

SOMERSET COUNTY

CHARTER



ENACTED November 2, 2010
Amended November 8, 2011

Somerset County 41
Court St.
Skowhegan, ME 04976

SOMERSET COUNTY CHARTER

PREAMBLE

We, the people of Somerset County, Maine, in order to provide for self determination in county affairs to the full extent permissible under the Constitution and laws of the State, by this Charter confer upon the county the following powers, subject it to the following restrictions, and prescribe for it the following procedures and governmental structures:

ARTICLE I – THE COUNTY

Section 1. NAME.

The name of the county under this Charter shall continue to be Somerset.

Section 2. BOUNDARIES.

The boundaries of the county under this Charter shall be the boundaries now or hereafter prescribed for the county by the laws of the State.

Section 3. COUNTY SEAT.

The seat of government of the county under this Charter shall continue to be within the Town of Skowhegan.

ARTICLE II – POWERS OF THE COUNTY

Section 1. POWERS.

The county shall have all powers granted or allowed by the Constitution and laws of the United States of America and the State of Maine as fully as if each power were specifically enumerated within this Charter.

Section 2. TRANSFER OF POWERS.

Whenever a municipality, special district or agency in the county shall request the performance or transfer of any power, privilege, authority or function by or to the county, the county may, at its discretion, exercise such power, privilege, authority or function, except that nothing herein shall be construed to allow the county to levy taxes other than as allowed by law.

Section 3. INTERGOVERNMENTAL COOPERATION.

The county may, on such terms as it deems to be in its best interests, arrange by contract or otherwise for one or more of its functions to be performed jointly or in cooperation with one or more other counties in the State or with one or more municipalities, special districts or agencies.

Section 4. CONSTRUCTION OF POWERS.

The powers under this Charter shall be construed broadly in favor of the county and toward the end of enabling the county to implement programs and services on behalf of its municipalities, while avoiding the creation of special districts or other legal or administrative entities to accomplish these purposes.

ARTICLE III – COUNTY COMMISSIONERS

Section 1. COMPOSITION.

The Board of Commissioners shall be composed of five members, who shall be called “commissioners.” Each commissioner shall be elected by and represent the voters of one of five districts, as provided in Section 6 of this Article.

Section 2. POWERS AND DUTIES.

All powers of the county shall be vested in and exercised by the Board of Commissioners, except as otherwise provided by law or this Charter. The Board of Commissioners shall provide for the performance of all duties imposed on the county by law or this Charter. The Board of Commissioners shall set policy. The county administrator shall implement policies of Board of Commissioners with such procedures as may be necessary or appropriate.

Section 3. ELIGIBILITY; ELECTION; TERMS.

- a. **Eligibility; residence.** Each commissioner shall be a registered voter within the county and shall be a resident of the district that he or she represents.
- b. **Election.** The regular election of county commissioners shall be held on the Tuesday following the first Monday of November in each year. The method for receiving and counting votes for commissioners shall be conducted in the manner provided by law for the election of State Representatives except the positions shall be non-partisan.
- c. **Terms.** Each regularly elected commissioner shall serve a term of four years, from the first day of January following his or her election.

Section 4. INCOMPATIBLE OFFICES.

No commissioner shall hold any other elected county or state office, be a municipal officer or assessor, or have any county employment during his or her term of office. No former commissioner shall hold any appointive Somerset County office or employment until one year after the expiration of the term for which he or she was elected or appointed.

Section 5. VACANCIES

- a. **Permanent.** When a vacancy occurs in a commissioner’s office by death, resignation, permanent incapacity or forfeiture of office, the Board of Commissioners shall call for a caucus of the municipal officers of that district to appoint a person eligible under Article III Section 3a to fill the vacancy. A notice of said caucus shall be sent to all applicable municipal officers. Forfeiture of office occurs when a commissioner is no longer eligible under Section 3a of this Article. The appointed person shall hold office until the thirty-first day of December following the next November election at which a person is elected to fill the office.
- b. **Military Service.** Whenever a county commissioner during the commissioner's term of office in time of war, contemplated war or emergency, enlists, enrolls, is called, ordered or drafted into the military or naval service of the United States, that commissioner is not deemed to have thereby resigned from or abandoned the office, nor is the commissioner removable from that office during the period of military or naval service except that the term of office is not lengthened because of this section. From the time of induction into service, the commissioner is regarded as on leave of absence without pay from the office, and the municipal officers of that district shall caucus and appoint a competent citizen, a resident of the same district, to fill the office while the county

commissioner is in the Federal service, but not for a longer period than the remaining portion of that commissioner's term. Such caucus will be called as detailed in Article III Section 5a. During the period of military or naval service, the county shall pay to the substitute county commissioner a salary at the same rate as the rate of pay of the county commissioner and amounts so paid shall be deducted from the salary of the county commissioner. The citizen appointed to fill the temporary vacancy has the title of "substitute county commissioner" and possesses all the rights and powers and is subject to all the duties and obligations of the county commissioner.

