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Chapter C

Charter

[HISTORY: Adopted by the Town of Ogunquit March 1991, as amended through 11-8-2016. Subsequent amendments noted where applicable.] [Amendment adopted by the Town of Ogunquit June 14, 2022.]

PREAMBLE

We, the people of the Town of Ogunquit, realizing our responsibilities inherent in the adoption of this Charter, commit ourselves to upholding our democratic principles and institutions and our common community values which underpin this document.

The Ogunquit Village Corporation was formed in 1913 as a result of the efforts of our forebearers. The work of many went into the original Charter. The people of Ogunquit appreciate what the authors of the Charter and other dedicated people have done throughout the years to establish, preserve and improve the Town. The Charter was first approved by the legislature of the State of Maine in 1913. On July 1, 1980, Ogunquit officially became a Town.

The Charter Review Commission formed in 2020 has built on the work of previous Commissions, with a mission to review, clarify and, where appropriate, simplify the Town Charter.

The purpose of this Charter is to clarify the rights and responsibilities of the Town of Ogunquit, and those who serve it; to add other rights and responsibilities as required by present needs and by changes in State Statutes; and to assemble this into a readable, accessible format. This Charter represents the form of government that we the people of Ogunquit choose to have. This Charter may be amended in the future, as cause or need requires, and will be thoroughly reviewed in five years by another Charter Review Commission.

In committing ourselves to being a community which welcomes and values diversity, equity, inclusion and civility, we, the people of Ogunquit, affirm our desire to embrace the highest of ethical and moral models for our times, including but not limited to, honesty, integrity, and respect for others and our natural resources. These are the standards we set for ourselves and for those who represent us as elected and appointed officials. Such expectations and behaviors are further articulated in the Code of Ethics established by the Ogunquit Select Board.

We, the people of Ogunquit, further commit ourselves to the elimination of implicit and explicit bias contrary to the values articulated in our Charter and to be vigilant in protecting the human rights and dignity of all.

Article I

Grant of Powers to the Town

Section 101 Incorporation

The inhabitants of the Town of Ogunquit shall, in the collective, constitute a municipal corporation by the name of the Town of Ogunquit, hereinafter referred to as the Town.

Section 102 Powers of the Town

The powers of the Town under this Charter shall be construed liberally in the favor of the Town so as to

enable the Town to exercise and enjoy all the rights, immunities, powers, privileges, and franchises, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said Town under the Laws of the State of Maine and the State Constitution.

It may enact bylaws, regulations, and ordinances not inconsistent with the State Constitution and the Laws of the State of Maine, and impose penalties for the breach thereof, not exceeding the maximum amount as established by statute in any one case, to be recovered to the use of said Town by appropriate action.

The Town shall operate under the Town Meeting - Select Board – Town Manager form of government set forth in this Charter. Under this form of government, the Select Board serves as the Town's executive body, and the Town Manager serves as the chief executive and administrative official to oversee the daily operations of the Town. The Town meeting serves as the municipal legislative body for the Town

The Town shall have all the powers possible for a municipality to have under the State Constitution and the Laws of the State of Maine, including but not limited to the power to:

- 102.1 Maintain all Town physical and natural assets.
- 102.2 Establish and maintain a Police and Fire department.
- 102.3 Lay out, construct, reconstruct, alter, maintain, repair, control and operate roads, streets and ways, sidewalks, Marginal Way, public parks and beaches, public walks, public parking lots, and public wharves and landings.
- 102.4 Maintain and protect Perkins Cove and the channel of the Josias River between Perkins Cove and the sea, the Ogunquit River, and the river estuary.
- 102.5 Regulate the taking of clams.
- 102.6 Adopt and modify the official maps of the Town.

Section 103 **Intergovernmental relations**

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

Section 104 **Code of Ethics**

It is the policy of the Town of Ogunquit to uphold, promote, and demand the highest standards of ethics and conduct from all of its officers, officials, and employees.

Public service is a public trust. It is the intent of this Charter to promote that all elected and appointed public servants and employees shall demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships. They shall conduct themselves so as to maintain public confidence in their position, integrity of town government, and in their responsibility to uphold the public trust.

The Select Board shall maintain and update a Code of Ethics.

Article II **Town Meetings**

Section 201 **Purpose**

The purpose of Town Meetings is to allow voters to exercise their powers under the Town Meeting -

Select Board – Town Manager form of government and to provide for the election of municipal officers and other elected officials, appropriation of funds, approval of warrants, adoption of ordinances and any other business that may legally come before the meeting. The Town meeting serves as the municipal legislative body for the Town.

Section 202 **Qualification of voters and definition of resident voter**

202.1 Eligibility of voters shall be as determined by the Statutes of the State of Maine. Title 21-A M.R.S.A. §111 sets forth the general qualifications for voting. Briefly, voter qualifications relate to citizenship (U.S.), age (18 or older), voting residence (a person must have established and maintain a “voting residence” in the municipality in which the person seeks to vote), and registration as a voter in the municipality in which a person seeks to vote. Title 21-A M.R.S.A. §112 defines “residence” as follows: The residence of a person is that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.

Section 203 **Town elections**

Provisions of the Laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of elected officers and officials and all other particulars respective to preparation for, conduct of and management of elections, as far as they may be applied, shall govern all Town elections. Title 30-A M.R.S.A., as amended, shall govern the manner of voting in Town elections, provided that all voting shall henceforth be conducted by secret ballot pursuant to the provisions of Section 2528 thereof. All items subject to voting on any Town warrant will deem to have passed upon receiving a plurality of votes cast on the item. In addition, voting on budgetary matters shall be conducted in accordance with the provisions of Section 503 of this Charter.

Section 204 **Procedures**

The Annual Town Meeting shall be held on the second Tuesday of June, unless special circumstances, such as a state of emergency, cause the date to be changed. Notice of a Town Meeting, shall be conspicuously posted in at least two (2) public places and on the town website (townofgunquit.org), at least thirty (30) calendar days in advance of the voting day. Notice of the meeting shall also be posted on the public access channel (WOGT) at least thirty (30) calendar days in advance of the voting day.

Town Meetings shall be initiated and conducted in the manner provided by applicable state statutes. A quorum for the purpose of conducting the business and exercising all the powers of the Town Meeting shall consist of a number of eligible votes cast equal to at least 25% of the number of eligible votes cast in the Town at the last gubernatorial election.

Section 205 **Special Town Meetings**

The Select Board may call a Special Town Meeting whenever deemed necessary or on petition of the voters. If the petitioned Article does not call for an illegal act and the Select Board refuses to call a Special Town Meeting, it may be called by a notary public in the county on the written petition of a number of voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election.

