

Article IX Amendments for Ballot

1. Shall the municipality approve the charter amendments printed below?
 - A. **Delete** the title "General Provisions" and **replace** with "**Ethics**".
 - B. **Move** 9.01 Personal Financial Interest to 9.02.
2. Shall the municipality approve the charter amendment printed below?

Create a new section **9.01 Ethics Policy**

It shall read: **Ethics Policy. 9.01. All who serve within the Eastport city government or are under its direct control will do so in a manner that both is and appears to be fair and impartial and that serves no goal other than the welfare and benefit of the people of Eastport.**

It shall be the policy of the City of Eastport to prohibit the use of public office for personal gain; to prohibit city employees or contractors from using their positions for personal gain beyond the compensation specified in their contracts or employment agreements; to prohibit those in public office, city employees, or contractors from performing their duties with either favoritism or prejudice; to prohibit actions that would give the appearance of conflict of interest, favoritism or prejudice in the performance of the duties of public office or in the performance of city employees; and to encourage a high quality of life in the City of Eastport by maintaining a widespread and accurate impression that the city government functions in an ethical manner.

City officials shall prepare themselves for the public issues, listen courteously and attentively to all public discussion before the body, and focus on the business at hand. Officials shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of the meetings.

3. Shall the municipality approve the charter amendments printed below:

A. In 9.02 Personal Financial Interest, **add** the following phrases: "**or any relative thereof to the fourth degree**", "**as ten percent**", "**company that has a**" and "**or advancement**" in the first sentence.

It shall read: Any city officer, employee or member of any municipal board or committee **or any relative thereof to the fourth degree** who has a direct or indirect substantial financial interest, as defined in the Revised Statutes of Maine **as ten percent**, or by reason of ownership of stock in any **company that has a** contract with the city or in the sale of land, material, supplies or services to the city or to a contractor supplying the city shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as a city officer or employee in the making **or advancement** of such sale or in the making or performance of such contract.

B. In 9.02 Personal Financial Interest, **add** the following after the first sentence: **With the permission of the council, he/she may participate in the discussion of the matter only when physically located within the area designated for members of the public.**

C. In 9.02 Personal Financial Interest, **add** the following sentence after the third sentence: **If a councilor or elected or appointed official is alleged to have a conflict of interest, and the councilor or official denies the conflict of interest, the city council shall vote on the matter or decide to investigate further. The decision of the council shall be final.**

4. Shall the municipality approve the charter amendment printed below:

In 9.03.a.1 Prohibitions, **add** "**sexual orientation**" and "**or personal connections or friendships**".

It shall read: No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, **sexual orientation**, political or religious opinions or affiliations, **or personal connections or friendships**.

5. Shall the municipality add the following subsections:

A. In 9.03.a.3, **add:** "or in connection with his/her test" and "proposed appointment".

It shall read: No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for **or in connection with his/her test**, appointment, **proposed appointment**, promotion or proposed appointment.

B. Add 9.03.a.4: **No city officer, employee or member of any municipal board or committee shall improperly use city property; withhold public information; accept cash, gifts or favors given in anticipation of any action by the public official or in reward for their past action; engage in improper supervisory conduct; or engage in improper political activities, including using one's official position to influence, interfere with or affect the results of any election; solicit funds or contributions from city employees; or distribute political pamphlets or handbills or digital political communications while performing official functions or duties for the city or knowingly and willfully violate any provision of this charter or any rules of ethics or conduct adopted by the city council.**

C. **Add 9.03.a.5: No councilor may publicly or privately give orders to any city employee who is subject to the direction and supervision of the city manager, but the council may express its views and discuss with the city manager anything pertaining to any city employee.**

D. **Add 9.03.a.6: City officials shall not, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city, nor shall any official use such information to advance the financial or private interest of the official or others.**

E. Add 9.03.a.7: **Information received or discussed during executive session shall be considered within the constraints of this section, and shall not be disclosed to any third person unless permitted by prior affirmative vote of the body.**

F. In 9.03.b, in the first sentence, **delete** "paragraphs (1) through (3)" and **replace** with "**Sections 9.01, 9.02, and 9.03**", **delete** "misdemeanor" and **replace** with "**civil violation**", **delete** "one" and **replace** with "**five**", **delete** "\$100.00" and **replace** with "**\$500.00**".

It shall read: Any person who by himself or with others willfully violates any of the provisions of **Sections 9.01, 9.02 and 9.03** shall be guilty of a **civil violation** and upon conviction thereof shall be punished by a fine of not more than **five hundred dollars (\$500.00)**.

