet at the usual place for holding meetings at 10:00 o'clock a.m. on the 1st Monday in January, biennially, at which time the Mayor-elect and the Council members-elect shall be sworn to the faithful discharge of their duties by a Notary Public or by the City Clerk. Thereafter the Council shall meet at such time and place as may be prescribed by ordinance or resolution, except that it shall meet regularly each month.

## **Special Meetings**

Special meetings may be called by the Mayor and in case of his absence, disability, or refusal, may be called by a majority of the members of the City Council. Notice of such meetings shall be served in person or left at the residence of each member of the City Council at least 24 hours before the time for holding said special meeting.

## **Quorum**

A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least 24 hours notice shall be given to all members who were not present at the meeting from which the adjournment was taken.

## **Procedure**

The Council shall keep a record of its proceedings and shall be judge of the qualification and election of its own members. The Council may determine its own rules of procedure and punish members for misconduct. The meetings of the Council shall be open to the public. The Council shall act only by ordinance, order or resolve; and all ordinances, orders and resolves except resolves making appropriations, shall be confined to one subject which shall be clearly expressed in the title. The appropriation resolves shall be confined to the subject of appropriations. No ordinance and no appropriation resolve shall be passed until it has been read on two separate days, has been dispensed with by the affirmative vote of at least five members of the Council. The yeas and nays shall be taken on the passage of all ordinances and entered on the record of the proceedings of the council by the Clerk. The yeas and nays shall be recorded on the passage of any order or resolve when called for by any member of the Council. Every ordinance shall require on final passage, the affirmative vote of at least five members of the Council. Every ordinance, before final passage, shall be posted, marked "Proposed Ordinance," at the City Hall and

shall take effect and be in full force 30 days from and after it shall have received final passage by the City Council. Within 15 days after final passage said ordinance shall be published in one or more of the newspapers circulated in Gardiner.

No order or resolve shall take effect until 10 days after its passage except that the City Council may, by the affirmative vote of at least five members pass emergency orders or resolves to take effect at the time indicated therein out such emergency orders or resolves shall contain a section in which the emergency is set forth and defined.

### **Adoption & Amend. of Codes by Reference**

The Council may adopt or repeal an ordinance which incorporates by reference any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provision of such code in full. At least three copies of such code, portion or amendment, which is incorporated or adopted by reference shall be filed in the office of the City Clerk at least 30 days prior to final adoption of the ordinance which incorporates such code, portion or amendment by reference, and shall there be kept available for public use, inspection and examination. Publication of any ordinance which incorporates by reference any code or portions of any code or any amendment thereof, may be waived in accordance with Section 9 of this article.

Any ordinance adopting a code, portion or amendment by reference shall state the penalty for violating such code, portion or amendment, or any provisions thereof separately and no part of any such penalty shall be incorporated by reference.

"Code" means any published compilation of rules or enforceable standards which has been prepared by the American Insurance Association, the Building Officials and Code Administrators International, the International Conference of Building Officials, the National Fire Protection Association, the Southern Building Code Congress, or any department or agency of the Federal Government or the State of Maine, and shall include specifically, but shall not be limited to: building codes, plumbing codes, electrical wiring codes, health or sanitation codes, fire prevention codes, inflammable liquid codes, together with any other code which embraces rules pertinent to the subject which is a proper municipal legislative matter.

## **Waiver of Publication**

Publication of any ordinance may be waived by an affirmative vote of at least five members of the Council. If publication is waived, at least three copies of the proposed ordinance shall be filed with the City Clerk within 15 days after final passage and a notice stating that publication has been waived and that copies are available at the City Clerk's office for public inspection, shall be published in one or more of the newspapers circulated in Gardiner within 15 days after final passage.

## **The Mayor**

### **Article III**

#### **Sections**

1. Eligibility, Election and Tenure of Office
2. Vacancy
3. Powers and Duties
4. Salary

#### **Eligibility, Election & Tenure of Office**

A Mayor shall be elected by and from the qualified voters of the City. He shall hold office for a term of 2 years or until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the un-expired term or until his successor is elected and qualified.