Notice of a Special Town Meeting shall be conspicuously posted in at least two (2) public places and on the town website (townofgunquit.org), at least thirty (30) calendar days in advance of the voting day. Notice of the meeting shall also be posted on the public access channel (WOGT) at least thirty (30) calendar days in advance of the voting day; and in compliance with applicable state statutes. A quorum for a Special Town Meeting shall be twenty-five percent (25%) of eligible votes cast in the Town at the last gubernatorial election.

Section 206 **Warrant article(s) by petition of voters**

Article(s) for the Warrant of any Town Meeting may be requested of the Select Board. The article(s)

may be inserted in the Warrant of an Annual or Special Town Meeting upon receipt of the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town at the last gubernatorial election but in no case less than ten (10). If a petitioned article calls for an illegal act, the Select Board may refuse to put it on the warrant since it would not be effective if adopted. If the petitioned Article does not call for an illegal act and the Select Board refuses to place a petitioned article on the warrant, a Notary Public in the county may call a Special Town Meeting to vote on the petitioned article on the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town at the last gubernatorial election.

Article III Select Board

The duty of the Select Board is to execute the will of the people, protect and maintain the assets of the Town and provide leadership and oversight on issues of importance to the Town. The Select Board will abide by and enforce all applicable codes, statutes, and procedural rules. As a policy-making board, the Select Board needs to be responsive to the citizens they serve, the staff they approve, and the Boards they appoint.

Section 301 **Composition**

The Select Board shall consist of five (5) members elected by voters of the Town and shall exercise all executive powers of the Town.

Section 302 **Qualifications and eligibility**

- 302.1 Only registered voters of the Town shall be eligible to hold office on the Select Board.
- 302.2 Select Board members shall not hold any other compensated Town office or position of employment for the Town of Ogunquit and shall not have current contractual business relationships with the Town.
- 302.3 Candidates for office shall be nominated by the filing of nomination papers with the Town Clerk signed by not less than 25 nor more than 100 signatures of registered voters of Ogunquit in accordance with state statutes.

Section 303 **Election and term of office**

- 303.1 Select Board members shall be elected for a term to commence upon conclusion of the Annual Town Meeting or Special Town Meeting. Election shall be for a three-year term, unless elected to fill an unexpired term.
- 303.2 Each Select Board member shall serve until a successor is elected and qualified. Vacancies, which may occur, are covered in Section 309 of this Charter.
- 303.3 Term limits shall be established for all elected members of the Town of Ogunquit Select Board. Term limits shall consist of two (2) consecutive terms. Limits shall include any term or portion of a term of office greater than 1 year. An individual who is affected by the term limit restriction shall be eligible for election to the Town of Ogunquit Select Board once a one (1) year period has passed since the restriction took effect.

Section 304 **Compensation**

- 304.1 Members of the Select Board shall each receive annual compensation for their services as approved at the Annual Town Meeting.
- 304.2 Members serving unexpired terms shall be paid on a prorated basis for time served.
- 304.3 The Town Treasurer shall make payment for all services under this Section annually after the Annual Town Meeting and only after completion of the year's service.

- 304.4 Members shall receive reimbursement for actual and authorized expenses incurred in the performance of the duties of office.

Section 305 **Induction into office**

All elected Select Board members shall be sworn to the faithful discharge of their duties by the Town Clerk or notary public at the conclusion of the Annual or Special Town Meeting or as otherwise legally required, and sign and commit to adhere to the Code of Ethics at the beginning of each term or whenever changes are made to the Code of Ethics.

Section 306 **Organizational meeting**

- 306.1 The positions of Chair and Vice Chair are offices of merit rather than seniority. The Select Board shall endeavor to elect officers whose previous work on the Select Board, or other Town boards, committees, commissions, or task forces, (hereafter referred to as Boards), indicates an ability to lead, manage and work toward consensus.
- 306.2 At the next regular meeting following the Annual Town Meeting, members of the newly constituted Select Board shall meet to elect, a Chair and Vice Chair.
- 306.3 A member of the Select Board shall place in nomination themselves or another Select Board member for the position of Chair of the Select Board. Each nomination requires a second. All members of the Select Board shall vote for one of the names placed in nomination for the position of Chair. The Town Clerk shall count the votes and declare the person with a majority of the votes the winner of the election for the Chair of the Select Board.
- 306.4 The same procedure as in Article 306.3 shall be followed for the election of the Vice Chair of the Select Board.
- 306.5 Both the Chair and Vice Chair shall serve a term of one year.

Section 307 **Chair**

The Chair or, in their absence, the Vice Chair shall preside at all regular meetings of the Select Board and is responsible for the legal and orderly transaction of Select Board business at all regular and special meetings.

- 307.1 The Chair shall conduct impartial and orderly discussions and exercise their vote in Town affairs as a regular member of the Select Board. The Chair shall be recognized as head of Town government for all ceremonial purposes, and by the Governor for purposes of military law, but they shall have no regular administrative duties.
- 307.2 The Chair is responsible for calling special meetings of the Select Board when such meetings are warranted.
- 307.3 In the temporary absence or disability of the Chair and Vice Chair, the Select Board may elect, from among its members, a Chair pro tempore, who shall exercise all powers of the Chair during the temporary absence or disability of the Chair and Vice Chair.
- 307.4 The Select Board, after a public hearing, may replace for cause the Chair and/or Vice Chair at any time, by a vote of four (4) members for a full Board and a majority vote if less than a full Board.

Section 308 **Meetings and voting**

- 308.1 Meetings
- A. The Select Board shall meet a minimum of once a month.

- B. Unless otherwise provided for in this Charter or other State statutes, meetings shall be conducted according to the most recent edition of Robert's Rules of Order.
- C. The Select Board may meet in executive session only upon the publicly recorded vote of three-fifths (3/5) of the members present and voting. A motion to go into executive session shall indicate the precise nature of the business of the executive session, and no other matter shall be considered in that particular executive session. Final action on any matter taken up in such closed sessions, except those matters which are permitted or required by law to be acted upon in closed sessions, shall not be taken by the Board until such matter is placed on the agenda of a regular or special meeting and voted upon thereafter.
- D. Except as noted in Section 308.1C above, all meetings and workshops of the Select Board shall be open to the public.
- E. All regularly scheduled Select Board meetings shall be televised on WOGT to the extent possible, and Select Board workshops shall also be televised on WOGT to the extent possible. Remote participation in Select Board meetings may be permitted in accordance with Title I M.R.S.A. §403-B.

