

City of Presque Isle

MUNICIPAL CHARTER



Approved by the Voters of Presque Isle on November 2, 1993
Amended by the Voters on November 6, 2013

A True Copy - Attest:

Beverly A Labbe, City Clerk

City Seal

PRESQUE ISLE CITY CHARTER

Title 21-A, 30-A, et al., Maine Revised Statutes, Annotated

ARTICLE 1

(1.00) POWERS OF THE CITY: The City of Presque Isle shall have all powers possible for a City to have under the Constitution and laws of the State of Maine.

ARTICLE 2

CITY COUNCIL

- (2.00) All powers of the City are vested in the City Council except as otherwise provided by law or this Charter. The Council is responsible for the performance of all duties imposed on the City by law.
- (2.10) **COMPOSITION:** The City Council is composed of seven members, who are elected at large by the voters of the City.
- (2.20) **ELIGIBILITY:** Only registered voters who are residents of the City may seek or hold the office of City Councilor.
- (2.30) **TERMS AND ELECTION:** A Councilor's term of office is four years, beginning the first Monday after January 1st following election. The regular election of Councilors must be held on the Tuesday following the first Monday of each November, or other date established by law for the State's general election.
- **Council Chair.** By majority vote of all Councilors, the City Council must elect from its members a Chair and a Deputy Chair for a term of one year. The Chair, a voting member, presides at Council meetings, represents the City in intergovernmental relationships, appoints with the advice and consent of the Council the members of citizen advisory boards and commissions, and performs other duties specified by the Council. The Chair is the head of the City government for all ceremonial purposes and for purposes of civil emergency preparedness and military law, but has no administrative duties. The Deputy Chair acts as Chair during the absence or disability of the Chair.
- (2.40) **COMPENSATION; EXPENSES:** The Council may determine by ordinance the annual salary of the Councilors and may approve a greater salary for the Chair; however, no ordinance increasing such salary may take effect until the beginning of the terms of Councilors elected at the next regular election. Councilors may be paid their actual and necessary expenses incurred in performing their duties of office.
- (2.50) **PROHIBITIONS:**
- **Holding Other Office or Other Activities.** Except where authorized by law, Councilors may not hold any other elected public office or any other City office or employment during their terms as Councilors. Except where authorized by law or this Charter.

Councilors may not seek or receive any pecuniary benefit that is controlled directly or indirectly by the Council. Former Councilors may not hold any compensated appointive office or employment with the City sooner than one year after their terms as Councilors expire. Except where authorized by law or this Charter, former Councilors may not seek or receive any pecuniary benefit that is controlled directly or indirectly by the Council sooner than one year after their terms as Councilors expire. This section does not prohibit the Council from selecting current or former Councilors to represent the City on the governing board of regional or other intergovernmental agencies.

- **Appointments and Removals.** No City Councilor may control or demand the appointment or removal of any City administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to select for appointment and/or employment. The Council may express its views and discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- **Interference with Administration.** Except for the purpose of inquiries and official investigations, the Council and Councilors must deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Councilors and the Council may not give orders to any such officer or employee.

(2.60) FILLING OF VACANCIES: A vacancy, as defined by law, in the membership of the Council must be filled for the remainder of any unexpired term, if any, at the next regular election if it is at least 60 days after the vacancy occurs, but the Council, by a majority vote of its remaining members, must appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Council fails to do so within 30 days following the occurrence of the vacancy, the Clerk must call a special election to fill the vacancy, to be held at least 90 days and no more than 120 days after the vacancy occurs.

(2.70) JUDGE OF QUALIFICATIONS: The City Council is the judge of the election and qualifications of its members and of the grounds for forfeiture of office. The Council may set additional standards of conduct for its members beyond those specified in the Charter and may provide for such penalties it determines appropriate, including forfeiture of office. To exercise this authority, the Council may administer oaths, take testimony, and request the Clerks of the Supreme Judicial and Superior Courts to issue subpoenas for witnesses to attend and to produce any evidence at any Council hearing regarding a member's forfeiture of office. The subpoenas must be served as required in matters before the Supreme Judicial or Superior Courts. Failure to obey a subpoena is contempt, punishable under the general law.

