

**City Council - City Manager**  
**Charter**  
**of the**  
**City of Bath, Maine**



Revised

CITY COUNCIL - CITY MANAGER

CHARTER

City of Bath, Maine

Updated with revisions:

June 10, 1980  
December 3, 1980  
July 2, 1982  
November 6, 1984  
November 4, 1986  
November 8, 1988  
November 4, 1997  
January 30, 1999  
November 6, 2001  
June 8, 2004  
November 5, 2007  
November 4, 2014  
November 7, 2017  
November 6, 2019  
November 2, 2021

- TABLE OF CONTENTS -

**CHAPTER I - GRANT OF POWERS TO THE CITY**

- SEC. 101 - CORPORATE EXISTENCE RETAINED
- SEC. 102 - POWERS OF THE CITY
- SEC. 103 - DIVISION OF POWERS

**CHAPTER II - CITY COUNCIL**

- SEC. 201 - GENERAL POWERS
- SEC. 202 - CITY COUNCIL CONSTITUTED MUNICIPAL OFFICERS
- SEC. 203 - WATCH AND WARD AND POLICE POWERS
- SEC. 204 - WARD REVISION
- SEC. 205 - MUNICIPAL DOCK OR PIER
- SEC. 206 - POWERS OF THE CITY COUNCIL
- SEC. 207 - RESIDUE OF POWERS
- SEC. 208 - COMPOSITION, ELECTION AND TERMS
- SEC. 209 - QUALIFICATIONS, VACANCIES, FORFEITURE OF OFFICE; FILLING  
OF VACANCIES, COMPENSATION
- SEC. 210 - PROHIBITIONS.
- SEC. 211 - INDUCTION OF COUNCIL INTO OFFICE
- SEC. 212 - CHAIRMAN OF COUNCIL
- SEC. 213 - COUNCIL TO BE JUDGE OF QUALIFICATIONS OF MEMBERS
- SEC. 214 - REGULAR MEETINGS
- SEC. 215 - SPECIAL MEETINGS
- SEC. 216 - QUORUM
- SEC. 217 - VOTE, How TAKEN.
- SEC. 218 - RULES OF PROCEDURE; JOURNAL
- SEC. 219 - BOARD OF REGISTRATION
- SEC. 220 - CITY CLERK
- SEC. 221 - ORDINANCES, PUBLIC HEARINGS
- SEC. 222 - EMERGENCY ORDINANCES
- SEC. 223 - INDEPENDENT ANNUAL AUDIT
- SEC. 224 - APPOINTMENT OF CITY MANAGER
- SEC. 225 - BOARD OF ASSESSMENT REVIEW
- SEC. 226 - CONTINUITY OF GOVERNMENT IN CASE OF ENEMY ATTACK

**CHAPTER III - CITY MANAGER**

- SEC. 301 - APPOINTMENT; QUALIFICATIONS; AND COMPENSATION
- SEC. 302 - POWERS AND DUTIES OF THE CITY MANAGER
- SEC. 303 - ACTING CITY MANAGER
- SEC. 304 - REMOVAL OF CITY MANAGER FOR CAUSE

## **CHAPTER IV - ADMINISTRATIVE DEPARTMENTS**

SEC. 401 - GENERAL PROVISIONS

- A) CREATION OF DEPARTMENTS
- B) DIRECTION BY CITY MANAGER

SEC. 402 - PERSONNEL

SEC. 403 - APPOINTMENTS WITH JOINT APPROVAL

SEC. 404 - APPOINTMENT WITH COUNCIL CONFIRMATION

## **CHAPTER V- DEPARTMENT OF EDUCATION**

SEC. 501 - BOARD OF EDUCATION

SEC. 502 - MEMBERSHIP

SEC. 503 - QUALIFICATIONS

## **CHAPTER VI - FINANCIAL PROVISIONS**

SEC. 601 - FISCAL YEAR

SEC. 602 - SUBMISSION OF BUDGET AND BUDGET MESSAGE

SEC. 603 - BUDGET MESSAGE

SEC. 604 - BUDGET FORMAT

SEC. 605 - OPERATING BUDGET COMPONENT

SEC. 606 - SCHOOL BUDGET COMPONENT

SEC. 607 - SEWER UTILITY FUND BUDGET COMPONENT

SEC. 608 - CAPITAL IMPROVEMENTS BUDGET COMPONENT

SEC. 609 - COUNCIL ACTION ON BUDGET

- (A) BUDGET PRESENTATION
- (B) PUBLIC HEARING AND NOTICE
- (C) AMENDMENT BEFORE ADOPTION
- (D) ADOPTION

SEC. 610 - PUBLIC RECORDS

SEC. 611 - AMENDMENTS AFTER ADOPTION

- (A) SUPPLEMENTAL APPROPRIATIONS
- (B) EMERGENCY APPROPRIATIONS
- (C) SHORT FALL OF REVENUES
- (D) TRANSFER OF APPROPRIATIONS