308.2 Quorum and voting

- A. A quorum of the Select Board for the transaction of any business shall consist of at least three members.
- B. Passage, adoption or enactment of any item shall require three votes on the prevailing side.
- C. Each Select Board member in attendance shall vote on all issues and questions presented for a vote except when a conflict of interest or appearance of a conflict of interest clearly exists, in which case, the member must disclose the issue and recuse themselves. Otherwise, members in attendance will vote in one of the following responses; "in favor", "against", or "abstain". The response "abstain" should not be used lightly and only in cases where the member asserts for the record that they do not have adequate information to cast a vote. A member voting "abstain" will be considered to be part of the necessary quorum. The record will show votes "in favor", "against", and "abstain".
- D. A member with a conflict of interest or the appearance of a conflict of interest (an appearance of a conflict exists when a reasonable person could conclude from the circumstances that participation would be perceived as inappropriate) shall disclose the interest and recuse themselves and shall move to the public section area until such time as the matter involving the conflict of interest is closed and the Select Board is ready to move to the next item on the agenda. In no case shall a recused Select Board member participate in an official capacity in discussion or deliberations regarding the matter as to which the member has been recused; however, such member may speak as a member of the public during that portion of the meeting when the public is being heard.

308.3 Recordkeeping and journal

- A. The Select Board shall keep accurate permanent records of its meetings to include at a minimum agendas and minutes and these records shall be maintained at the Town offices and/or on the Town website. Said records shall be available to the public.
- B. The Select Board shall also keep recordings of its meetings and these recordings shall be maintained at the Town offices for five years after the meetings. These recordings shall be available to the public.

308.4 **Training**

Select Board members shall receive training on board conduct, Robert's Rules of Order, Freedom of Access Act, Conflict of Interest, Code of Ethics, Select Board Rules, and municipal governance as provided by the Maine Municipal Association. In addition, they may participate in other training opportunities at Town expense and the Select Board's discretion.

Section 309 **Vacancies: forfeiture of office; filling vacancies**

309.1 Vacancies

The office of a Select Board member shall become vacant upon: failure to qualify for office within ten (10) days after written demand by the Town Clerk; nonacceptance; resignation; death; removal of residence from the Municipality; removal in a manner authorized by law or this Charter; or forfeiture of office.

309.2 Forfeiture of office

At any time during a term, a member shall forfeit office by an affirmative vote of at least four (4) Select Board members following notice and hearing for any of the following reasons:

- A. Violation of any express prohibition of the Town Charter or violation of the Code of Ethics as adopted by the Select Board.
- B. Conviction of a crime the conduct of which occurs during the member's term of office.
- C. A member of the Select Board who has been absent, from twenty percent (20%) of the Select Board's regular, special, and executive meetings during any 6-month period shall be eligible for forfeiture of office after notice. The Town Manager or their designee shall be responsible for maintaining accurate attendance records.

309.3 Filling of vacancies

- A. If for any reason a vacancy occurs in the membership of the Select Board more than one hundred and twenty (120) calendar days prior to the next Annual Town Meeting, the vacancy shall be filled at a Special Town Meeting called by the Select Board for the unexpired portion of the term, such Special Town Meeting to be held within 60 days.

In the event such vacancy occurs less than one hundred twenty (120) calendar days prior to the next Annual Town Meeting, the vacancy is to be filled for the unexpired portion of the term at the next Annual Town Meeting. Any such special election shall be conducted in accordance with the statutes of the State of Maine plus consideration of quorum requirements as detailed in Article II sections 204 and 205. When an election is being held to fill an unexpired term at the same time as a general election to fill other Select Board positions, all positions shall be considered "at large," with the candidates receiving the highest vote totals elected to the longest terms.

- B. In the event of a tied election result, the Select Board shall schedule a special runoff election to be held within 60 days.
- C. In the event of multiple vacancies totaling three or more at one time, a special election shall be called within 30 calendar days. During the period prior to the special election, the Chairperson of the Planning Board, Chairperson of the Zoning Board of Appeals, and the Chairperson of the Board of Assessment Review successively shall serve on the Select Board to make a quorum.

Section 310 **Powers of the Select Board**

The Select Board shall act as a unit settling all questions by formal vote in authorized meetings. Members must not act individually unless specific authority related to a particular duty has been delegated to them by the Select Board. A formal minority report may be issued by Select Board members voting in the minority. Without limitation, the Select Board shall have the power to:

- 310.1 Appoint and remove for cause the Town Manager, Town Tax Collector, Town Attorney, Town Assessor or Certified Public Assessor, Auditor, Health Officer, and the Director of Emergency Management as detailed in Chart 1.
- 310.2 Appoint, remove for cause or provide for the election of such officials and members of boards as set out in Chart 1. All appointments shall be in writing and signed by the Select Board. The Select Board shall have the power to remove for cause after notice and hearing those appointees over whom they have jurisdiction, to the extent required by state law and/or this Charter.
- 310.3 Appoint any individual or committee to assist the Select Board with any aspect of Town government.
- 310.4 Set the salary, subject to budget adoption, of those appointed by the Select Board.
- 310.5 Oversee, monitor and account for the appropriations and sign the Accounts Payable Warrant certifying all disbursements of Town funds.
- 310.6 Prepare, or provide for the preparation of, the warrant for the Annual and Special Town Meetings and the Annual Town Report.
- 310.7 Enact, unless otherwise provided by state statute, ordinances to be effective for a maximum of 90 calendar days to meet emergencies or contingencies. Such ordinances shall not be renewable and shall not become regular or permanent until adopted by vote at the Annual or Special Town Meeting.
- 310.8 Ensure compliance of all ordinances through its designated enforcement agents.
- 310.9 Provide for an independent annual audit conducted according to the Government Auditing Standards issued by the Comptroller General of the United States, and established by the Government Accounting Standards Board (GASB).
- 310.10 Require a bond from a surety company for all persons trusted with the collection, custody or disbursement of any of the monies of the Town. The premiums on said bonds shall be paid by the Town.
- 310.11 Enter into and execute contracts on behalf of the Town in accordance with the Town Purchasing Policy.
- 310.12 Authorize legal activity on behalf of the Town.
- 310.13 Adopt and abide by management, administrative and personnel policies, and Select Board Rules.
- 310.14 Act on other powers or duties permitted by Maine state statutes.
- 310.15 The Select Board shall issue an annual information packet by March 1 updating the citizens of the Town on the Articles passed at the last Annual Town Meeting and any subsequent Special Town Meetings.

- 310.16 Adopt an annual budget and recommend it to the Town Meeting for approval.
- 310.17 Provide liaison as a point of contact to the Boards that serve at the Select Board's pleasure. No Select Board member shall serve as a voting member of a Board.