Section 6. DISTRICTS; INITIAL TERMS; APPORTIONMENT.

a. Districts. On the effective date of this Charter, five districts shall be designated and described as follows:

District #1

1. Fairfield
2. Norridgewock

District #2

1. Anson
2. Madison
3. Mercer
4. New Portland
5. Smithfield
6. Starks

District #3

1. Cambridge
2. Detroit
3. Palmyra
4. Pittsfield
5. Ripley
6. St. Albans

District #4

1. Canaan
2. Skowhegan

District #5

1. Athens
2. Bingham
3. Brighton Plantation
4. Caratunk
5. Concord Twp
6. Cornville
7. Dennistown Plantation
8. Embden
9. Harmony
10. Hartland
11. Jackman
12. Lexington
13. Moose River
14. Moscow

15. Pleasant Ridge Plantation
16. Solon
17. The Forks
18. West Forks Plantation
19. All Somerset County Unorganized Townships

b. Initial Terms. On the effective date of this Charter, the initial term of office of:

- (1) the commissioner representing District 1 shall expire on December 31, 2012;
- (2) the commissioner representing District 2 shall expire on December 31, 2012;
- (3) the commissioner representing District 3 shall expire on December 31, 2014;
- (4) the commissioner representing District 4 shall expire on December 31, 2014; (5) the commissioner representing District 5 shall expire on December 31, 2014.

c. Apportionment. Pursuant to Maine law, the boundaries of county districts shall be reviewed by an apportionment commission every ten years. This commission shall be comprised of the Board of Commissioners and the Budget Committee. Such review may necessitate reapportionment of the districts within the county to establish equally populated districts as nearly as practicable. Any such reapportionment must result with each district being as compact and contiguous as possible and not divide any municipality into multiple districts if possible. Any such reapportionment of districts must be approved by a 2/3 vote of the apportionment commission, without the need for amendment to this Charter. The Board of Commissioners shall notify the clerk of each municipality in the county of the results of such reapportionment. No reapportionment resulting from the activities of an apportionment commission shall disqualify any commissioner from completing the term of office to which he or she was elected.

Section 7. ORGANIZATION; CHAIR AND VICE CHAIR.

The Board of Commissioners shall hold an organizational meeting within the first 10 business days of January each year. At this meeting, the commissioners shall elect from among its members a Chair and a Vice Chair, to serve for one year. The Chair or Vice Chair shall preside at commissioner meetings and shall have the same vote on all questions as each of the other commissioners. A meeting schedule shall be adopted for the ensuing year.

Section 8. COMPENSATION.

a. Salaries; time of payment. The Board of Commissioners shall receive annual salaries as set forth in Section 8b of this Article from the county treasurer in weekly, biweekly, monthly, semiannual or annual payments, as determined by the Board of Commissioners. If these payments are made monthly, they shall be made on the last day of each month; if semiannually, they shall be made on the last day of June and the last day of December; if annually, they shall be made on the last day of December.

b. Salaries; full compensation. These salaries are in full compensation for all services of the commissioners, including the management of the jails and for any expenses or travel to and from the county seat for any commissioner, except as provided in Article III Section 8c and 30-A M.R.S.A. § 105.

c. Travel expenses. Travel expenses shall be allowed as follows:

1. The county commissioners may allow, by majority vote of the full board, the payment of all necessary and proper expenses and travel allowances to and from the county seat by commissioners who live more than 5 miles from the county seat.

2. When outside of the county seat on official business, including attendance at or participation in public hearings, inspection and supervision of construction, snow removal and maintenance of roads in unincorporated townships in their county, all county commissioners shall be allowed in addition to their salaries all necessary traveling and hotel expenses connected with those activities. All bills for expenses under this paragraph must be approved by the district attorney serving their county and shall be paid by the treasurer of the county.

Section 9. DUTIES AND RESPONSIBILITIES OF THE COMMISSIONERS.