#### **Vacancy**

In the case of death, resignation, or removal from office of the Mayor, the vacancy shall be filled from the Council by the affirmative vote of at least four members and the member so elected to the position of Mayor shall serve until the next regular municipal election.

#### **Powers & Duties**

The Mayor shall preside at all meetings of the Council and shall perform such other duties not inconsistent with his office as the Council may impose. He shall have no veto but shall be a voting member of the council. He shall be recognized as the official head of the City. The title of Mayor shall not be considered as conferring upon him any power of a Mayor under the general laws of the State inconsistent with the provisions of this charter.

#### **Salary**

The salary of the Mayor shall be fixed at \$1750 annually.

## **The School Board**

### **Section 1. Nomination and election.**

The manner of nomination and election of representatives of the City of Gardiner to the SAD # 11 Board of Directors shall be as provided in this charter for elections of at large City Council members, except as follows: Directors shall be elected for three year terms, with two directors elected each calendar year; in any election of Directors, each voter of the City of Gardiner shall be entitled to vote for up to two candidates; and in each such election, the two candidates receiving the highest number of votes city-wide shall be elected to the office of Director. Provided, however, that at the first election to be held under this provision which shall be November, 2002, the transitional provisions of Section 2.1 below shall apply.

### **Section 2. Transitional provision for 2002 election.**

Those persons serving as Directors of School Administrative District (SAD) # 11 on the effective date of this amendment shall continue as Directors until expiration of their current terms, four of which expire in November 2002, and two of which expire on November 2003. Four new Directors shall be elected in November 2002, and each voter of the City of Gardiner shall be entitled to cast votes for up to four (4) candidates for Director. The two (2) candidates who receive the highest number of votes city-wide shall be elected as Directors of SAD # 11 for a three year term. The two candidates who receive the next highest number of votes shall be elected as Directors of SAD # 11 for a two year term.

Note: New language is underlined. The entire provision is new.  
Nominations & Elections

## **Article V**

### **Nominations and Elections**

#### **Sections**

1. Date of Elections and Procedure to determine results
2. Warden and Ward Clerk; Eligibility; Tenure; Qualifications; Powers and duties; Vacancies; Ward Meeting; how called
3. Nominations for Elective Offices to be made by petition
4. Form of nomination paper
5. Filing nomination papers; acceptances of nominations must be files
6. List of Candidates to be published
7. Ballots, etc., to be prepared by the City Clerk
8. Form of Ballot
9. Count of Ballots
10. Returns; Canvass
11. Specimen ballots to be published and posted
12. State Laws not inconsistent, applicable

#### **Date of election & Procedures to determine**

The regular municipal elections under the provisions of this charter will be held annually on the first Tuesday after the first Monday in November. At this annual elections, the qualified voters of the city shall ballot within their regular wards and at their respective polling places for members of the City Council, the Mayor, School Board and such other elective offices as are otherwise provided for in this charter. The candidates for these offices shall be duly qualified under the nomination regulations contained herein.

#### **Warden & Ward Clerk Qualifications**

The Warden and the Ward Clerk appointed as hereinafter provided shall be qualified voters of the wards for which they are appointed, and shall hold their offices for 2 years, or until others have been chosen and qualified in their stead; the Warden and the Ward Clerk shall be sworn to the faithful performance of their duties by the City Clerk, or by a justice of the peace, and certificate of such oath shall be entered by the clerk on the records.

## Nominations for Elective Offices

The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of candidates of Mayor shall be signed by not less than 50 qualified voters of the City. The petition for a candidate for the City Council or other elective offices shall be signed by not less than 25 of the qualified voters of the City. City Council candidates and other candidates seeking election from a particular voting district shall obtain all petition signatures from qualified voters of that district. No voter shall sign petitions for more than one candidate for each office.