Section 311 **Prohibitions**

311.1 Appointments and removals

Neither the Select Board nor any of its members shall dictate the appointment or removal of any municipal official or employees whom the Town Manager or other persons in authority are empowered to employ.

311.2 Interference with administration

Select Board members shall deal with municipal officials and employees who are subject to the direction and supervision of the Town Manager, or other persons in authority, solely through the Town Manager. Select Board members shall not give orders to or influence any official or employee of the Town either publicly or privately.

Article IV **Town Manager**

Section 401 **Qualifications**

- 401.1 The Select Board shall appoint a Town Manager as the chief executive and administrative official of the Town on the basis of character, executive leadership, administrative qualifications, education, and experience in municipal administration. Experience in project planning and operation is desirable.
- 401.2 The Town Manager need not be a resident of the Town at the time of appointment and may reside outside the Town while in office, provided that the Select Board in office at the time of the appointment approves, by majority vote, said approval not to be rescinded during the Town Manager's term of office or any subsequent terms upon contract renewal.

Section 402 **Selection and appointment process**

The Select Board shall appoint a Town Manager for a specific term, as specified by contract, the first six months of which shall be probationary. The procedure leading to the appointment of a Town Manager shall be as follows:

- 402.1 The Select Board shall consult with the Maine Municipal Association regarding recruiting procedures and may make use of any services the Maine Municipal Association might have available. In addition, the Select Board should consider hiring a search consultant to assist with arranging and structuring interviews and conducting background checks of the applicants. This information shall be made available to the Search Committee.
- 402.2 A Search Committee of not less than five (5) and not more than seven (7) Town residents shall be appointed by the Select Board within thirty (30) days of the office of Town Manager becoming vacant or within thirty (30) days notice to the Select Board that the office of Town Manager will become vacant, whichever comes first. One member of the Select Board shall serve as an ex officio member of the Search Committee. The Search Committee shall endeavor to complete its tasks within ninety (90) days of its formation. The Select Board may also choose to appoint an Interim town Manager with a majority plus one vote of the entire Select Board with qualifications similar to 401.1 above.
- 402.3 All meetings of the Search Committee shall be conducted as Executive Sessions and all information and discussions are confidential to the extent allowed by law.

- 402.4 The Search Committee shall choose from its members a Chair that is responsible for conducting the meetings and conveying to the Select Board the progress of the search.
- 402.5 The Search Committee shall also choose from its members a Vice Chair who shall act in the event the Chair is absent or unable to carry out their duties.
- 402.6 The Select Board shall present to the Search Committee a job description for the position of Town Manager.
- 402.7 The Search Committee shall receive and review all applications for Town Manager, assuring that the minimum standards set out in state law are met and that the applications meet the requirements of the job description.
- 402.8 The Search Committee shall present to the Select Board a semifinal list of candidates for the position of Town Manager.
- 402.9 After interviews of the semi-finalists, the Search Committee shall present to the Select Board a list of finalists, not to exceed five (5).
- 402.10 By a simple majority vote, the Select Board may add to the list of finalists, additional finalists from the original list of semifinalists, not to exceed two.
- 402.11 The Select Board shall, as a group, interview in person in executive session, each of the finalists for the position of Town Manager.
- 402.12 Appointment of a Town Manager requires a majority plus one vote of the entire Select Board.

Section 403 **Compensation**

The Select Board shall, by contract, fix the compensation, benefits, holidays, vacation, and other terms, and provide for the reimbursement of the actual and necessary expenses incurred in the performance of the Town Manager's duties.

- 403.1 The Select Board shall consult with the Maine Municipal Association to determine the usual salary range and benefits provided to Town Managers of towns similar in administrative size and fluctuating seasonal population to Ogunquit, and with similar levels of experience, education, and training.

Section 404 **Restrictions**

- 404.1 The Town Manager may not serve as a member of the Select Board, Assessor, member of the School Board, or any other Town board, committee, or commission (state law reference: Title 30-A M.R.S.A. § 2632).
- 404.2 Other than a Select Board member, current or former municipal officials or employees with qualifications listed in section 401.1 above may be appointed Town Manager. When a current municipal official or employee is appointed Town Manager, they must immediately submit in writing to the Select Board their resignation from their municipal office or position, (State Law Reference: Title 30-A M.R.S.A. § 2606).
- 404.3 Select Board members are ineligible to be appointed Town Manager while serving on the Select Board or within one year after their term on the Select Board expires.

Section 405 **Powers and duties of the Town Manager**

The Town Manager shall:

- 405.1 Be the chief executive and administrative official of the Town and be responsible to the Select Board for the administration of all departments and offices over which the Select Board has control.
- 405.2 Appoint, subject to the confirmation or veto by the Select Board, all department heads except those otherwise provided for under state statute or this Charter. All appointments and promotions of Town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of accomplishment.
- 405.3 Be responsible to the Select Board for administration of all departments and offices over which the Board has control.
- 405.4 Serve in any office as the head of any department under the control of the Select Board when so directed by the Select Board.
- 405.5 Have exclusive authority to remove for cause, after notice and hearing, any person the Town Manager is authorized to appoint, and to report all such removals to the Select Board, unless otherwise provided for by this Charter or Maine state law.
- 405.6 Unless otherwise provided by municipal ordinance, the Town Manager shall supervise all Town appointees whom the municipal officers are required by statute to appoint, subject to confirmation by the Select Board, and supervise all other subordinates and assistants. The Town Manager shall have the authority to delegate supervisory authority to the head of a department. The Town Manager's authority does not extend to supervision of members of boards, auditors, attorneys and assessors. The Town Manager shall maintain current job descriptions for all Town Employees.
- 405.7 Act as Purchasing Agent for all departments, except the Wells-Ogunquit Community School District, adhering to the Town's Purchasing Policy.
- 405.8 Attend all meetings of the Select Board, unless excused.
- 405.9 Make recommendations to the Select Board regarding the efficient operation of the Town.
- 405.10 Attend all Town meetings and other meetings and hearings as so directed by the Select Board.
- 405.11 Keep the Select Board and the residents of the Town informed with respect to the financial condition of the Town. Twelve times per year, at the opening of the first Select Board meeting of every month, prior to the discussion of any business or public hearings, the Town Manager, or the Town Manager's appointee, shall address the inhabitants of Ogunquit with the express purpose of updating and informing the residents of Ogunquit as to the present status of approved projects and departmental financial achievements and/or deficiencies. It shall be at the discretion of the Town Manager to determine the depth of the public updates. The residents shall have the opportunity to submit written questions to the Town Manager on any budget issues or other questions regarding the Town's affairs and the Town Manager shall respond to these questions during the next monthly report.
- 405.12 Collect the necessary data and prepare the budget for the Select Board.
- 405.13 Assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
- 405.14 Be aware of and make application, after notice to the Select Board, for state, federal and other grants for the benefit of the Town.

