

Effective January 1, 2011

## **ARTICLE II City Council**

### **Sec. 2.01 - Duties and Powers of the City Council.**

The City Council will be responsible for the administration of all municipal affairs of the City of Ellsworth, except as otherwise provided by this Charter, and is vested with all of the powers and authority of the City of Ellsworth to perform the municipal affairs of the City of Ellsworth according to this Charter and in a manner not inconsistent with the laws of the State of Maine.

### **Sec. 2.02 - Composition, Eligibility, Election and Term.**

- (a) Composition. The Council is comprised of seven non-partisan, at-large members having one vote each, elected by the Registered Voters of the City of Ellsworth in accordance with this Charter.
- (b) Eligibility. Only persons who are, and remain during their term of office, residents of the City of Ellsworth and registered to vote in municipal elections in the City of Ellsworth are eligible to be members of the Council.
- (c) Election and Term. Council members are elected for three year terms; elections must be held annually to fill positions on the Council consistent with the following schedule: three positions in 2013 and each third year thereafter, and two positions in all other years; service will commence on the date appointed herein for the swearing in of Council members and terminates upon vacancy or the swearing in of a successor, whichever occurs first.

### **Sec. 2.03 - Oath of Office.**

On the first Business Day of the new week following the regular municipal election, or as soon as possible thereafter, and before entering upon their duties, the Councilors-elect will be sworn to the faithful discharge of their duties by the City Clerk, or any person qualified to administer oaths under the laws of Maine.

### **Sec. 2.04 - Quorum.**

The presence of four or more Council members will constitute a quorum, which is required for the transaction of business, but a smaller number may adjourn a meeting by a simple majority vote of Councilors present.

### **Sec. 2.05 - Meetings; Notice Requirements.**

- (a) Organizational. The Organizational Meeting will be held annually, at 10:00 a.m. on the first Business Day of the new week following the regular municipal election, or as soon as possible thereafter. The agenda for this meeting will include at a minimum, resolves establishing the following: a time and place for holding its regular meetings; the time for closing the regular monthly agenda; procedure and timeline for notification of meetings to

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the news media; the manner in which meetings are to be conducted; election of a Chairperson, appointment of the Finance Committee; procedure for signing warrants; the amount of Council stipend and the manner of its distribution.

- (b) Regular. Regular meetings of the Council must be held at least once per month and be preceded by public notice of the full agenda, posted at the City Hall at least five business days before the meeting. The agenda must also be published as a Legal Notice in the newspaper of general circulation in the City prior to the meeting.<sup>1</sup> Once public notice is posted, no additions may be made to the agenda except by a unanimous affirmative vote of the Council with six or more Councilors present.
- (c) Special. Special meetings may be called by the Chairperson or by a Majority Vote of the Council. Each member of the Council and the City Manager will be provided verifiable notice of such a meeting by the City Clerk, or the Clerk's designee. Notification to the media will follow the same procedure as for Regular meetings.
- (d) Emergency. Emergency meetings may be called by the Council Chairperson or by a Majority Vote of the Council to address an emergency. Each member of the Council and the City Manager will be provided verifiable notice of such a meeting by the City Clerk, or the Clerk's designee. Notification to the media will be given as soon as possible. The record of the proceedings will state the circumstance deemed to constitute the emergency.
- (e) Open to public. The meetings of the Council will be open to the public, except for executive sessions.

#### **Sec. 2.06 - Voting.**

- (a) Actions. The Council may act only by ordinance, order or resolve. All ordinances, orders and resolves, except budget resolves, must be confined to one subject. The budget order or resolve must be confined to the subject of appropriations only.
- (b) No ordinance, order, or resolution will be adopted or effectuated except by a Majority Vote of the Council, except as provided by this Charter.