## Form of Nomination Paper

The signatures to nomination papers need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each petition, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street, or their description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

*To the City Clerk of the City of Gardiner:*

*We, the undersigned voters of the City of Gardiner, hereby nominate.....whose residence is .....for the office of .....to be voted for at the election to be held in the City of Gardiner on the.....day of .....20....and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are vacancies to be filled.*

*Name.....Street and Number.....is the circulator of the foregoing nomination petition containing.....signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.*

*Signed.....*

*Subscribed and sworn to before me this .....day of.....,20....*

*Justice of the Peace or Notary Public.....  
If this petition is deemed insufficient by the City Clerk he shall forthwith notify by mail....at No.....Street.*

## **Filing Nomination Papers**

The nomination petitions for any one candidate shall be assembled and united into one petition and filed with the City clerk not earlier than the first Monday of August nor later than the second Monday of September of the municipal election year. No nomination shall be valid unless the candidate shall file with the City Clerk in writing no later than the second Monday in September of a municipal election year. No nomination shall be valid unless the candidate shall file with the City Clerk in writing no later than the second Monday in September of a municipal election year his consent, accepting the nomination, agreeing not to withdraw, and if elected, to qualify.

## **List of Candidates to be Published**

The City Clerk shall certify the list of candidates and shall cause to be published in one or more of the daily newspapers circulating in the City the name, the residences and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

## **Ballots, Etc. Prepared by City Clerk**

Specimen ballots and official ballots for use in all City elections shall be prepared by the City Clerk and furnished by the City.

### **Form of Ballot**

Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence and the office for which they are a candidate, and shall be furnished with one column for crosses or check marks at the right of the candidate's name and residence. Such ballots shall be without party mark or designation and shall be in form as prescribed by board of registration and city clerk.

## **Count of Ballots**

All votes cast for the several offices shall be sorted, counted, declared and registered in open ward meetings as provided by statute. The Ward Clerk shall forthwith deliver to the City Clerk a certified copy of the records of such election.

The City Council shall examine copies of the records of the several wards, certified as aforesaid, and shall cause the persons who shall have been elected Mayor and members of the City Council to be notified in writing of their election. If is shall

appear that at the first election, or at any subsequent election, one or more of the offices to be filled by said election has not been so filled, or if at any election the person elected shall refuse to accept the office for which he has been elected, warrants for another and special election to fill such vacancy or vacancies shall be issued forthwith.

### **Returns; Canvass**

Upon receipt of the returns, after the first election under this charter, the then municipal officers and thereafter the City Council shall determine the successful candidates as has been the customary practice of canvassing returns of municipal elections in Gardiner.

### **Specimen Ballots to be Published & Posted**

The City Clerk shall cause specimen ballots to be posted in public places in each ward and at City Hall. Such specimen ballots shall be printed on colored paper and marked specimen ballots, and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters by the legislature or by the City Council. Such ballots shall be without party mark or designation.

### **State Laws not Inconsistent, Applicable**

The provisions of the laws of the State of Maine relating to the qualification of electors, registration, the manner of voting, the duties of election officers, and all other particulars in respect to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections of Gardiner, except as otherwise provided in this charter.

## **Administrative Officers**

### **Article VI**

## **Administrative Officers**

### **Sections**

1. Titles & Appointments
2. Power of Council with regard to appointive officers and Boards
3. Appointive officers; tenure; removal
4. Salaries
5. Appointment and qualifications of the City Manager
6. Powers and Duties of the City Manager
7. Substitute
8. Duties of Administrative officers other than City Manager
9. Assessors of Taxes
10. Overseer of the Poor
11. Planning Board

### **Titles & Appointments**

There shall be the following administrative officers and boards:

(a) The following officers and boards, except as herein otherwise provided, shall be appointed by the Mayor with the advice and consent of the City Council in regular session, provided however, that in the event that a vacancy occurs among the following officers and boards and no appointment by the Mayor is approved by the City Council within 45 days of the creation of such vacancy, then any member of the City Council may thereupon appoint a person to fill said vacancy, with the advice and consent of the City Council in regular session. 1. City Manager 2. City Clerk 3.

Trustees of the Gardiner Public Library 4. Trustees of the Gardiner Water District 5. Superintendent of Cemeteries 6. Superintendent of Parks and Recreation 7. Director of Civil Emergency Preparedness 9. All officers and boards whose appointments or elections are not otherwise specifically provided for in this charter.