A member charged with conduct constituting grounds for forfeiture of office may have a public hearing on demand, and notice of such hearing must be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this section are subject to judicial review.

(2.80) INVESTIGATIONS: The Council may investigate the affairs of the City and the conduct of its departments, offices, or agencies and for this purpose may administer oaths, take testimony, and request subpoenas as set forth in **2.70**.

(2.90) PROCEDURE:

- **Meetings.** The Council must meet regularly at the times and places specified yearly by the Council, by rule. Special meetings may be held on the call of the Chair or three or more Councilors and, whenever practicable, upon no less than twelve (12) hours' notice to each Councilor and the public.
- **Rules and Record.** The Council may set its own rules and order of business and must keep a record of its proceedings which is a public record.
- **Voting.** Councilors must be present to vote. Voting must be recorded in the record. A majority constitutes a quorum, but a smaller number may adjourn and may compel the attendance of absent Councilors according to Council rules.

When not otherwise specified in this Charter or by law, valid Council actions require the following votes:

- At least a 2/3 vote of all Councilors is required to approve the City Budget and to appoint and to suspend or terminate the appointment of the City Manager, the City Clerk, the City Attorney, and any other officials appointed by the Council.
- At least a majority of all Councilors is required to pass ordinances and resolves, to set Council rules, to resolve personnel matters, to resolve financial matters during the budget year, and for all other matters not otherwise specified.
- **Ordinances, Orders, and Resolves.** In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, Council actions must be by ordinance, order or resolution.

Every proposed ordinance must be introduced in writing and in the form required for final adoption. No ordinance may contain more than one subject. Any ordinance which repeals or amends an existing ordinance or part of the City code must set out in full the ordinance, Sections, or Sub-sections to be repealed or amended, and must clearly indicate the elements to be added or deleted.

An ordinance may be introduced by any Councilor, or as otherwise provided by law, ordinance, or this Charter, at any regular or special Council meeting. No ordinance may be adopted by the Council without holding one public hearing on the proposed ordinance. The public hearing may not be scheduled any less than seven days after publication of the text of the proposed ordinance in a newspaper of general circulation in Presque Isle.

The Clerk must make available in public places a reasonable number of copies of the proposed ordinance for public review and comment.

All interested persons must have an opportunity to be heard at the public hearing. After the single hearing, the Council may adopt the ordinance with or without amendment or reject it, but if it is substantially amended, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance.

- **Effective Dates.** Ordinances, orders, or resolves passed by the Council may not take effect for at least ten days, unless passed as an emergency by at least a 2/3 vote of the Council. The nature of the emergency must be stated and specifically included in the record.
- **"SUNSET" Provisions.** All ordinances passed by the Council must contain a provision that automatically repeals the ordinance four years from its effective date. The ordinance must be reconsidered and repassed by the Council to remain effective. The Council must schedule a single public hearing for any ordinance(s) to be repassed.

Changes to any ordinance must be made according to the provisions of this Charter.

ARTICLE 3

ELECTIONS

(3.00) CITY ELECTIONS:

- **Regular Elections.** The regular City election of City elective officials, City Councilors, Warden and Ward Clerks, shall be held on the Tuesday following first Monday of each November, or other date established by law for the State's general election.
- **Registered Voter Defined.** All persons legally registered under Maine law to vote in the City are registered voters of the City for purposes of this Charter.
- **Conduct of Elections.** Except as provided in this Charter, the general election laws of Maine apply to all aspects of City elections, initiatives, referenda, and recalls. Candidates run for office without party designation. The Council may adopt ordinances governing elections in all respects that do not conflict with law or this Charter.
- **Warden and Ward Clerk.** Persons elected to the positions of Warden and Ward Clerk serve three-year terms. The duties and conditions of service, other than those prescribed by statute, must be established by ordinance. Compensation for these positions shall be determined by the Council.