The Board of Commissioners shall be the policy-making body of the county. In addition to the powers and duties provided elsewhere in this Charter and by law, the Board of Commissioners shall perform the following specific duties and responsibilities:

- a. Select and appoint a county administrator as described in Article IV of this Charter, solely on the basis of executive and administrative qualifications, with special reference to actual experience in and knowledge of the duties of the office. The Board of Commissioners shall determine the compensation of the county administrator, who shall serve either at the pleasure of the Board of Commissioners or under a contract with a term not to exceed two years. The Board of Commissioners may remove or suspend the county administrator, for cause, in accordance with the procedure for removing or suspending a town manager under 30-A M.R.S.A. § 2633. The Board of Commissioners may also appoint another qualified person to perform the county administrator's duties in case of his or her absence or disability.
- b. Create such independent advisory committees as it deems necessary to assist it in the performance of its duties, including, but not limited to, a committee to advise on the selection of a county administrator.
- c. Exercise administrative responsibilities through the county administrator. Confirm the appointment and removal of all non-elected department heads.
- d. No individual commissioner shall direct the county administrator to perform any duty without the approval of the majority of the full board of commissioners.
- e. Adopt policies concerning the hiring, disciplining and discharging of non-elected county employees.
- f. Apply for and accept private or public grants to fund county functions or services.
- g. Adopt such rules of procedure as deemed necessary for the orderly transaction of the commissioner's business.
- h. Designate those county officials and employees who shall be bonded and fix the amount and approve the form of the bond in accordance with state law.
- i. Borrow funds in accordance with this Charter as necessary.
- j. Hear and determine appeals by county employees of discharges, suspensions and other disciplinary actions.
- k. Adopt policies to insure open communications for exchanging information with municipal and other governmental officials and for disseminating information to the public.
- l. Adopt policies for purchasing supplies and services for the county according to 30-A M.R.S.A. §124.
- m. Adopt policies for the disposal of county property.
- n. Review each policy at least every 5 years.
- o. Perform all other duties required by law.

Section 10. MEETINGS.

All Board of Commissioners meetings are open to the public with the exception of Executive Sessions.

a. Regular Meetings. The Board of Commissioners shall meet regularly at least once each month. The Board of Commissioners meetings shall be open to the public and a public notice of the time and place of each regular Board of Commissioners meeting shall be given at least 5 days before the meeting.

b. Special Meetings. The Chair or Vice Chair of the county commissioners, or a majority of the commissioners, may call special meetings. Upon a call for a special meeting, at least twenty-four (24) hour public notice shall be given of the time, place and purpose of the meeting in accordance with the procedures established by the Board of Commissioners in its rules.

c. Emergency Meetings. The Chair or Vice Chair of the county commissioners, or a majority of the commissioners, may call emergency meetings. Upon a call for an emergency meeting, public notice shall be given of the time, place and purpose of the meeting in accordance with the procedures established by the Board of Commissioners in its rules.

d. Quorum. A majority of the full Board of Commissioners constitute a quorum to hold a meeting. When fewer attend, they may adjourn to a convenient time and place. When no commissioner attends, the administrator may adjourn the meeting. No action of the commissioners shall be effective unless approved by a majority of the full Board of Commissioners.

Section 11. RECORDS.

The Board of Commissioners shall cause a public record of its proceedings to be kept and maintained by the county administrator or his or her designee. Individual votes on any question before the commissioners shall be recorded.

ARTICLE IV – ADMINISTRATION

Section 1. GENERAL PROVISIONS.

Administrative duties and functions shall be distributed among such departments and offices as may be established by the commissioners or as provided in this Charter. County departments and offices shall exercise their functions under the direction and supervision of the county administrator, subject to the approval and control of the commissioners.

Section 2. COUNTY ADMINISTRATION.

a. Appointment; qualifications. The Board of Commissioners shall choose the county administrator solely on the basis of executive and administrative qualifications with special reference to the actual experience in, or knowledge of, the duties of the office as set forth in the policies established by the board of county commissioners and by law. At the time of appointment, the county administrator need not be a resident of the county, but, while in office, the county administrator may reside outside the county only with the Board of Commissioners approval.

b. Administration. The county administrator shall:

1. Assure that all policies, rules and regulations made by the Board of Commissioners are faithfully executed;
2. Act as the clerk of the county;
3. Attend all Board of Commissioners meetings, except when his or her removal or suspension is being considered;

4. Keep the commissioners, the budget committee, and the county legislative delegation informed as to the financial condition of the county;
5. Collect all necessary financial information and submit to the county commissioners as requested;
6. Prepare the annual itemized draft budget for the Board of Commissioners and the budget committee;
7. Communicate and exchange information with administrative officials in all municipalities, special districts and agencies in the county in accordance with policies adopted by the Board of Commissioners;
8. Perform all other duties as prescribed by the Board of Commissioners; and not hold any elective county office in Somerset County.