(b) The following officers and boards shall be appointed by the City Manager with the advice and consent of the Council. 1. Treasurer 2. Tax Collector 3. Chief of Police, special police officers and constables 4. Chief of Fire Department 5. City Solicitor 6. City Physician 7. City Auditor 8. Commissioner of Public Works 9. Health Officer 10. All other department heads now existing, or which may be appointed, established through ordinance and resolve.

Except as hereafter provided, these various department heads may hire their own subordinate clerks and employees as needed, subject to the approval of the City Manager.

### **Power of Council regarding appointments**

The Council shall have power by ordinance or resolve to create any new appointive office or to abolish any existing office or board excepting that of the City Manager.

### **Appointive Officers; Tenure; Removal**

All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure of the appointing power, except that the City Manager, in case the City Council proceed to remove him, after 6 months of service, may demand and be entitled to written charges and a public hearing before the Council, upon the question, prior to the date of his removal, but pending such hearing the council may suspend him from office. Appointive officers and boards, whose terms are specified in this charter, may be suspended and removed by the council; except that any person may demand written charges and a public hearing prior to such removal.

### **Salaries**

Salaries of the appointees and all subordinate employees of the City Manager shall be fixed by the City Manager, subject to the approval of the City Council.

### **Appointments & Qualifications of City Manager**

The City Manager shall be chosen by the City Council on the basis of his character and his executive and administrative ability and qualifications. He shall give bond to the City of Gardiner for the faithful performance of his duties in such sum as the City Council shall determine and direct, and with surety or sureties to be approved by the City Council. The premium on his bond shall be paid by the city. The City Council shall fix the salary of the City Manager.

## **Powers & Duties of City Manager**

The City Manger shall be the administrative head of the City and shall be responsible to the Mayor and City Council for the administrative management of all departments of the City. The powers and duties of the City Manger shall be as follows:

1. To act as purchasing agent for the whole City. Each department head shall make requisitions to the purchasing agent for their several needs and he shall be the only person authorized to make contractors of purchase for the City.
2. To make appointments as provided for in this charter.
3. To assign the duties of two or more officers to one officer.
4. To divide the duties of any office between two or more officers.
5. To attend meetings of the City Council (except when his removal is being considered) and recommend for adoption such measures as he may deem expedient.
6. To keep the City Council fully advised as to the business and financial condition of the City as well as the future needs of the City and to furnish the City Council with all the available facts, figures and data connected therewith when requested.
7. To perform such other duties as may be prescribed by this Charter or required by ordinance of the City Council.

## **Substitute**

During any vacancy in the office of City Manger and during the absence or disability of the City Manager, the City Council may designate a properly qualified person to serve and perform the duties of City Manager and fix his compensation while so acting he shall have the same powers and duties as those given to and imposed upon the City Manager. Before entering upon his duties, he shall give bond to the City of Gardiner in a sum and with surety to be approved by the City Council. This premium on such bond is to be paid by the City.

## **Duties of Adm. Officers other than Manager**

Duties of administrative officers other than the City Manager shall be those prescribed by the City Manager except that such duties shall not be inconsistent with any of the provision of this Charter.

## **Assessors of Taxes**

The Board of Assessment Review shall be 5 in number, appointed by the Mayor with the advice and consent of the City Council. They shall hold office for a term of 3 years or until their successors are appointed and qualified; except that at the first appointment, they shall be appointed for staggered terms of 1, 1, 2, 2, and 3 year terms, respectively. Thereafter, Board members shall be appointed each year for a term of 3 years, and each shall hold office until a successor is appointed and qualified. If for any reason a vacancy shall exist in the membership of the Board of Assessment review, the vacancy shall be filled forthwith by appointment by the Mayor with advise and consent of the City Council for the unexpired term. The Board members appointed as above provided, shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the State may exercise, and may now or hereafter by subject to under the laws of the State. The majority of the whole number appointed shall be a quorum and they shall elect their own chairman.

## **Overseer of the Poor**

The City Manager is hereby constituted the overseer of the poor of the City of Gardiner and shall perform all duties required by overseers of the poor for cities by statute or otherwise.