(3.10) NOMINATIONS FOR ELECTIVE OFFICERS TO BE MADE BY PETITION:

Nomination of candidates for City elective offices is by petition. Petitions for candidates for Councilor, or other office required by law to be elected by the municipality must be signed by 75 to 150 qualified voters of the City. Petitions for candidates for warden and ward clerk must be signed by 25 to 50 qualified voters of the respective ward. Voters may not sign more than one petition for any one candidate nor more petitions for any office than there are positions of that office to be filled.

(3.20) **CIRCULATION AND FILING OF NOMINATION PAPER:** The petition may be circulated by any number of registered voters of the City. Those voters signing must add their place of residence in sufficient description to identify the place. The signatures need not all be on one paper; however, each paper may have only one circulator who must make an affidavit that each signature on the paper is genuine and was made in the circulator's presence. The form of the nomination petition shall be substantially as follows: **To the City Clerk of the City of Presque Isle.**

We, the undersigned:

Are registered voters of the City of Presque Isle, who live at the address shown beside our names;

Nominate _____ whose residence is _____ for the Office of _____ to be voted for at the election to be held in Presque Isle on _____, 20.....; and, have not signed more nomination petitions of candidates for this office than there are positions to be filled.

Affidavit of Circulator

I, _____ of, _____ affirm: I am a registered voter of Presque Isle; I circulated this petition containing _____ signatures; and, the signatures were made in my presence and are genuine.

Signed: _____

Subscribed and affirmed or sworn to before me _____, 20.....

Notary Public

If the City Clerk determines this petition is insufficient, notice will be sent promptly by mail to _____ at _____.

All the nomination petitions for any single candidate must be filed together as one petition with the Clerk at least 45 days before the election. The candidate must file with the Clerk at least 45 days before the election, the candidate's written consent to the nomination, agreeing not to withdraw, and, if elected, to qualify.

(3.30) LIST OF CANDIDATES TO BE PUBLISHED: The Clerk must notify the candidates they have been nominated and must publish in a newspaper of general circulation in Presque Isle, at least 14 days before the election, the candidates' names, residences, and office(s) to which nominated.

(3.40) BALLOTS, ETC., TO BE PREPARED BY THE CITY CLERK: Specimen ballots and official ballots for use in all City elections must be prepared by the City Clerk and furnished by the City. Ballots may not show any party designation. The full name and residence of each candidate must be given.

The Clerk must post specimen ballots in public places, including each polling place, and advertise in a newspaper of general circulation in Presque Isle not more than 14 days before the election. Specimen ballots must be printed on colored paper, marked "SPECIMEN BALLOT", and must have instructions, show all qualified candidates with the residence of each, as well as any other issues being submitted to the voters.

Any question required by statute or by this Charter to be submitted to a vote may be printed on a separate ballot.

(3.50) INITIATIVE AND REFERENDUM:

- **Power of Initiative.** The voters of the City may propose any ordinance permitted by law and adopt or reject that ordinance at the polls; however, an initiative that fails to pass an ordinance may be resubmitted to the voters only once in the four years following the initial rejection.
- **Power of Referendum.** The voters of the City, as otherwise permitted by law, may approve or reject at the polls any ordinance passed by the City Council or by voter initiative, or an ordinance submitted by the Council to the voters; however, a referendum that fails to repeal an ordinance may be resubmitted to the voters only once in the four years following the initial failure.
- **Invoking Initiative or Referendum.** To commence either the initiative or referendum process, at least 25 registered voters must sign a petition which must then be filed with the City Clerk. One of the persons signing the petition must be designated as filing the petition. The Clerk must provide that designated person dated copies of petition blanks in proper form, each with the subject ordinance attached. The Clerk must record the date the first petition blank is issued and to whom issued, and retain additional blanks for issuance and public inspection. The Clerk may issue additional blanks to persons other than the one designated as filing the petition, but the blanks must be identical to the blanks originally issued; containing the original date of issue and the name to whom originally issued.
- **Form of Petition.** The petitions used to invoke the initiative or referendum must be substantially in the following form:

PETITION TO THE PRESQUE ISLE CITY COUNCIL

For submission to the People of the QUESTION: Shall the proposed ordinance, attached, be adopted?