Section 3. FINANCIAL MANAGEMENT.

The Finance Department shall perform all financial management functions and duties of the county. This department shall employ a Finance Manager who shall oversee all Accounts Payable, Accounts Receivable, and Payroll. In addition to the duties prescribed by 30-A M.R.S.A. § 171-174 and 181-183, the Finance Department shall be responsible for all financial management duties specified by the county commissioners. Such duties may include, among other things, the establishment and implementation of accounting systems and procedures for budgeting, recording, tracking and reporting all financial transactions of the county and of each of its departments and offices. The department shall employ the best internal controls of General Accounting Practices to ensure that there are appropriate checks and balances of all financial transactions. The department shall follow written policies and procedures regarding the proper handling of transactions and the safeguarding of assets as specified by the county commissioners. The county Treasurer shall be part of the Finance Department and shall comply with the financial policies as determined by the county commissioners.

Section 4. ELECTED OFFICIALS.

a. Officials. The treasurer, register of deeds, sheriff, district attorney, judge of probate and register of probate shall continue to be elected officials. County officials must adhere to the laws of the state of Maine and county policies developed by the Board of Commissioners.

b. Election. All elected county officials shall be non-partisan except the district attorney. Except as this Charter provides to the contrary, the manner of nominating and electing county officials shall be the manner now or hereafter prescribed by the laws of the state for nominating and electing county officials in general.

c. Vacancies. When a vacancy occurs in an elected official's office, except the district attorney, by death, resignation, permanent incapacity or forfeiture of office, the municipal officers shall caucus and appoint a person eligible to fill the vacancy. Forfeiture of office occurs when an official is no longer eligible to serve. The appointed person shall hold office until the thirty-first day of December following the next November election at which a person is elected to fill the office. A vacancy in the office of district attorney will be filled according to state law.

d. Change to Appointed Official. County voters may replace the office of elected county treasurer with an appointed treasurer, the office of elected register of deeds with an appointed register of deeds and the office of elected sheriff with an appointed sheriff. If the laws of the state of Maine are amended to allow for the appointment, rather than the election, of the register of

probate, or judge of probate, the county voters may also change any of these offices from elected to appoint.

The process for changing the status of any or all of these offices may be initiated by the Board of Commissioners by placing a question for voters on a ballot at any regular or special statewide election or may be initiated by Voters' Petition in the same manner as a Charter Amendment as described in Article VII Section 2.

To change an elected position to an appointed position the Board of Commissioners shall submit the question to the voters of the county at the next regular or special statewide election. The question to be submitted to the voters shall be in substance as follows:

"Shall the position of an elected (official) be abolished and replaced with a (official) appointed by the Board of Commissioners?"

If a majority of those voting on this question vote in the affirmative, the position of the elected official shall be terminated upon expiration of the current term of that elected official and the Board of Commissioners shall appoint the necessary official.

Section 5. DEPARTMENTS OR OFFICES.

The Board of Commissioners may, from time to time, establish administrative departments or offices, combine any two or more administrative departments or offices into a single department or office, separate departments or offices thus combined, abolish any administrative department or office and prescribe the duties and functions of any administrative department or office.

ARTICLE V – BUDGET PROCEDURES

Section 1. FISCAL YEAR.

On the effective date of this Charter, the county's fiscal year is and shall continue to be the fiscal year July 1st to June 30th.

Section 2. BUDGET COMMITTEE.

Somerset County Budget Committee is established to carry out the purposes of this Article. The Budget Committee shall review the itemized estimated budget submitted by the Board of Commissioners and shall, after a public hearing, approve a final budget.

a. Budget Committee districts. Budget committee districts shall be the same as the commissioner districts described in Article III Section 6a. Any reapportionment of the commissioners' districts shall be the same for the budget committee districts. Budget committee members represent and must be elected from the districts described in that section.

b. Budget Committee composition. There shall be two members from each district, one of whom is a municipal officer and one of whom is a municipal officer or official. Municipal officers mean the selectmen or councilors of a town or the mayor and councilors of a city. Municipal official means any elected or appointed member of a municipal government.

c. Transition. The effective date of the new budget committee is January 1, 2012. All prior budget committee positions will be deemed vacant on December 31, 2011.