- 405.15 Perform such other duties as may be prescribed by this Charter or required by the Select Board, not consistent with this Charter.
- 405.16 Notify the Town Clerk, for inclusion in the Annual Town Report, of the attendance record of the members of the Select Board meetings.

Section 406 Absence of the Town Manager

The Town Manager may, with the consent of the Select Board, designate by letter filed with the Town Clerk, a qualified person, preferably a resident of the Town, to perform the duties of the Town Manager and serve as the Acting Town Manager in the event of an extended absence or disability. In the event of failure of the Town Manager to designate, the Select Board shall appoint a qualified person, preferably a resident of the Town, to perform the duties of the Town Manager until such time as the Town Manager returns.

Section 407 Removal of the Town Manager

The Town Manager may be removed or suspended for cause by the Select Board, during a contract term or during any renewal contract term, in accordance with the following procedure:

- 407.1 The Select Board shall file with the Town Clerk a written preliminary resolution setting forth the specific reason for the proposed removal, a copy of which shall be delivered to the Town Manager within five days of filing. The Town Manager may, within 10 business days of receiving the resolution, reply in writing and may request a hearing. The Town Manager shall specify whether that hearing is to be held in public or executive session.
- 407.2 Upon request for a hearing, the Select Board shall hold a hearing not earlier than five (5) business days after the request is filed and not later than twenty (20) business days.
- 407.3 After the hearing or at the expiration of the time permitted the Town Manager to request the hearing, if no such request is made, the Select Board may adopt or reject the resolution of removal.
- 407.4 Removal of the Town Manager requires a majority plus one of the Select Board, all members being present.
- 407.5 The Select Board may suspend the Town Manager from duty in the preliminary resolution, but in no event shall the Town Manager's salary and benefits be affected until the final resolution of removal has been adopted (state law reference: Title 30-A M.R.S.A. § 2633).
- 407.6 This section of Article IV refers to removal for cause only during a contract term. The Select Board has sole authority to renew or not renew the Town Manager's contract upon completion of the contract term or any renewal term based on the terms of the contract.

Article V

Financial Procedures

Section 501 Authority

The Select Board shall be responsible for the submission of the annual and special budgets to be voted at Annual and Special Town Meetings.

Section 502 Fiscal year

The fiscal year of the Town shall begin on the first day of July and terminate on the last day of June of each year. The Town fiscal year shall constitute the budget and accounting year as specified in this Charter.

- 502.1 The Town shall collect real estate taxes on a semiannual basis.

Section 503 **Budget process**

- 503.1 The Town Manager, assisted by input from each department head and chair of Town boards, shall submit a five-year capital improvement plan, the annual budget, and any special funding requests to the Select Board.
- 503.2 The Select Board will then, with the collaboration and advice of the Budget Review Committee, review and revise, if necessary, and finalize the budget for presentation at the Annual Town Meeting.
- 503.3 Prior to finalizing the budget, the Select Board shall hold a public hearing on its proposed budget at least 30 days prior to the Annual Town Meeting vote.
- 503.4 The budget shall be presented to the voters by the Select Board in the form of warrant articles for an appropriation.
- 503.5 Each budget article presented shall be accompanied by recommendations from the Select Board and the Budget Review Committee, which shall be printed in the warrant for the Annual Town Meeting and on the Annual Budget Referendum ballot. If any item fails to pass, it shall be funded at the previous year's approved amount, A notation stating the prior year's appropriation shall be included on the warrant article.
- 503.6 In the event a budget item appearing on the ballot for the first time or a petitioned article is not approved by a plurality vote, the item shall receive no funding.
- 503.7 In the case of petitioned warrant articles or special funding requests for budgetary items to be voted at a Special Town Meeting, the procedures required and the only public hearing shall be as otherwise set forth in Title 30-A M.R.S.A. § 2528.5.
- 503.8 No defeated warrant article shall be reconsidered until the next Annual Town Meeting.

Section 504 **Revenue and expenditures**

The budget process for all departments shall include all proposed expenditures, revenues and other funding sources.

Total expenditures shall not exceed total revenues and other funding sources.

The gross appropriation for each department shall not be exceeded except by vote at a Special Town Meeting or as provided for herein.

- 504.1 The Select Board shall have the authority to transfer appropriations between departments without exceeding the Town Meeting approved total budget. Such authority may be exercised during the fiscal year or at the end of the fiscal year, subject to a public hearing before taking such a vote if the amount to be transferred exceeds \$10,000. This authority is limited to an aggregate of \$25,000 transfer or 2% of the department's overall budget, whichever is larger to any one department. Total transfers between departments shall not exceed 2% of the Town Meeting approved total budget for the departments overall.
- 504.2 The Select Board shall have the authority to determine that a Capital Improvement Project is completed or abandoned, and to close-out the project and transfer excess funds to the General Fund as an increase to Unassigned Fund Balance. Such project close-out(s) and transfer(s) can occur as a group or by individual project, resulting in a net deposit to the Unassigned Fund Balance subject to a public hearing before taking such a vote.

Section 505 Borrowed funds

505.1 The Town Treasurer, with approval from the Town Meeting or Special Town Meeting is authorized to borrow money in the form of General Obligation Bonds.

505.2 The Town Treasurer, with the approval from the Select Board, is authorized to borrow money for approved expenditures in anticipation of revenue and taxation collection.

Such borrowings shall include, but not be limited to:

- A. General Obligation Bond Anticipation Notes;
- B. Revenue anticipation notes;
- C. Tax anticipation notes;
- D. Lines of Credit;
- E. Operating leases; and
- F. Capital leases.

Section 506 Independent annual audit

The Select Board shall designate a private firm of certified public accountants to perform an annual independent audit of accounts and other financial transactions of the Town government and to submit its report and a management letter to the Select Board.

This information shall be published in the Annual Report (as required by Title 30-A M.R.S.A. §2801) which shall be made available to the voters no less than ninety (90) days prior to the Annual Town Meeting.

Upon receipt of the audited financial statements by the Select Board, the audited financial statement and management letter shall be made available to the public on the Town's website.