We, the undersigned: Are registered voters of the City of Presque Isle, who live at the addresses shown beside our names; and Petition the City Council to submit this question to the voters of the City of Presque Isle.

SIGNATURE	PRINTED NAME	RESIDENCE ADDRESS	DATE
_____	_____	_____	_____
_____	_____	_____	_____

Affidavit of Circulator

I, _____, of _____, affirm:

I am a registered voter of the City of Presque Isle; I circulated this petition containing _____ signatures; and

The signatures were made in my presence and are genuine.

Signed: _____

Subscribed and affirmed or sworn to before me this _____ day of _____ 20.....

Notary Public

- **Circulation and filing of petitions:** The petition may be circulated by any number of registered voters of the City. The petitions must be signed by registered voters equaling at least 10% of the number of persons who voted in the preceding gubernatorial election. Those voters signing must add their place of residence in sufficient description to identify the place. The signatures need not all be on one paper; however, each paper may have only one circulator who must make an affidavit that each signature on the paper is genuine and was made in the circulator's presence. All the petition papers must be filed together as one petition. The petition must be filed with the Clerk within 30 days of filing the original petition.

- **Examination and certification of petition.** Within 10 days after a petition is filed, the Clerk must determine whether each paper of the petition has a proper affidavit of the circulator, and whether the petition is signed by a sufficient number of qualified voters. Any petition paper that does not contain the circulator's affidavit is entirely invalid. If a petition paper is signed by more persons than the number certified by the circulator, the last signatures exceeding the number certified must be disregarded. If a petition paper is signed by fewer persons than the number certified, the actual number of signatures must be accepted unless void for other reasons. The Clerk must certify the result of the examination to the City Council at its next regular meeting. If the petition is certified insufficient, the certificate must specify the defects.
- **Effect of referendum petition.** When a petition for reference to the voters of an ordinance passed by the Council has been certified sufficient to the Council, the operation of that ordinance is suspended, only if the ordinance had not then become effective.
- **Consideration by the Council.** When the Council receives the initiative or referendum petition certified sufficient from the Clerk, the Council must at once consider that petition. A proposed initiative ordinance must be read and scheduled for a public hearing. The Council must take final action on the initiative ordinance within 60 days after it was submitted to the Council by the Clerk. A referred Council-passed ordinance must be reconsidered by the Council and finally voted upon within 60 days after it was submitted to the Council by the Clerk. The Council must act similarly for ordinances passed more than four years previously by public vote. The vote must be upon the question "Shall the ordinance specified in the referendum petition be repealed?" If the Council passes the ordinance proposed by initiative petition or entirely repeals the ordinance sought to be referred, then no further action is required respecting the petition.
- **Submission of petition to the voters.** If the Council does not pass an ordinance exactly as proposed by initiative petition or if the Council does not repeal a referred ordinance, then the proposed or referred ordinance must be submitted to the voters not less than 30 days nor more than 60 days from the date the Council takes its final vote. If any election is to be held within 180 days, upon at least a 2/3 vote, the Council may extend the time for submission to the voters to the date of that election.

The Council, on its own initiative, may submit to the voters of the City a proposition for enactment, repeal, or amendment of any ordinance, including propositions previously submitted to and voted upon by the voters.

(3.60) PUBLICATION: When an ordinance is submitted to the voters at any election, the Clerk must cause a summary of the ordinance to be published in a newspaper published or having a general circulation in the City of Presque Isle, and must give a copy of the full text of the ordinance to every voter who requests it. The publication must be made not less than 10 days nor more than 20 days before the election.