Section 3. ELECTION; ELIGIBILITY; TERM.

a. Election. No later than 100 days before the end of the county's fiscal year, the Board of Commissioners shall call for a caucus and shall inform the municipal officers within each commissioner district of the date, time and location of the caucus. The municipal officers within

each commissioner district shall caucus and elect members from that district for terms as provided in subsections c & d of this section. No more than one member may represent the same municipality at one time. However when only two towns are in a district and the Selectmen from one of the two towns submit a letter to the commissioners stating that no one is willing to serve on the committee, then the other town will be allowed two members. Such letter must be submitted prior to or at the start of the caucus.

b. Eligibility. No person shall be eligible to be nominated and elected to the Budget Committee unless he/she is a municipal officer or official during the term of membership.

c. Term. Except as provided in Section 3-d of this Article, each Budget Committee member shall serve a term of three years, beginning at the time of his or her election. Budget Committee members serve without compensation.

d. Initial Terms Staggered. Initially the terms begin on January 1, 2012 and each district caucus selects members as listed below:

- (1) District 1 shall choose members for a one year term and a three year term
- (2) District 2 shall choose members for a one year term and a two year term
- (3) District 3 shall choose members for a two year term and a three year term
- (4) District 4 shall choose members for a one year term and a three year term; (5) District 5 shall choose members for a two year term and a three year term.

e. Vacancies. The office of any member of the Budget Committee shall become vacant when that member ceases to be a municipal officer or official during the term of membership. That member shall resign the membership and a district caucus shall be called to elect a qualified municipal officer or official to fill the membership for the remainder of the unexpired term. However if such a vacancy occurs during the budget approval process, that Budget Committee member will remain on the committee until the budget is approved. Entry into active military service, whether voluntary or involuntary, shall be deemed to create a vacancy.

Section 4. ORGANIZATION; MEETINGS; QUORUM.

a. Organization. The Budget Committee shall hold an organizational meeting at any time after the second week of each fiscal year, but no later than sixty days before the end of the county's fiscal year. At this meeting the Committee shall select from among its members a Chair and a Vice Chair. The county administrator shall be responsible for the minutes of the meetings. The Budget Committee shall adopt its own rules of procedure consistent with acceptable municipal practices.

b. Meetings. The Budget Committee shall conduct its meetings in public at county buildings. The commissioners shall provide the Budget Committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county financial information.

c. Quorum. A majority of the full membership constitute a quorum at any Budget Committee meeting. No action of the Budget Committee shall be effective unless approved by a majority of the committee members present and voting.

Section 5. BUDGET PROCEDURES.

a. Proposed Budget. The commissioners shall submit detailed financial projections, in the form of a proposed itemized estimated budget, to the Budget Committee in a timely fashion no later than 60 days before the end of the county's fiscal year. The proposed budget must identify all revenue sources used at arriving at the budget estimates, including balances in reserve accounts and other such funds.

b. Budget review process. The Budget Committee shall review the itemized estimated budget submitted by the commissioners, together with any supplementary material prepared by the head of each county department or office or provided by any independent board or institution or another governmental agency. The Budget Committee shall prepare a proposed final budget, which may increase, decrease or alter the commissioners' itemized estimated budget, provided that:

1. The Budget Committee records in its minutes an explanation for any suggested change in the itemized estimated budget as submitted by the commissioners; and
2. The total estimated revenues, together with the amount of county tax to be levied, equals the total estimated expenditures in the proposed final budget.

c. Capital Accounts. All capital accounts and reserve accounts shall be created by the Board of Commissioners according to 30-A M.R.S.A. § 5801, subsections 1 and 2, and Section 5802, which contain the capital reserve account provisions for municipalities. The Board of Commissioners has the powers and duties of municipal officers under those provisions. Before establishing any account under this section, including capital reserve accounts established for the unorganized territory, the Board of Commissioners shall clearly specify the purpose for which the account is created, state the anticipated amount of the account and report that purpose and that amount, in writing, to the Department of Audit. Once a purpose for an account is specified, any expenditure from that account must be for that purpose unless the Department of Audit states in writing that an account for that purpose is no longer needed.

d. Contingent fund. There is established a contingent account in each county in an amount not to exceed the greater of 1.5% of the annual county budget or \$100,000 or as revised by state law. Any funds that are available to each county may be used for this purpose. The contingent fund may be used at the discretion of the Board of Commissioners for emergency purposes only. At the end of each fiscal year there must be transferred from unencumbered county funds an amount sufficient to restore the established county contingent account.

e. Public hearing. The Budget Committee shall hold a public hearing on its proposed final budget before the end of the county's fiscal year and before the final adoption of the budget. Notice shall be given at least ten days before the hearing in all newspapers of general circulation within the county. Written notice and a copy of the proposed budget shall be sent by mail, or delivered in person, to the clerk of each municipality in the county. Each municipal clerk shall notify the municipal officials of the receipt of the proposed final budget.

