

Effective January 1, 2011

## **ARTICLE VI**

### **Administrative Organization**

#### **Sec. 6.01 - General Provisions.**

- (a) Creation of Departments. The City Council may establish city departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency, may be discontinued or, unless this Charter specifically so provides, assigned to any other.
- (b) Direction By City Manager. All departments, offices and agencies will be under the direction and supervision of the City Manager. With the consent of the Council, the City Manager may serve as the head of one or more such departments, offices or agencies provided there is no incompatibility of office.

#### **Sec. 6.02 - Personnel Administration.**

- (a) Merit Principal. All appointments and promotions of city officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
- (b) Compensation. The Council will adopt, maintain, and in its discretion update from time to time, a Pay Plan establishing ranges of pay for the various classifications of City employees. Except as otherwise provided by this Charter, the City Manager, in consultation with the Finance Committee of the City Council, is authorized to select the appropriate pay grade within the Pay Plan for an employee upon hire, demotion, or promotion.
- (c) Personnel Rules. The Council must adopt, maintain, and in its discretion update from time to time, a Personnel Ordinance to govern non-unionized employment. The Ordinance should address, but is not limited to, the following:
  - (1) Employment classifications and job descriptions;
  - (2) Compensation methodology and employee benefits;
  - (3) Methods for determining the merit and fitness of candidates for appointment or promotion;
  - (4) The policies and procedures regulating reduction in force;
  - (5) The policies governing disciplinary measures such as suspensions, demotion or discharge, with provisions for presentation of charges, hearing rights and appeals;
  - (6) The hours of work and attendance regulations;

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- (7) Employee conduct;
- (8) Grievance procedures; and
- (9) Such other provisions as the Council deems appropriate.

### **Sec. 6.03 - Appointed Administrative Officials.**

The Council will annually appoint the following appointed Administrative Officials. Except as provided herein, appointed Administrative Officials will be subject to the City's Personnel Rules, will report to the City Manager, and will perform the duties ascribed to them by general law, this Charter, City Ordinance, or assigned to them by the City Manager.

- (a) Assessor. The Assessor may not be removed from office based on disagreement with respect to assessing practice employed by the assessor where such practice is generally accepted and lawful;
- (b) City Clerk;
- (c) Treasurer;
- (d) Tax Collector;
- (e) Agent to the Overseers.

### **Sec. 6.04 - City Attorney.**

The City Attorney will serve as chief legal advisor to the Council, the City Manager and all City departments, boards, agencies and commissions, except for a School Board and except in matters involving criminal activity and prosecution. The City Attorney may represent the City in all legal proceedings and perform any other duties prescribed by ordinance and law. The City Attorney may be a law firm under contract with the City, or an employee of the City of Ellsworth appointed by the Council in which case the City Attorney will be considered an appointed Administrative Official.

### **Sec. 6.05 - Confirmed Administrative Employees.**

The City Manager will annually appoint the following Administrative Employees subject to confirmation by the Council, provided that the City elects to create, fill, and maintain such positions. In the event the City elects to create, fill, and maintain a department head position or deputy department head position not listed herein, such positions will be deemed to be confirmed Administrative Employees. Confirmed Administrative Employees will be subject to the City's Personnel Rules (unless a member of a collective bargaining unit), will report to the City Manager, and will perform the duties ascribed to them by general law, this Charter, City Ordinance, or assigned to them by the City Manager.

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- (a) Building Inspector;
- (b) Building Maintenance Supervisor;
- (c) City Planner;
- (d) Code Enforcement Officer;
- (e) Community Development Director;
- (f) Electrical Inspector;
- (g) Emergency Preparedness Director;
- (h) Fire Chief;
- (i) Harbormaster;
- (j) Health Officer;
- (k) Plumbing Inspector;
- (l) Police Chief;
- (m) Police Lieutenant;
- (n) Superintendent of Highways;
- (o) Superintendent of Wastewater Treatment;
- (p) Superintendent of Water Department;
- (q) Technology coordinator
- (r) Tree Warden;
- (s) Welfare Director; and
- (t) Any Deputies or alternates to any of the above positions.

**Sec. 6.06 - Oath of Office.**

Upon hire, promotion, appointment, or confirmation, all appointed Administrative Officials and confirmed Administrative Employees, police department personnel, and the City Manager must be sworn to the faithful discharge of the duties incumbent upon him or her and to support the Constitutions of the United States and the State of Maine, the laws of the State of Maine, this Charter, and City ordinances.