- **Form of ballot.** The ballot for voting on the proposed ordinance must state the full title and the general nature of the ordinance. The ballot must use the words "For the ordinance" and "Against the ordinance."
- **Result of the election.** If a majority of the votes are in favor of the proposed or referred ordinance, that ordinance takes effect 5 days after the election returns have been accepted by the City Council at its next regular meeting. A referred ordinance not receiving a majority of the votes in favor is repealed.
- **Conflicting ordinances.** Any number of proposed or referred ordinances may be voted upon at the same election. If 2 or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of votes prevails to the extent of the conflict.
- **Authority of Council over ordinances adopted or repealed by the voters.** No ordinance proposed by petition and adopted by the voters may be repealed or substantially amended by the Council for four years following the popular vote. No ordinance passed by the Council, referred by petition and repealed by the voters, may thereafter be enacted by the Council for four (4) years following the popular vote. The voters, at any time, by initiative or referendum, may enact or repeal ordinances previously adopted or repealed by initiative or referendum and are not bound by the 4-year limitation.

(3.70) RECALL: Any elected municipal official may be recalled and removed from office by the voters of the City by the following process:

- **Obtaining, circulating and filing recall petitions.** Any registered voter of the City may make and file with the Clerk an affidavit stating the name(s) of the elected municipal official(s) that voter seeks to remove and the reason(s) why that removal is sought. The Clerk must provide that voter copies of petition blanks for such removal, which must be dated, issued with the Clerk's signature and official seal, and contain the name of the voter to whom the blanks are issued and the number of blanks issued. The Clerk must retain a copy of the petition in a record book available for public inspection.

The petition may be circulated by any number of registered voter(s) of the City, and the affidavit of reasons for the recall must be attached to each copy of the petition circulated. Those voters signing must add their place of residence in sufficient description to identify the place. The signatures need not all be on one paper; however, each paper may have only one circulator who must make an affidavit that each signature on the paper is genuine and was made in the circulator's presence. All the recall papers must be filed together as one petition with the endorsements of the names and addresses of three persons designated as filing the petition. The petition must be signed by at least 10% of the number of registered voters eligible to vote at the preceding regular municipal election. To be effective the petition must be filed with the Clerk within 30 calendar days of filing the affidavit seeking removing, or during the next business day if the time ends on a weekend or holiday.

- **Examination and amendment of recall petitions.** The Clerk must review and certify the sufficiency of the petition in the same time and manner as for referenda and initiative petitions.

If the certificate shows the petition insufficient, the Clerk must notify in writing at least one of the persons designated on the petition as filing it. The petition may be amended within 10 calendar days after notice is given by filing a supplemental petition with additional papers completed as required for the original petition. If a timely amendment is filed, the Clerk must complete a similar review and attach a supplemental certificate within 3 business days of the amendment. If the petition remains insufficient, the Clerk must notify all the persons designated as filing it that the petition has failed. Any subsequent action to remove the elected municipal official(s) requires a new petition.

- **Calling recall election.** If the petition is certified to be sufficient, the Clerk must submit it and the certificate to the Council at its next meeting and give written notice of that fact to the affected elected municipal official(s) and to at least one of the persons designated as filing the petition. At that meeting, unless the official(s) whose removal is sought resigns, the Council must order a removal election to be held not less than 30 nor more than 60 days from the date of the meeting; however, if a regular municipal election will occur within 120 days, the Council may order the removal election to coincide with that municipal election.
- **Form of ballot in recall election.** The form of the ballot at the recall election shall be: "Shall [elected municipal official – shown on petition] be recalled?" If a majority of those voting vote in favor of recalling that elected municipal official, that official is removed.

- **Replacement Candidates.** If an official is recalled or has resigned, a replacement is selected to complete the unexpired term in the manner for filling vacancies described in this Charter or provided by law.

ARTICLE 4

(4.00) ADMINISTRATIVE OFFICERS

(4.10) APPOINTMENTS: The City Council must:

- Appoint a City Manager; a City Clerk; and a City Attorney;
- Designate administrative officers and boards to be appointed by the Council, and administrative officers to be appointed by the City Manager, subject to confirmation by the Council;

(4.20) APPOINTMENT CONDITIONS: The Council may:

- Establish the terms and conditions of service, including causes and procedures for removal from office;
- Create any new appointive office or board;
- Alter or eliminate any appointive office or board;
- Authorize the appointment of assistants to any office or board;
- Assign or reassign duties of any City Department, office, or agency, as appropriate.