f. Finality of budget. After the public hearing is completed, the Budget Committee may further increase, decrease or alter the proposed budget based on information obtained during the public hearing process. The proposed budget must be approved by a majority vote of the full budget committee membership at a duly called meeting not later than 15 days prior to the beginning of the county's fiscal year. The budget committee shall send the approved budget to the county commissioners. The Board of Commissioners may not further increase, decrease, alter or revise the final budget as adopted by the Budget Committee, except by a 2/3 vote of the full Board of Commissioners. If the adopted final budget is changed by the board of commissioners, the Budget Committee may reject that change by a 2/3 vote of its full budget committee membership. Those actions shall be final and not subject to further action by either the board of commissioners or Budget Committee.

g. Assessment of taxes. The budget as so adopted and changed under subsection f is the final authorization for the assessment of county taxes. The approved final budget shall be sent to the Board of Commissioners and the county tax authorized. The Board of Commissioners, within 15 days of that authorization, shall apportion it upon the municipalities and other places according to

the last state valuation and fix the date(s) for the payment of the tax. This payment date may not be earlier than the first day of the following September. They may add an overlay sum above the sum so authorized, not exceeding 2% of that sum, as fractional division necessitates and demonstrate that necessity in the record of that apportionment, and issue their warrant to the assessors requiring them to immediately assess the sum apportioned to their municipality or place, and to commit their assessment to the constable or collector for collection. The county treasurer shall immediately certify the mill rate to the State Tax Assessor. The State Tax Assessor shall separately assess this mill rate upon the real and personal property in the unorganized territory within the county. The county may collect delinquent county taxes and charge interest on delinquent county taxes as provided under 36 M.R.S.A. §891 and 892-A.

h. Interim budget. Until a budget is finally approved, the county shall operate on an interim budget, which shall not exceed the previous year's budget.

i. Transfer of funds within department or agency. Whenever any specific appropriation of a department or agency of Somerset county is insufficient to pay the required expenditures for the purposes for which the appropriation was made, the Board of Commissioners may transfer an amount from any other specific line appropriation of the same department or agency to meet the expenditure, upon the written request of the head of the department or agency. This request must bear the written approval of a majority of the Board of Commissioners.

j. Record of transfers. The county treasurer shall keep a record of any transfers between specific line categories or from the contingent account. This record must be certified by the Board of Commissioners within 30 days of each transfer.

Section 6. BUDGET AMENDMENTS.

The approved final budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved final budget, but the budget may be revised, from time to time, by the preparation of a proposed amended budget and its submission by the Board of Commissioners to the Budget Committee for approval. The amended budget becomes effective only after the Budget Committee has approved the amendment. A report of the approval of a budget amendment shall be transmitted to the State Auditor within fifteen (15) days of such approval by the Budget Committee.

Section 7. FILING OF COUNTY BUDGET.

A copy of the approved final budget and subsequent amendments shall be filed with the State Auditor, who shall retain them as State statutes or policies require.

ARTICLE VI – RECALL

Section 1. APPLICABILITY AND ESTABLISHMENT.

Elected Officials may be recalled under the following provisions.

Section 2. PETITIONS FOR RECALL.

a. The qualified voters of the county or, in the case of a commissioner, a commissioner's district, may petition for the recall of their elected county officials, with the exception of the District Attorney, by filing a petition. The petition shall be addressed to those commissioners having no interest in the subject matter of the petition, but the petition shall in every case, be filed with the county administrator.

- b. No petition for recall will be accepted during the first ninety (90) days or during the last ninety (90) days of the official's term.
- c. After one recall petition and special election, no further recall petition may be filed against the same official during the term for which he or she was elected.
- d. The petition shall state the name and office, or offices, of the person whose removal is being sought. If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.
- e. Each page of the petition shall be ruled, and each line shall provide a space for the voter's signature, address and printed name.
- f. The petition shall contain the name, address and telephone number for the person responsible for filing the petition with the county administrator.
- g. In the case of a commissioner, the petition shall be signed by the registered voters of the district which that commissioner represents equal to at least 10% of the votes cast for the office of Governor at the last gubernatorial election within the district of the commissioner being subject to recall.
- h. In the case of any other elected official, the petition shall be signed by the registered voters of Somerset county equal to at least 10% of the votes cast for the office of Governor at the last gubernatorial election within that county.
- i. The signatures on each petition must be from a single voting district and the petitions shall be certified by the Registrar of Voters of the appropriate voting district prior to submittal to the county administrator.