#### **Sec. 2.07 - Records and Rules.**

- (a) Records. The Council will keep a record of the attendance of its members and its public proceedings.
- (b) Rules. The Council will adopt a Code of Ethics for the regulation of the behavior of its members, an attendance policy, and rules for the regulation of its proceedings. The Council is authorized to enforce its rules, compel the attendance of its members, punish its members for misconduct, and by Super-Majority Vote of its members may expel a member for malfeasance, misfeasance, or nonfeasance in office.

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<sup>1</sup> Amended by vote on 11/8/2011, Effective 12/1/2011

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### **Sec. 2.08 - Submission of Propositions for Popular Vote.**

The Council may submit propositions to be voted upon at any municipal or statewide election, and such ordinance, order or resolve must lawfully be effectuated if such proposition receives a majority of the votes cast thereon.

### **Sec. 2.09 - Council Chairperson.**

- (a) Selection. Annually, at the organizational meeting, and thereafter as necessary, the Council will select by Majority Vote one of its members to be Council Chairperson for the ensuing year, or the remainder thereof in instances of temporary absence or vacancy. The Council will fill a Chairperson vacancy as soon as possible.
- (b) Duties and Powers. In addition to the duties and powers of a Council member, the Chairperson will preside at all Council meetings and perform additional duties as the Council may provide in addition to those described herein. In all matters, the Chairperson's vote is of no greater or lesser effect than the vote of any other Council member. The Chairperson is the official mayor of the City for ceremonial and presentation purposes, for all purposes of military law, and as otherwise provided by Maine statute.
- (c) Temporary absence. In the temporary absence or disability of the Chairperson, the Council may select a Chairperson Pro Tempore from among its members to exercise the powers of the Chairperson for a limited period not to exceed sixty (60) Days.
- (d) Removal. If, for any reason, the Chairperson fails to attend to and reliably perform the duties of Chairperson, the Council may remove the Chairperson from that capacity by Majority Vote, after notice and an opportunity to be heard.

### **Sec. 2.10 - Vacancy.**

- (a) Vacancy. The position of Councilor will become vacant upon: non-acceptance, resignation, death, failure to qualify for office within ten (10) Days after written demand by the Council, failure of the City to elect a person to the office, or a determination of vacancy by the Council.
- (b) Determination of vacancy. A determination of vacancy may be based on a finding of abandonment of office, ineligibility, misconduct, or conduct in violation of the Code of Ethics. A determination of vacancy by the Council will require a Super-Majority Vote of the Council, after providing the subject Councilor notice and opportunity to be heard. Upon a determination of vacancy, the position is immediately deemed vacated.
- (c) Filling of Vacancies.

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- (1) A vacancy will be filled at the next regular or special City election if such an election is scheduled to take place within 180 Days of the determination of vacancy, provided that the date on which the determination of vacancy is made is not already within thirty (30) Days of such City election; or
- (2) If no regular or special City election falls within the time period set forth in subparagraph (1) above, then the Council must call a special election to fill the vacancy.
- (3) The person elected to fill a vacancy is elected to fill only the remainder of the unexpired term of the Councilor whose office was vacated.

**Sec. 2.11 - Prohibitions.**

- (a) Holding other city positions. Except where required by law, or pursuant to an agreement under the Interlocal Cooperation Act or other similar statutory provision, a Council member may not hold any other City position or City employment during the term for which the Council member was elected, and a former Council member is not eligible to be employed by the city for one year after the expiration of the term for which they were elected.
- (b) Appointments and Removals. No Council member may dictate or interfere in the appointment or removal of any City employee whom the City Manager is empowered to appoint or hire. The Council may express its views and discuss with the City Manager anything pertaining to appointment and removal of such employees.
- (c) Interference with Administration. No Council member 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.

**Sec. 2.12 - Stipend.**

Members of the Council will receive a stipend to be set by annual resolve of the Council not to exceed \$2,500 for the Chairperson and \$2,000 each for all other members per year. The stipend maximum will be increased annually by \$50 and \$40, respectively, beginning January 1, 2012.