## **Planning Board**

### **Business & Financial Provisions**

#### **Article VII**

### **Business and Financial Provisions**

#### **Sections**

1. Accounts and Records
2. Approving of Bills
3. Audits
4. Reports
5. Annual Budget
6. Appropriations Resolve
7. Borrowing
8. Bond Issues
9. Temporary Loans
10. Liquidation Indebtedness
11. Payments
12. Bonds of Officers
13. Collection and Custody of City Monies
14. Purchasing of Supplies
15. Contracts

#### **Accounts & Records**

Accounts shall be kept by the Auditor, showing the financial transactions of all departments of the City. Forms for all such accounts shall be prescribed by the Auditor, with the approval of the City Manager. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the City. The Auditor shall furnish to the City Manager, prior to the first regular meeting of the City Council in each month, a report containing in detail the receipts and disbursements of the City on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the City, of the several funds and the total unexpended balance to the credit of each department or appropriation account.

## **Approving of Bills**

The auditor shall check and furnish to the City Council on or before the first regular meeting of each month the bills which have been incurred for the preceding calendar month. The Council shall approve these bills and such approval shall be by majority vote of the Council. Payment of such bills shall be in accordance with the provisions of section 11 of the uncollected taxes.

## **Audits**

All the accounts of the City shall be audited annually by a certified public accountant or State Department of Audit to be chosen by the City Council and the Council at its discretion shall have included in any year an audit of the uncollected taxes.

## **Reports**

The auditor shall publish each month a statement of the financial condition of the City. Each of the administrative officers and boards shall annually, on such date as may be fixed by the City Council, render to the City Manager a full report of the transactions of his or their department for the year. The City Manager shall thereafter prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

- (a) Receipts classified according to sources.
- (b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification employed in the City's accounting system.
- (c) Balance sheets.
- (d) Such other financial information as may be required by the City Council

## **Annual Budget**

Not later than the first Monday in May the City Manager shall submit, to the City Council, budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms of which shall be designated by the City Manager and shall contain:

- (a) Exact statement of the financial condition of the City.
- (b) Itemized statement of appropriations recommended for current expenses and for permanent improvements; with comparative statements in parallel columns of expenditures for the current and next preceding fiscal year. Any increases or decreases in any item or items shall be indicated.

- (c) Itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, with comparative figures from the current and next preceding year.
- (d) Such other information as the City Council may require. The budget shall be posted not later than 2 weeks after its submission to the City council. The City Council shall fix a time and place for holding a public hearing upon the budget and shall give a public notice of such hearing, which shall be at least 10 days before the final passage of the appropriation resolve.

### **Appropriations Resolve**

As early as possible after the beginning of the fiscal year, the City Council shall pass an annual appropriation resolve, which shall be based upon the budgets submitted by the City Manager and the School Board. The total amount appropriated shall not exceed the estimated revenue of the City. Before the annual appropriation resolve has been passed, the City Council may make appropriation for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

There shall be included in the annual appropriation resolve an appropriation to provide for tax abatements and uncollectable taxes in such amount as shall be recommended by the Manager and approved by the Council. All abatements and uncollectable taxes shall be charged to this account, and if at any time such account should be in excess of the total tax abatements and uncollectable taxes, then such excess shall be transferred to the unappropriated surplus account.

### **Borrowing**

The borrowing of money by and for the City shall be limited as to form and purpose by the provisions of Sections 8 and 9 of Article VII of this Charter. The credit of the City shall in no manner be loaned to any individual or corporation.

### **Bond Issues**

Money may be borrowed, within the limits fixed by the constitution and statues of the state now or hereafter applying to said Gardiner, by the issue and sale of bands or notes pledged on the credit of the City, the proceeds to be used for the payment of indebtedness of the City contracted for the acquisition of land, the construction and equipment of buildings and other permanent public improvements and the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No

order providing for the issue of bonds or notes shall be passed without public notice given by posting notice of the same in two public places in the City of Gardiner, and publishing said notice in at least one daily newspaper circulated in said Gardiner at least 2 weeks before final action by the City Council, and the affirmative vote of at least six members of the City Council exclusive of the Mayor. Every issue of bonds shall be payable within a fixed term of years, if said bonds are issued in payment of indebtedness incurred for a permanent improvement, the term of such bonds shall not exceed the estimated period of utility of said improvements, but the declaration of the City Council embodied in the order authorizing the issue shall be a conclusive determination of the estimated period of utility thereof, and the term within which all bonds shall be made payable shall in no case exceed 30 years. Bonds issued after the adoption of this Charter, shall be made payable in annual, serial and approximately equal installments as pertains to principal, and interest shall be made payable semi-annually. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal and interest, and such amounts shall be included in the tax levy for each year until the debt is extinguished, provided, however that bonds issued to refund any indebtedness of this City of Gardiner existing prior to the adoption of the Charter or bonds issued to refund such bonds shall not be subject to the aforesaid requirement of being made payable in annual, serial and approximately equal installments.