**Article VI
School Committee**

Section 601 Composition

The Wells-Ogunquit Community School District School Committee shall be comprised of six (6) members. Registered voters of each town shall elect at large from their respective towns three (3) members. Election shall be to a three (3) year term, unless elected to fill an unexpired term. In the event of a vacancy on the Wells-Ogunquit Community School District Committee, the municipal officers shall select a new member from the municipality to serve, after the vacancy is properly advertised, until the next annual municipal election [20-A M.R.S.A. § 1653(2)(A), as amended].

Section 602 Eligibility

School Committee members shall be registered voters in the Town during their term of office. They shall hold no other positions that would be in conflict with their responsibilities and function as a School Committee member.

Section 603 Reporting

At the first Select Board meeting each November, a School Committee member will present the October 1 Attendance Report regarding the number of school-age children from Ogunquit attending the Wells-Ogunquit CSD, as well as any other information deemed appropriate to provide the Select Board and the citizens of Ogunquit regarding the education of our young people.

Article VII
Tax Administration

Section 701 Assessor

The Town Assessor or Certified Public Assessor shall be appointed by the Select Board with special reference to actual related experience or knowledge of accepted practices with respect to the duties of the office. The Town Assessor or Certified Public Assessor shall meet the state requirements for Town certification. The Assessor shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the towns and cities in the State of Maine may exercise and may now or hereafter be subject to under the laws of the state.

Section 702 Assessment review

The Select Board shall appoint in accordance with state statutes a Board of Assessment Review to review and revise assessments where appropriate.

Article VIII
Boards, Committees and Commissions

Section 801 Town boards, committees and commissions

The Select Board shall appoint a Board of Assessment Review, Planning Board, Zoning Board of Appeals and any other Boards as required by State Statutes. All Boards shall conduct their business in accordance with the rules set forth in this Charter. Members of Boards required by law shall be registered voters of the Town of Ogunquit. No eligible member may serve on more than one required Board simultaneously. Members of appointed Boards, Committees, Commissions and Task Forces (hereafter referred to as Boards), not required by law, shall be registered voters or property owners or fulltime residents of the Town of Ogunquit. Registered voters and property owners from adjacent municipalities may also be considered for the Select Board's approval of an appointment to an appointed Board. Board members who are property owners or fulltime residents of Ogunquit or property owners of adjacent municipalities need not be US citizens, residents of Maine, or 18 years old. Ogunquit registered voters, fulltime residents and/or residential property owners who comprise the respective Board must be a majority, and one of whom must serve as the Chair. The Select Board may also create and appoint members to other Town Boards as needed. Required, elected, and appointed Boards are as defined in Chart 1 as updated.

801.1 The Select Board is responsible for each Board's purpose (mandate) and direction. The intent of this section is to provide guidance to all official volunteer Boards.

A. Organization.

1. All boards:

- a. Shall operate under bylaws approved by the Select Board and updated as necessary;
- b. Shall sign and commit to adhere to the Code of Ethics for Boards as adopted by the Select Board at the beginning of each term or whenever changes are made to the Code of Ethics.
- c. Shall annually elect a Chair and Vice Chair, and other officers as are necessary and required by their by-laws. The Chair or Vice Chair shall not serve simultaneously as a Chair or Vice Chair on any other Board.
- d. Shall hold meetings at regularly scheduled, or specially scheduled dates and times, in accordance with their bylaws, that are publicized by the Town in advance of all meetings; and

e. All meetings shall be open to the public.

2. Board Chairs:

- a. Shall manage their group according to its bylaws, Select Board directives, Code of Ethics for Board and any applicable Town ordinances and state and federal laws;
- b. Shall establish a meeting schedule and set their group's agenda;
- c. Shall keep the Select Board, and any other necessary Town officials, apprised of its work;
- d. Shall run orderly meetings, shall provide for recorded minutes if and whenever necessary, and shall review and approve minutes regularly;
- e. Shall make themselves available, within reason, to the press;
- f. Shall ensure their members receive proper training and understand their roles and responsibilities, including board conduct and conflict of interest parameters;
- g. Shall work with the Select Board to advertise openings and recruit new members whenever a vacancy occurs; and
- h. Shall welcome public comment at appropriate segments of their meetings.

B. Procedures

- 1. Unless otherwise provided for in the Charter, Select Board rules, other Board specific rules or other State Statues, Boards shall follow the most recent edition of Robert's Rules of Order.
- 2. A member with a conflict of interest or the appearance of a conflict of interest (an appearance of a conflict exists when a reasonable person could conclude from the circumstances that participation would be perceived as inappropriate) shall disclose the interest and recuse themselves and shall move to the public section area until such time as the matter involving the conflict of interest is closed and the Board is ready to move to the next item on the agenda. In no case shall a recused Board member participate in an official capacity in discussion or deliberations regarding the matter as to which the member has been recused; however, such member may speak as a member of the public during that portion of the meeting when the public is being heard.
- 3. Effective with the Annual Town Meeting on June 8, 2021 term limits shall be established for all members of the Town of Ogunquit Planning Board. Term limits shall consist of two (2) consecutive terms. Limits shall include any term or portion of a term of office greater than 1 year. An individual who is affected by the term limit restriction shall be eligible for appointment to the Planning Board once a one (1) year period has passed since the restriction took effect.
- 4. Remote participation in Board meetings may be permitted in accordance with Title 1 M.R.S.A. §403-B.

Section 802 **Budget Review Committee**

There shall be an elected Budget Review Committee with two appointed alternates to assist the Select Board with budgets and financial planning. The recommendations of the Budget Review Committee will be presented to the public at the Annual Town Meeting when any budget items are being presented for consideration by the voters. Members of said Committee shall be registered voters of the Town. The Budget Review Committee shall adopt such bylaws as it deems necessary.

802.1 Appointment and terms. The Budget Review Committee consists of five members who shall be elected at the Annual Town Meeting. As vacancies occur when the terms of previously elected members end; those vacancies will be filled by election to a three-year term.

802.1A Term Limits

Term limits shall be established for all elected members of the Town of Ogunquit Budget Review Committee. Term limits shall consist of two (2) consecutive terms. Limits shall include any term or portion of a term of office greater than 1 year. An individual who is affected by the term limit restriction shall be eligible for election to the Budget Review Committee once a one (1) year period has passed since the restriction took effect.

802.2 The Budget Review Committee will also have a first and a second alternate who are appointed for one-year terms by the Select Board, whose term will expire at the end of the fiscal year but who will continue to serve as a de facto member until a replacement is appointed.