Section 3. ADMINISTRATOR'S CERTIFICATION.

- a. Within ten (10) days of receipt of the petition the county administrator shall determine if the petition meets all of the requirements as set forth in Article VI Section 2 of this Charter. Should the petition be found insufficient, the petition will be retained in the county administrator's Office and the person who filed the petition will be notified.
- b. If the petition is certified by the county administrator to be sufficient, he or she will submit the same with his or her certification to the Board of Commissioners at their next regular meeting and shall notify the official or officials whose removal is being sought of such action.

Section 4. CALLING THE RECALL ELECTION.

- a. The Board of Commissioners, upon receipt of the certified petition, shall within ten (10) days order an election by secret ballot, pursuant to 30-A MRSA § 2528, to be held on a Tuesday not more than ninety (90) days thereafter. If such an election cannot be coordinated with a statewide election then the county will pay the municipalities' election costs.
- b. The official against whom a recall petition has been filed shall continue to perform the duties of the office until the result of the recall vote is officially declared.

Section 5. BALLOTS FOR RECALL ELECTION.

Unless the official, or officials, whose removal is being sought, have resigned within ten (10) days of receipt of the petition by the Board of Commissioners, the ballots shall be printed and shall read "SHALL ___ BE RECALLED FROM THE OFFICE OF ___?" (with the name of the official whose recall is being sought inserted in the blank space.)

Section 6. RESULT OF THE ELECTION.

The Board of Commissioners shall meet the day after the recall vote to certify the vote. In the event of an affirmative vote for recall, such vote shall take effect immediately upon certification of the vote.

Section 7. VACANCIES TO BE FILLED.

Any vacancy resulting from the removal from office under this charter shall be filled in accordance with Article III Section 5a.

ARTICLE VII – CHARTER AMENDMENTS

Section 1. Charter amendments; procedure

- a. Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.
- b. Alternative statements of a single amendment are prohibited.

Section 2. Board of Commissioners. The Board of Commissioners may determine that amendments to the county charter should be considered and, by order, provide for notice and hearing on them in the same manner as provided in this Article. Within 7 days after the hearing, the Board of Commissioners may order the proposed amendment to be placed on a ballot at the next regular or special statewide election held in the county at least 30 days after the order is passed.

Section 3. Petition by voters. On the written petition of a number of voters equal to at least 10% of the number of votes cast in a county at the last gubernatorial election the Board of Commissioners shall, by order, provide that the proposed amendments to the county charter be placed on a ballot in accordance with the following procedures.

Section 4. Petition procedure. The petition forms shall carry the following legend in bold lettering at the top of the face of each form.

"County of Somerset"

"Each of the undersigned voters respectfully requests the Board of Commissioners to provide for the amendment of the county charter as set out below." No more than one subject may be included in a petition.

In all other respects, the form, content and procedures governing amendment petitions are the same as provided for charter revision and adoption petitions under 30-A M.R.S.A. § 1321, including procedures relating to filing, sufficiency and amendments.

Section 5. Action on petition. The following procedures shall be followed upon receipt of a report that a petition is sufficient.

- a. Within 10 days after receiving a report that a petition is sufficient, the Board of Commissioners shall, by order, provide for a public hearing on the proposed amendment. At least 10 days before the hearing, they shall publish a notice of the hearing in a newspaper having general circulation in the county. The notice must contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the Board of Commissioners or a committee appointed by them.
- b. Within 7 days after public hearing, the Board of Commissioners or the committee appointed by them shall file with the county clerk a report containing the final draft of the proposed amendment

and a written opinion by an attorney admitted to the bar of this State that the proposed amendment does not conflict with the general laws, the United States Constitution or the Constitution of Maine. In the case of a committee report, a copy shall also be filed with the Board of Commissioners.

c. On all petitions filed more than 120 days before the end of the current county fiscal year, the Board of Commissioners shall order the proposed amendment to be submitted to the voters of the county at the next regular or special statewide election held within that year after the final report is filed. If no such election is held before the end of the current county fiscal year, the Board of Commissioners may order a special election to be held before the end of the current county fiscal year for the purpose of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions.

Section 6. Summary. When the Board of Commissioners, with the advice of an attorney, determine that it is not practical to print the proposed amendment on the ballot and that a summary would not misrepresent the subject matter of the proposed amendment, the Board of Commissioners shall include in their order a summary of the proposed amendment and instruction to the clerk to include the summary on the ballot instead of the text of the proposed amendment.