G. In 9.03.b, **add** a second paragraph:

It shall read: **In the event that an individual is determined to have violated Section 9.02 or 9.03, any votes or other actions in which the individual has participated and which are related to the violation may be rendered void and shall be subject to reconsideration as though the ethical question had been raised prior to the vote or other action.**

Article V Amendments for ballot

1. Shall the municipality approve the charter amendment summarized below?

In Article 5.02, **delete** the first two sentences, which read "At any time prior to January 15, the city council shall appoint a committee of five interested residents who shall act in an advisory capacity to the council and the city manager in the preparation of the budget. This group shall be called the Budget Committee". These shall be **replaced** with:

At the first meeting of the fiscal year, the city council shall appoint a budget committee of at least five residents who shall act in an advisory capacity to the council and the city manager throughout the year in preparation of the budget.

- a. Five members of the budget committee shall be appointed to three-year terms.
 1. Upon adoption of this provision, the council shall appoint at least one resident to a three-year term, at least one resident to a two-year term, and at least one resident to a one-year term.
 2. Thereafter, each appointee will serve for a period of three years.
- b. In addition to the five residents serving staggered three-year terms, the council may appoint two to four residents to serve for the current fiscal year. The council also shall appoint a non-voting liaison to the budget committee from the city council. The Eastport School Committee also shall appoint a non-voting liaison to the budget committee.
- c. The budget committee shall make its report on the annual budget for the ensuing fiscal year to the council on or before May 1.
- d. The budget committee shall make its report on the five-year capital plan to the council by December 1.

2. Shall the municipality approve the charter amendments reprinted below?

A. In 5.03, in the first sentence, **delete** "the first Monday" and **replace** it with "**regularly scheduled**", delete "of" and **replace** it with "**in**", add "**draft proposed**". In the second sentence, **add** the phrase "**and a proposed three-year plan**". In the final sentence, **delete** "deems" and replace with "**or council deems**".

It shall read: On or before the **regularly scheduled** council meeting of **in** February of each year the manager shall submit to the council a **draft proposed** budget for the ensuing fiscal year and accompanying message. The manager's message shall explain the budget **and a proposed three-year plan** both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the

reasons for such changes, summarize the city's debt position and include such other material as the manager **or council deems** desirable.

B. In Article 5.05.b.4, **add** the words "**or equipment**" after the word "facilities".

It shall read: The estimated annual cost of operating and maintaining the facilities **or equipment** to be constructed or acquired.

C. Throughout the charter, **add** "**and electronically via the city's website**" for all notices for hearings; board, committee; council meetings and elections and referenda:

D. In sections 5.06 and 5.07, **change** the minimum time for publication of the budget from two weeks to **seven days**.

E. In 5.09.d, **add** "**or transfer**" to the second sentence after "reduction".

It shall read: The supplemental and emergency appropriations and reduction **or transfer** of appropriations authorized by this section may be made effective immediately upon adoption.

3. Shall the municipality approve the charter amendment reprinted below:

In 5.06.c, **change** the due date of the budget **from** "on or before the first Monday of June **to** "**by June 15**".

4. Shall the municipality approve the charter amendments reprinted below:

A. Add:

5.09.e. "**Budget Adjustments. All adjustments made to the budget during the fiscal year must be approved by the city council.**"

B. Add:

5.09.f. "**Unbudgeted City Expenses. All unbudgeted city expenses must be approved by the city council.**"

5. Shall the municipality approve the charter amendments summarized below?

A. In 5.11.a, in the first sentence, **delete** "at the organizational meeting held on the first Monday of January each year" and "at no time exceed one mill of taxation" and **replace** with "**be**."

It shall read: The city council shall establish a reserve fund from which transfer shall be made only by the vote of the city council and no transfer of any money shall be made from any other fund other than this reserve fund until the end of the fiscal year. The balance in such reserve fund shall **be** based on the amount constituting one mill for the current year in which the amount is established.

B. In 5.11.d.1, **delete** "exceeding \$50,000" and "notice given by posting notice of same in at least two public places in the City of Eastport, and publishing said notice in a newspaper having general circulation in the City of Eastport at least fourteen days before the final action by the city council" **replace with "a public hearing"**.

It shall read: No order providing of the issue of bonds shall be passed without **a public hearing** and the approval of 4/5 of all of the members of the city council.

C. In 5.11.d.2, **delete** "exceeding \$50,000" and "notice given by posting notice of same in at least two public places in the City of Eastport, and publishing said notice in a newspaper having general circulation in the City of Eastport at least two weeks before the final action by the city council".

It shall read: No order or resolve providing for the issuance of a note **exceeding \$50,000**, except temporary loans for tax anticipation, shall be passed without a public hearing and the approval of 4/5 of all the council members.