802.3 Filling of vacancies.

- A. If for any reason a vacancy shall occur in the membership of the Budget Review Committee, the vacancy will be filled in the following manner:
 1. In the event that the Select Board has previously appointed alternates to the Budget Review Committee, the first alternate will succeed to fill the vacancy, the second alternate will succeed to first alternate, and the Select Board will fill the second alternate vacancy by appointment.
 2. In the event that no alternates have been appointed, the Select Board shall fill the vacancy by appointment.
 3. The new Committee member will serve until there is either an Annual or Special Town Meeting. At such time there will be an election to fill the remainder of the original term.
- B. Any such election shall be conducted in accordance with the statutes of the State of Maine. In the event that more than one position is to be filled by election, all positions shall be considered "at large," with the candidates receiving the highest vote totals elected to the longest terms.
- C. In the event of a tied election result the Select Board shall schedule a special runoff election to be held within 60 days pursuant to 30-A M.R.S.A. § 2528(10).

Section 803 **Forfeiture of office**

At any time during a term, an appointed or elected municipal Board official shall forfeit office by an affirmative vote of four (4) Select Board members after notice and hearing, for any of the following reasons:

- 803.1 Violation of any express prohibition of the Town Charter or violation of the Code of Ethics as adopted by the Select Board.
- 803.2 Conviction of a crime the conduct of which occurs during the member's term of office.
- 803.3 A member of any Board who has been absent for twenty (20%) percent of meetings during any 6-month period shall be eligible for forfeiture of office after notice by Board Chair. The recording secretary shall be responsible for maintaining accurate attendance records.

Section 804 Recall of elected officers or officials

Any elected officer or official may be recalled and removed from office by the registered voters of the Town as herein provided for:

- a. failure to appropriately carry out duties and responsibilities of the office (such as failure to represent the will of the people of Ogunquit);
 - b. engaging in conduct which brings the office into disrepute;
 - c. engaging in conduct which displays an unfitness to hold the office; or
 - d. for the indictment or conviction of a felony under the laws of the State of Maine or the laws of the United States, or the laws of any other State or Nation, or entry of a plea of guilty or no-contest to such an offense.
- 804.1 Petition for recall
- A. Any fifty (50) registered voters of the Town may make and file with the Town Clerk an affidavit, with each signature notarized, containing the name of the officer or official whose removal is sought and a statement of the specific reason(s) why such removal is desired.
 - B. The Town Clerk shall then prepare and sign sufficient copies of a petition for removal.
 - C. The petition forms must meet the following requirements:
 - 1. Each petition form must be signed by the Clerk;
 - 2. Each petition form must have attached thereto a copy of the signed affidavit containing the name of the officer or official whose removal is sought and a statement of the specific reason(s) why such removal is desired;
 - 3. Each petition form must have spaces for each voter signing the petition to affix their signature, print their name, print their physical address, and indicate the date; and
 - 4. Each petition form must contain an affidavit to be executed by the circulator and attested by a notary, stating that the circulator personally circulated the petition form; that all signatures contained on the form were affixed in the circulator's presence; that the circulator believes them to be the genuine signatures of the registered voters whose names appear on the petition; and that each person signing the petition had the opportunity to read it before signing.
 - D. The Town Clerk or Deputy shall make available and safeguard one copy of the petition for thirty (30) business days thereafter, during which time it shall be available for signatures, during regular business hours, of registered voters of the Town. The petition shall not be left unattended. Each signature on the copy of the petition at the Clerk's office shall be personally witnessed by the Clerk or Deputy, who shall then sign the circulator certification.
 - E. The Town Clerk shall make the remaining copies of the petition available for circulation and collection of signatures. Petition forms may be circulated by any registered voter of the

Town. The Clerk shall prepare additional petitions for circulation, as necessary.

- F. To be effective, the recall petition must be signed by the number of registered voters of the Town equal to at least twenty-five percent (25%) of the ballots cast in the last gubernatorial election and the signed petition must be delivered to the Clerk on or before the thirtieth (30th) business day after it was first issued by the Clerk.
- G. Should fewer than twenty-five percent (25%) of the number of voters who participated in Ogunquit in the last gubernatorial election sign the petition or should the petition not be delivered to the Clerk within the time specified above, the petition shall have no further force or effect, and no new petition action for recall of the same person for the same specific reason(s) can be initiated until one hundred eighty (180) days from the end of the previous filing period.

804.2 Examination of petition

- A. At the expiration of the thirty (30) business day period described above, the Town Clerk shall declare the petition closed and shall within five (5) business days thereafter ascertain whether the petition is valid and shall attach thereto a certificate showing the results of such examination.
- B. The Town Clerk shall verify the signatures of the required number of registered voters and certify all requirements have been met. The Town Clerk shall then allow five (5) business days for the filing of legal challenges to the signatures on the petition. If a challenge is filed, the Clerk shall follow the procedures set forth in Title 21-A M.R.S.A. §337 to consider and rules on the challenge.
- C. If no such challenges are filed, or after the Clerk makes a decision on the challenge(s), the Town Clerk shall forthwith certify and submit the petition to the Select Board.

804.3 Calling of recall election

The petition and the certificate shall be submitted to the Select Board at its next scheduled meeting. If the petition, certified by the Town Clerk, includes the requisite number of signatures, the officer whose removal is sought shall be notified. The Board shall thereupon, within ten (10) business days of receipt of the Town Clerk's Certificate, order an election to be held not less than forty-five (45) calendar days, nor more than sixty (60) calendar days thereafter; unless a regular election is to occur within one hundred and twenty (120) calendar days, in which case the recall election will be held concurrent with the regular election. The officer or official whose removal is being sought may request a public hearing by submitting a written request to the Select Board within ten (10) calendar days of the Town Clerk's certification. Unless the board member whose removal is sought shall have resigned within ten (10) days after the receipt by the Select Board of the Town Clerk's Certificate, a ballot shall be prepared. Any elected officer or official against whom recall proceedings have been initiated may continue to hold office until recalled and shall have the privilege of seeking election to the same or any other office at any election after the date of recall.

804.4 Form of ballot

The form of the ballot at the recall election shall be: "Shall [elected municipal officer or official shown on petition] be recalled?"

804.5 Count of ballots

In the case that a plurality of those voting on the recall of any officer or official shall vote in favor of recall, that officer or official shall be removed immediately, and a vacancy shall be declared by the Town Clerk.

804.6 Election by petition

If the Select Board, upon receipt of the petition, fails to call a Town Meeting for the purpose of a recall election, it may be called by a notary public in the county upon the written petition of a number of votes equal to at least ten percent (10%) of the number of signatures on the certified petition.

804.7 Candidates for recalled petition

In the event of a successful recall election, nominations for candidates shall be sought in the same manner as for any municipal election and in accordance with state and municipal election laws.