Section 7. Submission to Voters

a. **Voting procedure.** The method of voting shall be by secret ballot in the manner prescribed for state elections. The Board of Commissioners shall notify the municipal officers of the county of the date on which the election will be held. The municipal officers shall notify the inhabitants of their respective municipalities in that county to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of these recommended charter amendments. The question to be submitted to the voters shall be in substance as follows.

"Shall the county approve the charter amendment reprinted (summarized) below?"

The voters of each municipality in the county shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the words "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings in the county and returns made to the Secretary of State in the same manner as votes for members of the Legislature.

The Governor shall review the returns, and, if it appears that a majority of the votes in the county are in favor of the recommended amendment, the Governor shall proclaim that fact without delay. The amendment becomes part of that county's charter 30 days after the date of the Governor's proclamation. The Secretary of State shall prepare and furnish to each municipality in the county all ballots and returns necessary to carry out the purpose of this referendum.

b. **Voter information.** The following procedures shall be performed before the election. At least 2 weeks before the election, the Board of Commissioners shall:

1. Have the proposed amendment and any summary of the amendment printed;
2. Make copies available to the voters in the clerk's office; and
3. Post the amendment and any summary of the amendment in the same manner as required under Section 7a.

ARTICLE VIII –BONDS AND LOANS

Section 1. Anticipatory Borrowing

- a. Taxes. The Board of Commissioners may borrow in anticipation of taxes. If the county budget has not yet been approved, the Board of Commissioners may borrow an amount not exceeding 80% of the previous year's budget, except as otherwise provided.
- b. Sale of notes or securities. The county officers authorized to issue notes and securities may borrow money in anticipation of their sale by issuing temporary notes and renewal notes, the total face amount of which does not exceed at any one time outstanding the authorized amount of the notes and securities. The period of this anticipatory borrowing may not exceed one year and the time within which the securities are to become due may not be extended by such anticipatory borrowing beyond the time fixed in the vote authorizing their issue or, if no term is specified there, beyond the term permitted by law.

Section 2. Temporary Loans

Without obtaining the consent of the county, the Board of Commissioners may raise funds through temporary loans not exceeding 1/5 of 1% of the assessed valuation of the county. These loans must be paid, within one year from the time when the loan is contracted, out of money raised during the current year by taxes.

Section 3. Loans

The Board of Commissioners may obtain loans of money for the use of the county and cause notes, obligations or bonds, with coupons for lawful interest, to be issued for payment of the loans. These loans may not exceed \$10,000 without first obtaining the consent of the county, substantially as provided in 30-A M.R.S.A. § 122 or by countywide referendum pursuant to 30-A M.R.S.A. § 938.

ARTICLE IX -- COUNTY REFERENDUMS

Except as this Charter or legislation enacted pursuant to it provides to the contrary, the manner of conducting an election on referendum questions concerning the County shall be the manner prescribed by the laws of the State for an election in the County on any proposition.

ARTICLE X – GENERAL PROVISIONS

Section 1. EFFECTIVE DATE.

This Charter shall become effective on July 1, 2011. The change to a board of 5 commissioners will become effective on January 1, 2012 with an election for the needed commissioners to be held in November 2011.

Section 2. EXISTING LEGISLATION.

All state legislation affecting the county consistent with this Charter and in force when it takes effect shall continue to be effective within the county until amended or repealed. Any specific reference to a state statute shall continue to apply if that statute is amended.

Section 3. EFFECT ON COUNTY REGULATIONS.

All existing orders, regulations, rules and resolutions of the county shall remain operative, except where inconsistent or in direct conflict with this Charter or repealed or amended by the commissioners.

Section 4. EXISTING PROCEEDINGS AND OBLIGATIONS.

All rights, claims, actions, orders, contracts and legal proceedings of the county or any of its departments, pending when this Charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder. All outstanding bonds issued by former governments, including the board of county commissioners of Somerset County and all special districts or authorities abolished or altered under this Charter, are obligations of the county government. However, payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not become effective.

Section 5. RIGHTS AND PRIVILEGES OF OFFICERS, EMPLOYEES.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are county officials or employees on its effective date.

Section 6. COUNTY PROPERTY

No property owned by the county may be taken by eminent domain by any other governmental entity without just compensation.

Section 7. SEVERABILITY.

If any provision of this Charter is held to be invalid, the other provisions of the Charter shall not be affected thereby and shall remain in full force and effect.

AMENDMENTS

This Charter was amended on November 8, 2011 as follows:

Art III Sec 3

Commissioners terms of office changed from three years to four years.

Art III Sec 6b

Commissioner's initial term in District 5 expires in 2014 (not 2013)