D. In 5.11.d.3, in the first sentence **delete** "or revenue sharing". **Delete** the last sentence of the first paragraph: "Money may be borrowed in anticipation of money to be received from the sale of bonds to be issues provided such bonds have been legally authorized. All such loans shall be paid in full within one year and are to be paid with proceeds from the bond issue." **Delete** the second sentence of the second paragraph: "The amount borrowed in anticipation of Revenue Sharing receipts shall not exceed 80% of the amount of Revenue Sharing entitlements protected by the paying units of government for the current year of entitlement." **Delete** "and money borrowed in anticipation of the Revenue Sharing receipts must be repaid with Revenue Sharing receipts."

5.11.d.3 shall read: Money may be borrowed in anticipation of tax receipts during any fiscal year after said fiscal year begins, but the aggregate amount of such loans outstanding at any one time shall not exceed 80% of the revenue received for taxes during the preceding fiscal year. All such loans shall be paid within the fiscal year out of receipts for the fiscal year in which said loans were made.

This section shall in no way limit the power granted to towns and cities to borrow money as contained in the Maine Revised Statutes as amended and acts amendatory thereof. Money borrowed in anticipation of tax receipts must be repaid with tax **receipts**.

Article VI Amendments

1. Shall the Municipality approve the charter amendment summarized below:

In 6.01, "may" shall be **changed** to "**shall**", the phrases "**which may be**" and "**or may be headed by the city manager**" shall be **added** to the first sentence.

It shall read:

There **shall** be a planning department **which may be** headed by a director who shall be appointed by the manager as provided in section 4.01, **or may be headed by the city manager.**

2. Shall the Municipality approve the charter amendment printed below:

In 6.02, the sentence "Members of the board shall hold no other city office" shall be **deleted.**

3. Shall the municipality approve the charter amendment summarized below:

In 6.02, the following sentence shall be **added**: "**The city manager, the code enforcement officer, members of the city council, the zoning board of appeals, and the historic review board shall not serve on the planning board.**"

4. Shall the municipality approve the charter amendment summarized below:

In 6.03.a, the second sentence shall be **deleted**. It reads: "Upon receipt from the city manager of a proposed modification of the existing plan, the council shall refer such proposal to the city planning board, which shall within a time specified by the council report its recommendations thereon".

It shall be **replaced** with: "**The city planning board or a committee appointed by the council may recommend modifications of the existing plan. After receipt of the recommendations,**".

It shall read: **The city planning board or a committee appointed by the council may recommend modifications of the existing plan. After receipt of the recommendations,** the council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment."

5. Shall the municipality approve the charter amendment summarized below:

In 6.05, the following phrases shall be **added**:

"Consisting of seven members and one alternate from among the qualified voters of the city", and "undue hardship, as defined by state law".

It shall read:

The council shall by ordinance establish a zoning board of appeals consisting of seven members and one alternate from among the qualified voters of the city, and shall provide standards and procedures for such board to hear and determine appeals from administrative decisions regarding the zoning ordinance, petitions for variance in the case of peculiar and unusual circumstances which would prevent the reasonable use of land, undue hardship, as defined by state law, and such other matters as may be required by the council or by law.

6. Shall the municipality approve the charter amendments below:

Add: Section 6.06. The council shall appoint a historic review board consisting of five members from among the qualified voters of the city. The board shall be authorized to review alterations, relocations and demolitions of designated historic properties under its jurisdiction. The board shall review all proposed new construction affecting historic properties and/or districts within its jurisdiction to determine if locally listed historic sites would be adversely affected.

7. Shall the municipality approve the charter amendment below:

Add: Section 6.07. Forfeiture of Office. Any members of the planning board, the zoning board of appeals or historic review board who fails to attend three consecutive meetings of the board without being excused by the board shall forfeit his/her office.

Article VIII Ballot

1. Shall the municipality approve the charter amendment as printed below?

In 8.01.b, **delete** "shall not extend to the budget or capital program or an emergency ordinance relating to appropriation of money or levy of taxes" and replace with "**shall not extend to the budget or capital program, the issuance of bonds or notes or any emergency ordinance relating to the appropriation of money**".

It shall read: The qualified voters of the city shall have the power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it in a city election, provided that such power **shall not extend to the budget or capital program, the issuance of bonds or notes or any emergency ordinance relating to the appropriation of money**.

3. Shall the municipality approve the charter amendments as summarized below:

A. In 8.02, **delete** "ten" qualified voters which may commence initiative, referendum or recall proceedings, **change** to any "**five to ten**" qualified voters.

B. In the last sentence of 8.02, the phrase "balance and place them in the city clerk's office available for signature" shall be **deleted** and replaced with "**petitions**."

The sentence shall read: Promptly after the affidavit of the petitioners' committee is filed, the city clerk shall issue the appropriate **petitions**.

4. Shall the municipality approve the charter amendment printed below:

In 8.03, the percent of qualified voters needed shall be changed from "20" percent to "**10**". The phrases "registered to vote at the conclusion of the last regular city election" and "of the last regular city election" shall be deleted and replaced with "**who cast a ballot at the previous general election**."