Article IX General Provisions

Section 901 **Scope of powers**

In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers that the Town would have if the particular powers were not mentioned. The Charter shall be liberally construed to the end that the Town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the Town may assume pursuant to State laws and to the provisions of the State Constitution.

Section 902 **Nondiscrimination**

No person shall be appointed to or removed from, or in any way favored or discriminated against, or retaliated against for asserting their rights under law with respect to any Town of Ogunquit position or appointive role on a Board based on race, color, religion, national origin, ancestry, age, sex, sexual orientation (including gender identity and expression), physical or mental disability, genetic information or history, veteran status, or status as whistleblower, or any other category protected under State and Federal law or the Municipal Employees Handbook.

Section 903 **Separability**

If any portion of this Charter shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.

Section 904 **Short title**

This Charter shall be known as the "Charter of the Town of Ogunquit." The Town Clerk shall cause the Charter to be printed and made available to the public within a reasonable time following its enactment.

Section 905 **Oath of office**

Every officer and official of the Town shall, before entering upon the duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States of America and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Ogunquit and will faithfully discharge, to the best of my abilities, the duties of the office of _____."

Section 906 Ordinances not inconsistent continue in force

All ordinances of the Town of Ogunquit in force at the time when this Charter takes effect not inconsistent with the provisions of this Charter shall continue in force until amended or repealed. All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 907 Continuance of present elective and administrative

All persons holding elective or administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office.

Section 908 Applicability of state statute

Any subject matter not provided for by this Charter shall be controlled by the applicable State Statute.

Section 909 Charter Review Commission

The Select Board shall convene a Charter Review Commission, in accordance with State law Title 30-A MRSA § 2103, every five years for the purpose of reviewing and recommending updates to this Charter. In the event a Commission shall have been convened within any five-year period, a new five-year period shall commence from the date of the dissolution of said Commission.

Section 910 Financial or Special Conflict of interest

Any officer, official or employee who has any financial interest, direct or indirect, in any contract with the Town or in the sale of any land, material, supplies or services to the Town or to a contractor supplying the Town, or special conflict of interest shall make known that interest and shall refrain from voting upon or otherwise participating in their capacity as an officer, official or employee in the making of such sale or in the making or performance of such contract. Any officer, official or employee who willfully conceals such a financial or special interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit their office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Board.

Section 911 Appearance of Financial or Special conflict of interest

Even if no personal financial or special conflict of interest exists, an officer, official or employee should avoid the appearance of a conflict by disclosing the facts underlying the potential conflict and, where appropriate, abstaining from voting on the matter or otherwise participating in their capacity in order to maintain the public's confidence. An appearance of a conflict exists when a reasonable person could conclude from the circumstances that participation would be perceived as inappropriate.

Definitions

Resident Voter: A person who appears on the Town's voter registration rolls maintained by the office of the Town Clerk certifying eligibility to vote in the Town in local, State and national elections, having listed in such rolls the name and place of residence located within the border of the Town.

Voting Residence: The residence of a person is that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.

Property owner: the owner of land or taxable parcel or real estate.

de facto member: a member of a Board who remains in office beyond the normal term expiration waiting for a replacement to be appointed.

Board: any Board, Committee, Commission or Task Force

Municipal Officer: Select Board member

Municipal Official: any appointed or elected Board, Committee, Commission, or Task Force member

A plurality vote: describes the circumstance when a candidate or proposition polls more votes than any other but does not receive more than half of all votes cast.

A majority vote: describes the circumstance when a candidate or proposition receives more than half of the votes cast.

Special Conflict of Interest occurs when an individual's personal interests – family, friends, financial, or social factors – could unduly influence their judgment, decisions, or actions.

Town of Ogunquit Natural Resources: as defined in the Town of Ogunquit Comprehensive Plan

Acting Town Manager: temporary appointment during the absence of the Town Manager to fulfill the duties of the Town Manager.

Chart 1 Town of Ogunquit Positions, Boards, and Committees

POSITION/ BOARD/COMMITTEE	APPOINTED BY OR ELECTED CHARTER DESIGNATION
TOWN MANAGER - Required	Appointed by SELECT BOARD
TAX COLLECTOR - Required	Appointed by SELECT BOARD
TOWN ATTORNEY	Appointed by SELECT BOARD
TOWN ASSESSOR - Required	Appointed by SELECT BOARD
AUDITOR - Required	Appointed by SELECT BOARD
HEALTH OFFICER – Required	Appointed by SELECT BOARD
DIRECTOR OF EMERGENCY MANAGEMENT - Required	Appointed by SELECT BOARD
TOWN CLERK	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
TREASURER	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
CODE ENFORCEMENT OFFICER and LOCAL PLUMBING INSPECTOR	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
POLICE CHIEF	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
FIRE CHIEF	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
PUBLIC WORKS DIRECTOR	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
HARBORMASTER	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
CLAM WARDEN	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
INFORMATION SERVICES DIRECTOR	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
TRANSFER STATION MANAGER	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
VISITOR SERVICES SUPERVISOR(S)	Appointed by TOWN MANAGER, subject to the confirmation or veto by the Select Board
SELECT BOARD	Elected at Town Meeting
PLANNING BOARD - Required	Appointed by SELECT BOARD
ZONING BOARD OF APPEALS Required	Appointed by SELECT BOARD
BOARD OF ASSESSMENT REVIEW Required	Appointed by SELECT BOARD
AGE FRIENDLY COMMUNITY COMMITTEE	Appointed by SELECT BOARD
BIKE-PEDESTRIAN COMMITTEE	Appointed by SELECT BOARD

BUDGET REVIEW COMMITTEE	5 MEMBERS ELECTED 2 ALTERNATES APPOINTED BY SELECT BOARD
FACILITY AND SPACE NEEDS COMMITTEE	Appointed by SELECT BOARD
COMPREHENSIVE PLAN COM- MITTEE	Appointed by SELECT BOARD
HARBOR COMMITTEE	Appointed by SELECT BOARD
HERITAGE MUSEUM COMMIT- TEE	Appointed by SELECT BOARD
MARGINAL WAY COMMITTEE	Appointed by SELECT BOARD
PARKS & RECREATION COMMIT- TEE	Appointed by SELECT BOARD
PERFORMING ARTS COMMITTEE	Appointed by SELECT BOARD
SUSTAINABILITY COMMITTEE	Appointed by SELECT BOARD
CONSERVATION COMMISSION	Appointed by SELECT BOARD
HISTORIC PRESERVATION COM- MISSION	Appointed by SELECT BOARD
SHELLFISH CONSERVATION COM- MISSION	Appointed by SELECT BOARD

Charter Revision was voted, on and passed, at the Annual Town Meeting on June 14, 2022.