### **Temporary Loans**

Money may be borrowed in anticipation of receipts from taxes during any fiscal year but the aggregate amount of such loans outstanding at any one time shall not exceed 80% of the taxes committed during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be paid within 1 year and are subject to the provisions of laws of the State of Maine in relation thereto.

### **Liquidation Indebtedness**

There shall be included in the annual appropriation resolve an appropriation for the liquidation of municipal indebtedness in the amount of not less than the total amount of payments during that year, such amount to be used for the payment of serial notes and bonds maturing within the year and the balance to be deposited in the unappropriated surplus account. This provision shall remain in force so long as there remain outstanding bonds or notes, exclusive of temporary loans in anticipation of taxes, the payment of which has not been provided for by payments in serial installments.

## **Payments**

Money shall be paid out only on warrants on the City Treasury issued by the Auditor and countersigned by the City Manager, the Mayor and a member of the City Council to be designated from time to time by said City Council.

The Auditor shall examine all payrolls, bills and other claims and demands against the City, and shall issue no warrant for payment until he finds that the claim is in proper form, correctly computed, duly certified and legally due and payable.

The Auditor may require and claimant to make oath to the validity of his claim, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.

## **Bonds of Officers**

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

## **Collection & Custody of City Monies**

All moneys received by an officer, employee or agent of the City belonging to the City, or for or in connection with the business of the City, shall forthwith be paid by the officer, employee or agent receiving the same into the City treasurer, and shall then be deposited by the City treasurer with some responsible banking institution to be chosen by said City Council. All interest from all deposits of money belong to the City shall accrue to the benefit of the City.

## **Purchasing of Supplies**

The purchasing agent shall purchase all supplies according to subsection 1 of Section 6 of Article VI. No purchase of supplies exceeding the amount set by the City Council shall be made except through authorization of City Council.

The purchasing agent shall see to the delivery of supplies to each officer and department to whom they belong, and take and file receipts therefor. He shall conduct all sales of property belonging to the City which are unfit or unnecessary for the City's use, but only after such sale has been authorized by the City Council, and subject to such restrictions as the City Council may by ordinance provide.

The City Manager shall act as purchasing agent.

**Contracts**

No order, contract, or the like shall be made for the purchase by the City of any property; real, personal, or mixed; or any service, unless and until the funds for said purchases have been authorized by the City Council.

## **Initiative & Referendum**

### **Article VIII**

## **Initiative & Referendum**

### Sections

1. Power of Initiative
2. Power of Referendum
3. Form of Petitions
4. Filing, Examination & Certification of Petitions
5. Amendments of Petitions
6. Effect of Certification of Referendum Petitions
7. Consideration by Council
8. Submission to Voters
9. Publication
10. Form of Ballot
11. Results of the Election
12. Publication of Ordinances

### **Power of Initiative**

The voters of the City of Gardiner shall have the power to propose any ordinance, except an ordinance appropriating money, authorizing the levy of taxes or setting the salary of municipal employees, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the Council by a petition signed by 500 qualified voters.

### **Power of Referendum**

The voters of the City of Gardiner shall have power to approve or reject at the polls an ordinance passed by the City Council, or submitted by the Council to a vote of the voters, such power being known as referendum. Ordinances submitted to the Council by initiative petition and passed by the Council shall be subject to the referendum in the same manner as other ordinances. Within 20 days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by at least 500 registered voters of the City of Gardiner, may be filed with the City Clerk, requesting that any such ordinance be either repealed or submitted to vote of the voters.