It shall read:

Initiative, referendum and recall petitions must be signed by qualified voters of the city equal in number to at least **10** percent of the total number of qualified voters **who cast a ballot at the previous general election.**

5. Shall the municipality approve the charter amendment as printed below:

In 8.04.a, in the second sentence the phrase "petitioner" shall be deleted and replaced with "**petitioners' committee files a notice of intention to amend it with the clerk.**"

It shall read: A petition certified insufficient for lack of the required number of valid signatures may be amended once if the **petitioners' committee files a notice of intention to amend it with the clerk** within two days after receiving the copy of **the clerk's certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate.**"

6. Shall the municipality approve the charter amendment as printed below?

In 8.04.b, the following shall be added to the last sentence: "**shall be final, subject to court review, if necessary**

It shall read: The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination as to the sufficiency of the petition **shall be final, subject to court review, if necessary.**

7. Shall the municipality approve the charter amendment as summarized below?

In 8.04.a, (b) and (c) shall be changed to (a) and (b).

8. Shall the municipality approve the charter amendments as summarized below:

A. In 8.06.c, **delete** "30" and replace with "**45**". It shall read: The vote of the city on a proposed or referred ordinance shall be held not less than **45** days and not later than one year from the date of the final council vote thereon.

B. In 8.06.d, **delete** "fifteenth" and replace with "**45th**". **Delete** "at least four members" and **add** "a majority". It shall read: An initiative or referendum petition may be withdrawn at any time prior to to the **45th** day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by **a majority** of the petitioners' committee.

9. Shall the municipality approve the charter amendment as printed below:

In 8.06.b, **delete** "may be a candidate to succeed his/her name on the official ballot without nomination" and "In any such election, the candidate receiving the highest number of votes shall be declared elected. Any person sought to be removed may be a candidate to succeed him/herself and unless he or she requests otherwise in writing, the clerk shall place his/her name on the official ballot without nomination. In any such election, the candidate receiving the highest number of votes shall be declared elected."

It shall be replaced with: "**Upon receipt of the clerk's certificate to the council of the filing of a sufficient petition, the city clerk shall make available nomination papers for the recall election. Nomination procedures are to follow Section 7.02 of this charter, except that any person sought to be removed may be a candidate to succeed him/herself, and unless he or she requests otherwise in writing, the clerk shall place his/her name on the ballot without nomination. The successor of any officer so removed shall hold office during the unexpired term of his/her predecessor.**"

10. Shall the municipality approve the charter amendment as printed below:

In 8.07.c, it shall be amended from: At such election, if some other person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of the successor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he/she shall continue in office.

It shall read: At such election, **if the incumbent receives** the highest number of votes, **he/she shall continue in office.** **If another candidate receives the highest number of votes, then the winning candidate shall be the successor and** the incumbent shall be removed from office upon the qualification of the successor. **If after the election, the winning candidate fails** to qualify within 10 days after receiving notification of the election, the office shall be deemed vacant.

Article XI ballot

1. Shall the municipality approve the charter amendments printed below:

A. In 11.01.c, in the last sentence, "3/5" shall be **deleted** and **replaced** with "majority", "elected" **deleted** and **replaced** with "appointed" and "for the unexpired term, if any" **deleted** and **replaced** with "until the next general election" and the phrase "of all members" shall be **deleted**.

It shall read: Any vacancy occurring due to death, resignation, removal from the city or removal from office shall be filled by a **majority** vote of the council, and the new members shall be **appointed** to fill the vacancy **until the next general election**.

B. In 11.02, the following sentence shall be **added**: **The school committee shall appoint a non-voting liaison to the city budget committee.**

C. **Delete** the phrase "justice of the peace" and **replace** with "**notary public**."

D. **Delete** the word "municipal" and **replace** with the word "fiscal" in the third and fourth sentences.

It shall read: They shall annually, as soon after the organization of their committee as practicable, furnish to the city council an estimate in detail of the several sums required during the ensuing **fiscal** year for the support of the public schools. On the basis of such estimates the city council shall make one gross appropriation for the support of public schools for the ensuing **fiscal** year, and such appropriation shall not be exceeded except by consent of the city council, but the expenditure of said appropriation shall be under the direction and control of the school committee.

Article VII Ballot

Shall the municipality approve the charter amendments printed below:

- A. In 7.02, the phrase "justice of the peace or" shall be **deleted** from the ballot and replaced with "**notary public**".
- B. In 7.03.a, **add**: "**a line will also be provided on the ballots for write-in candidates.**"
- C. In 7.05, **delete** the phrase " making a cross (X)", and replacing it with "**marking the box**".
- D. **Delete** the word "Constable" and **entitle** the section "**Warden and Ward Clerk**".