(4.30) APPOINTMENT AND QUALIFICATIONS OF THE CITY MANAGER:

- The City Manager is appointed, based solely upon executive and administrative qualifications, for an indefinite term, unless otherwise specified by contract; the Manager must be appointed pursuant to a written contract.
- The Manager need not be a resident of the City or state at the time of appointment but may reside outside the City while in office only with the approval of the Council;
- The Council may suspend the Manager by resolution detailing the reasons for the suspension. A copy of that resolution must be served immediately upon the Manager, who may reply in writing within 15 days. The Manager may be removed only for just cause following notice and a hearing on the issue held not less than 25 nor more than 30 days after the Manager has been served with the resolution. The Council hearing must be public if the Manager's written reply has requested a public hearing. The Manager continues to receive full compensation until the effective date of a final resolution of removal;

- By letter filed with the Clerk, the Manager may designate a City officer or employee to serve as Acting City Manager during the Manager's temporary absence, disability, or suspension. The Council, by a 2/3 vote of the full membership, may designate another person to serve as Acting City Manager, either in default of or instead of the City Manager's designee.

(4.40) POWERS AND DUTIES OF THE CITY MANAGER: The City Manager is the chief administrative officer of the City, responsible to the Council for the administration of all City affairs placed in the Manager's charge by or under this Charter. The Manager must:

- œ Appoint and suspend or remove all city employees and appointive officers, pursuant to personnel rules adopted by the Council, as provided by this Charter. The Manager may delegate that power to any administrative officer under the Manager's direction with respect to subordinates of that officer;
- œ Direct the administration of departments, offices and agencies of the City, unless otherwise provided by this Charter or by law;
- œ Attend Council meetings. The Manager may take part in discussion but may not vote;
- œ See to the faithful execution of laws, provisions of this Charter, and acts of the Council, within the Manager's control;
- Prepare and submit the annual budget and budget message to the Council;
- Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City, as of the end of each fiscal year;
- Make other reports required by the Council concerning the operations of City departments, offices and agencies under the Manager;
- Keep the Council informed of the financial condition and future needs of the City;
- Make recommendation to the Council concerning the affairs of the City;
- Provide staff support services for the Council; and
- Perform other duties as required by law; this Charter, or the Council.

(4.50) POWERS AND DUTIES OF THE CITY CLERK: The City Clerk gives notice of Council meetings to its members and the public, keeps the journal of its proceedings, and performs such other duties as are assigned by this Charter or by the Council or by state law.

(4.60) POWERS AND DUTIES OF THE CITY ATTORNEY: The City Attorney serves as chief legal advisor to the Council, the City Manager and City departments, offices, and agencies; represents the City in all legal proceedings; and performs other duties required by this Charter, by law, by ordinance, or by agreement.

ARTICLE 5

(5.00) FINANCIAL PROCEDURES

(5.10) **FISCAL YEAR:** The fiscal year for the City is January 1 to December 31, unless another period is selected by at least a 2/3 vote of the Council.

(5.20) **SUBMISSION OF BUDGET AND BUDGET MESSAGE:** At least 90 days prior to the next fiscal year, the City Manager must submit to the Council a budget, an accompanying budget message for the coming fiscal year, and a capital program covering at least five fiscal years.

(5.30) **BUDGET MESSAGE:** The Manager's budget message must:

- œ describe the proposed finances and work programs;
- œ outline the proposed financial policies for the City;
- œ describe important features of the budget, indicating major changes in financial policies, expenditures, and revenue;
- œ summarize the City's debt position; and
- œ include any other information the Manager or the Council finds appropriate.

(5.40) **BUDGET:** The budget is a complete financial plan of all City funds and activities for the fiscal year, in whatever form the Manager chooses or the Council requires. The budget must provide a clear, general summary of its contents. It must show the actual and estimated income and expenditures for the current and preceding fiscal years. It must indicate:

- œ Proposed goals, objectives, and expenditures for daily operations during the coming fiscal year, detailed by organizational unit, and/or program, purpose or activity, and the method of financing the spending;
- œ Proposed capital spending during the coming fiscal year, detailed by organizational unit, when practicable, and the proposed method of financing each capital expenditure; and
- œ Anticipated income and spending for the coming year for each utility or enterprise fund operated by the City.

