

Effective January 1, 2011

ARTICLE IX Local Advisory Board; School Board

Part I. Local Advisory Board

Sec. 9.01 - Local Advisory Board.

The City of Ellsworth is authorized to establish by ordinance a Local Advisory Board to the Regional School District of which it is a member.

Part II. School Board

Sec. 9.02 - School Board; Applicability; Eligibility; Election and Terms.

- (a) In the event that the City of Ellsworth withdraws from the Regional School Unit of which it is a member and decides to manage its schools as a department of the City, a School Board of five members will be elected by the voters of the City in accordance with Article IV for such purpose.
- (b) Eligibility. Only persons who are Registered Voters in the City of Ellsworth will be eligible to hold the office of School Board member. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act, no Board member may hold any other city position or employment.
- (c) Election and Terms. Each member will be elected for a term of three years, provided, however, that at the first election after the reestablishment of the Board, the two Board candidates receiving the first and second greatest number of votes will be elected for three-year terms, the two Board candidates receiving the third and fourth greatest number of votes will be elected for two-year terms, and the one Board candidate receiving the fifth greatest number of votes will be elected for a one-year term.

Sec. 9.03 - Vacancy.

The office of a Board member will be deemed vacant for the same reasons that the office of City Council member will be deemed vacant as provided in Article II. If any vacancy does occur, the remaining members of the Board will appoint a person to fill the position until the next regular City Election. At that election, a Board member will be elected to service the remainder of the unexpired term of the vacated position.

Sec. 9.04 - Powers and Duties.

The Board will have all the powers and duties prescribed for School Boards by the general laws of the State of Maine, including the authority for and on behalf of the City of Ellsworth to sell and lease personal property and to lease real estate under their authority and control. The Board will be the head of the city education department and will annually furnish the City Council a

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summary of the budget required during the ensuing municipal year, for the support of public education. On the basis of this budget summary, the Council will adopt a gross appropriation for the operation of the City schools to be under the direction and control of the Board.

Sec. 9.05 - Chairperson and Vice-Chairperson.

At the first meeting annually, the Board will elect by majority vote from among its members, a Chairperson and Vice-Chairperson for the ensuing year. The Chairperson will preside at all meetings of the Board and will have a vote as other members of said Board. The Vice-Chairperson will act as Chairperson during the absence or disability of the Chairperson.

Sec. 9.06 - Procedure.

- (a) Meetings. Regular meetings of the Board must be held at least once per month and be preceded by at least five Business Days' public notice of the full agenda, posted at the City Hall and published in a newspaper of general circulation in the City. Special meetings may be called by the Chairperson or by a majority vote of the Board. Each member of the Board will be provided verifiable notice of such a meeting. Notification to the media shall follow the same procedure as for Regular meetings. The meetings of the Board shall be open to the public, except for executive sessions.
- (b) Records. The Board will keep a record of the attendance of its members and its public proceedings.
- (c) Three members of the Board will constitute a quorum.
- (d) Voting. For the purposes of this Article only, the affirmative vote of three or more board members constitutes a majority vote of the Board. No decision will be made or effectuated except by a majority vote of the Board. Voting results will be recorded in the minutes and will reflect how each member voted. Each Board member will vote on all issues and questions presented for vote except when a valid conflict of interest clearly exists. If a Board member does abstain from a vote for reasons other than a recognized conflict of interest, the Board member will be considered to have cast a vote with the majority and the record will so show.
- (e) Conflicts of Interest.
 - (1) Any Board member who believes that the Board member may have a conflict of interest as defined by the Ethics Code must disclose the possible conflict and the relevant information. The disclosure must be made prior to consideration of the item that is the subject of the potential conflict or as soon as the potential conflict is discovered. If a Board member reasonably believes, based on the Board member's own personal knowledge or upon a credible report from a member of the public, that another Board member has a potential conflict of interest that has not been disclosed in a timely manner, the Board member must disclose the possible conflict and the relevant information to the Board. The Board member concerned will then be given the opportunity to respond.

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- (2) Once the issue of conflict has been raised, the remaining Board members will review the facts as disclosed to them and must vote on whether or not such individual has a conflict of interest with respect to the item concerned. The Board may request an advisory opinion from the Board of Ethics prior to voting on the question.
- (3) If the Board finds the existence of a conflict of interest, the Board member will be excused from participating in discussion, deliberation or vote on the item concerned. The Board member must immediately leave the meeting room or relocate to the area of the room occupied by the general public and may not return to the Board member's regular seat as a member of the Board until deliberation and action on the item is completed. The Board member may participate in the matter in the same manner and to the same extent as any other member of the public.

Sec. 9.07 - Stipend.

Members of the Board will receive the same stipend as provided to Councilors in accordance with Article II, Sec. 2.12.