## Form of Petitions

The petitions used to invoke the initiative and referendum shall be substantially in the following form:

*Petition to the Gardiner City Council for the Submission to the People of the Question: Shall the proposed ordinance, a copy of which is hereto attached, be adopted?*

*We, the undersigned, under oath, depose and say that we are qualified voters of the City of Gardiner, residing respectively at the addresses placed opposite our names, and we hereby petition the City Council to submit the foregoing question to the voter of the City of Gardiner.*

Names                      Residences                      Date  
\_\_\_\_\_

Name \_\_\_\_\_ Street and Number \_\_\_\_\_  
being duly sworn deposes and says that he is the circulator of the foregoing petition containing \_\_\_\_\_ signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Signed \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_-day of \_\_\_\_\_, 20

\_\_\_\_\_  
(Justice of the Peace or Notary Public)

## Filing, Examination & Cert. of Petitions

All petition papers, comprising an initiative or referendum petition, shall be assembled and filed with the City Clerk as one instrument. Within 20 days after a petition is filed, the City clerk shall determine whether each paper of the petition has proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the City Clerk shall certify the result thereof to the City Council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the circulator of the petition as to his findings

## **Amendments of Petitions**

Any initiative or referendum petition may be amended at any time within 10 days after the notification of insufficiency has been sent by the City Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in the case of an original petition. The finding of the insufficiency of a petition shall not prejudice filing of a new petition for the same purpose.

## **Effect of Cert. of Referendum Petitions**

When a referendum petition, or amended petition, has been certified as sufficient by the City Clerk, the ordinance specified in the petition shall not go into effect; or further action thereunder shall be suspended if it shall have gone into effect, until or unless approved by the voters, as hereinafter provided.

## **Consideration by Council**

Whenever the City Council receives a certified initiative or referendum petition from the City Clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provisions shall be made for a public hearing upon the proposed ordinance. The Council shall take final action on the ordinance not later than 60 days after the date on which such ordinance was submitted to the Council by the City Clerk. A referred ordinance shall be considered by the Council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?" In the case of referendum the entire repeal of the ordinance sought to be referred, and in the case of the initiative, the passage the City Council of the desired ordinance shall put an end to all proceedings under said petition.

## **Submission to Voters**

If the City Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefore, or if the City Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electorate not less than 15 days nor more than 6 months from the date the Council takes its final vote thereon. The City Council may, in its discretion and if no regular election is to be held within such period, shall provide for a special election.

## **Publication**

Whenever any ordinance is required by this article to be submitted to the voters of the City at any election, the City Council must order one publication of the complete text thereof to be made in one, or more should the City Council deem it best, of the newspapers published or having a general circulation in th City of Gardiner such publication to be made not less than 10 days nor more than 20 days prior to the election.

## **Form of Ballot**

The ballots used when voting on such a proposed ordinance shall set forth the title thereof in full and state its general nature; it shall contain the words: "For the Ordinance" and "Against the Ordinance"

## **Results of the Election**

If a majority of the voters voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City. A referred ordinance which is not approved by the majority of the voters voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

## **Publication of Ordinances**

Initiative and referendum ordinances adopted and approved by the voters shall be published as in the case of other ordinances.

## **Miscellaneous Provisions**

### **Article IX**

## **Miscellaneous Provisions**

### **Sections**

1. Ordinances not inconsistent continued in force
2. Existing contracts not invalidated, unless inconsistent
3. Term of Office, Officers, Boards
4. Repealing Clause

#### **Ordinances not Inconsistent Continued**

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

All rules and regulations of the municipal officers and offices of the city of Gardiner in force at the time when this Charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

#### **Existing Contracts not Invalidated**

All rights, actions, proceedings, prosecutions, and contracts of the City or any of its departments, pending or unexecuted when this Charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

#### **Term of Office, Officers, Boards**

All officials, officers, trustees, members of commissions or departments now in office holding positions hereafter to be filled under the provisions of this Charter by the City Council or the City Manager shall not serve out their present terms but shall continue in office only until their successors are appointed or elected and qualified as provided in this act.

## **Repealing Clause**

In event this act is approved in the manner herein before provided, all acts and parts of acts inconsistent herewith are hereby repealed.