Proposed expenditures may not exceed estimated income plus any undesignated fund balance, excluding reserves and contributions to the "Emergency Reserve" account.

- **City Council Action on Budget.**

- œ **Notice and hearing.** The Council must hold at least two public hearings on the proposed budget and give adequate public notice, which includes a general summary of the budget.
- œ **Amendment Before Adoption.** After the public hearings, the Council may adopt the budget with or without any amendment.

- œ **Adoption.** The Council must adopt the budget before the new fiscal year begins. If it fails to adopt the budget by the start of the new fiscal year, the City may operate only on the basis of continuation at the same spending level as the end of the previous fiscal year except no capital spending may be made. If no budget has been approved by the Council after 30 days of the new fiscal year, then the Council may pass a budget by a majority vote of the whole Council. After 30 days of the new fiscal year has passed without an approved budget, the budget proposed by the City Manager becomes effective in all respects until such time as the Council approves a complete budget.

(5.50) APPROPRIATION AND REVENUE ORDINANCES: To implement the adopted budget, the Council before that budget year starts must:

- œ adopt an appropriation ordinance making appropriations by department or major organization for each program or activity:
 - œ authorize the property tax levy and establish date(s) on which to set the tax rate and commitment of the taxes; and
 - œ adopt other necessary revenue ordinances.
- **Amendments after Adoption.** During the fiscal year, the Council by 2/3 vote may revise the budget in response to changed circumstances and such revisions may take effect immediately upon adoption.
 - **Supplemental Appropriations.** If the City Manager certifies there will be enough money available to spend more than planned (either because revenue is greater than estimated or spending is less than estimated), then the Council may make supplemental appropriations for that year.
 - **Emergency Appropriations.** To respond to public emergencies, the Council may adopt emergency appropriations and, if required, authorize issuance of emergency notes, which may be renewed, but which must be paid by the end of the next fiscal year.
 - **Reduction of Appropriations.** If the City Manager concludes there will be inadequate money to meet appropriated expenditures for that fiscal year, or if the Manager concludes spending at the budgeted rate will seriously affect the City's financial stability in later years, the Manager must promptly notify the Council of the deficit or anticipated problems, of remedial action taken by the Manager and of recommendations for further action. The Council must then act to prevent any deficit and it may reduce any appropriations; however, appropriations for debt service may not be reduced deferred or transferred.
 - **Transfer of Appropriations.** If departmental spending justifies, the Council, upon recommendation of the City Manager, may transfer unspent appropriations between or among departments. The Manager may transfer unspent appropriations among programs or lines within a department or organizational unit, but promptly notify the Council in writing of the reallocation.

- **Lapse of Appropriations.** All appropriations, except capital appropriations and all designated reserve accounts, lapse at the end of the fiscal year. Capital appropriations continue in force until spent or specifically revised or repealed by 2/3 vote of the Council.

(5.60) **ADMINISTRATION OF THE BUDGET:** The Council, by ordinance, must prescribe procedure for administering the budget.

(5.70) **CAPITAL PROGRAM:** The capital program must be updated annually and include:

- œ A clear general summary of its contents;
- œ A list of capital improvements and other capital expenditures that are proposed for the next five fiscal years;
- œ A cost estimate and recommended time schedule for each improvement or capital expenditure;
- œ A source of financing for each capital expenditure;
- œ The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
- œ An estimate of cost of failing to make the capital expenditures.

- **City Council Action on Capital Program.**

- œ **Notice and Hearing.** The Council must hold at least one public hearing on the capital program and give adequate public notice, which includes a general summary of the capital program.
- œ **Adoption.** The Council, by resolution, must adopt the capital program with or without amendment after the public hearing and before the start of the new fiscal year.

(5.80) **EMERGENCY RESERVE ACCOUNT:**

The Council must establish an Emergency Reserve Account. The Emergency Reserve Account may not accumulate to more than 0.5% of the City's then current State Valuation.

The account must be funded each year as a budget line item, at the rate of 1.5% of the City's net annual budget appropriations. If there is a surplus at the end of any fiscal year, the Council may supplement the appropriation by directing a portion of that surplus for deposit in the Emergency Reserve Account. Expenditure from the account may only be made upon unanimous vote of all Councilors, and only to meet unanticipated, extraordinary needs.

(5.90) INDEPENDENT AUDIT:

The Council must have all accounts independently audited at least annually. Auditors must be certified public accountants or a firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate the accountant or firm annually or for up to three years. If the state conducts the audit, the Council may accept it as satisfying this provision.

•• PUBLIC RECORDS ••

Copies of the budget, budget message, capital program, and appropriation and revenue ordinances are public records and must be made available for public inspection at City Hall and at least one other public location. Copies may be provided at cost, upon request, within a reasonable time.

ARTICLE 6

(6.00) MISCELLANEOUS/TRANSITION/SEPARABILITY

(6.10) TIME OF TAKING FULL EFFECT:

The Charter takes effect for all applicable purposes on January 1, 1994.

Those Charter provisions which do not or cannot take effect until after the effective date of this Charter become effective pursuant to their terms.

(6.20) SCHEDULE:

- **First Election.** The first election under this Charter shall be held in November, 1994.

At that election, the number of Councilors to be elected equals two (2) plus the number of present Councilors whose terms are then expiring. The two candidates having the greatest number of votes will serve four-year terms. The remaining candidate(s) will serve three-year term(s). Thereafter, as Councilors' terms expire, the terms are for four years.

- **First Council Meeting.** On January 4, 1994, the Council must meet at 10:00 AM in the City Council Chamber at Presque Isle City Hall:
 - œ To elect the Chair and Deputy Chair, and to appoint or consider the appointment of a City Manager or Acting City Manager and other municipal officers;
 - œ To adopt ordinances and resolutions necessary to effect the transition of government under this Charter and to maintain effective City government during that transition.

(6.30) **OFFICERS AND EMPLOYEES:** No rights, privileges, or employment status of any City officer or employee may be impaired by this Charter, unless specifically stated.

(6.40) **DEPARTMENTS, OFFICES, AND AGENCIES:** All City departments, offices, and agencies existing on the effective date of this Charter will cease to exist on January 1, 1998, unless reauthorized or restructured by the Council, by ordinance.

(6.50) PENDING MATTERS: All rights, claims, actions, orders, contracts, and legal administrative proceedings continue unless modified by the Charter, with each matter handled by the appropriate City department, office, or agency.

(6.60) EXISTING ORDINANCES: All City ordinances, resolutions, orders, and regulations which are in force on January 1, 1994, are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter. All ordinances in force on January 1, 1994, will be automatically repealed on January 1, 1998, unless reviewed and repassed by the Council.

By December 31, 1994, the Council must establish a schedule for its review of existing ordinances over the following three years.

(6.70) TEMPORARY ORDINANCES: From January 1, 1994, to March 3, 1994, the Council may adopt temporary ordinances. Temporary ordinances may be effective for no more than 90 days. A temporary ordinance may be enacted to aid transition of City operations under this Charter when delay otherwise enacting an ordinance would likely cause serious hardship or significantly impede operations of City government.

Temporary ordinances must be introduced as any other ordinance; however, a temporary ordinance may be adopted, with or without amendment, at the same Council meeting at which it is introduced and may take effect immediately.

(6.80) INITIAL SALARY OF COUNCIL CHAIR AND COUNCILORS: During 1994, the Councilors are paid the same salary as under the 1993 budget, until that salary is changed by the Council.

(6.90) SEPARABILITY: Finding any provision of this Charter invalid does not affect the other provisions of the Charter. If the application of the Charter to any person or circumstance is held invalid, application of the Charter to other persons or circumstances is not affected.