SEC. 612 - LAPSE OF APPROPRIATIONS

SEC. 613 - ADMINISTRATION OF BUDGET

- (A) WORK PROGRAM AND ALLOCTMENTS
- (B) PAYMENTS AND OLIGATIONS PROHIBITED

SEC. 614 - CERTIFICATION OF BUDGET TO THE TAX ASSESSOR

SEC. 615 - DELIVERY OF BUDGET To DEPARTMENT HEADS

SEC. 616 - BORROWING IN ANTICIPATION OF TAXES

SEC. 617 - LIMITATIONS ON MUNICIPAL EXPENDITURES

## **CHAPTER VII - DELETED**



SEC. 1013 - REPEAL OF POPULAR ORDINANCES ENACTED BY THE PEOPLE  
SEC. 1014 - ORDINANCE SUBMITTED TO POPULAR VOTE  
SEC. 1015 - FURTHER REGULATIONS

**CHAPTER XI - GENERAL PROVISIONS**

SEC. 1101 - BONDS  
SEC. 1102 - CONTRACTS EXTENDING BEYOND 1 YEAR  
SEC. 1103 - EXISTING CONTRACTS NOT INVALIDATED  
SEC. 1104 - SUMMONS BEFORE CITY COUNCIL AND CIVIL SERVICE  
COMMISSION; FAILURE TO OBEY SUMMONS  
SEC. 1105 - OATH OF OFFICE  
SEC. 1106 - ORDINANCES NOT INCONSISTENT CONTINUE IN FORCE

**CHAPTER XI - GENERAL PROVISIONS**

SEC. 1107- PUBLICITY OF RECORDS  
SEC. 1108 - SEPARABILITY CLAUSE  
SEC. 1109 - SHORT TITLE  
SEC. 1110 - REMOVAL OF CITY OFFICIALS

## **COUNCIL - CHARTER**

### **OF BATH**

#### **CHAPTER I**

##### **GRANT OF POWERS TO THE CITY**

###### **Sec. 101. Corporate Existence Retained.**

The inhabitants of the City of Bath, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal corporation by the name of "City of Bath, Maine."

###### **Sec. 102. Powers of the City.**

The City shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchise and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said City as a municipal corporation, or the inhabitants or municipal authorities thereof.

The City may acquire property within or without its corporate limits for any City purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. The enumeration of particular powers by this charter shall not be deemed to be exclusive and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers, not inconsistent with the provisions hereof, which are granted to cities by the revised statutes of 1964, as amended, and as they may from time to time be amended, and which under the constitution of this state, it would be competent for this charter specifically to enumerate.

###### **Sec. 103. Division of Powers.**

It is recognized that there is a division of the powers of the City between those powers which are of a legislative nature and those powers which are exercised administratively in fulfillment of the legislative policy. The legislative powers are vested solely and exclusively with the City Council. The administrative powers are vested in the City Manager and City staff. The legislative function vested in the Council pertains to the enactment of ordinances, regulations, resolutions and orders and with the establishment of policy, the purpose of which is to determine a course of conduct for City government, and to formulate rules of conduct consistent therewith. The executive powers vested in the City Manager and his staff exist for the purpose of carrying out administratively the legislative policies set down by the City Council. This Charter recognizes a firm line of divisions between these two governmental functions, and herein expresses the principle that members of the Council shall not be involved in the exercise of the administrative powers of the City.

The exercise of these administrative responsibilities, is exclusively the function of the City Manager and his staff, and his exercise of these powers and responsibilities shall be without interference from the City Council. The prohibitions against that interference expressed in §210 of this Charter shall be strictly enforced in order to maintain this division between the legislative and executive functions. [7/1/82]

## **CHAPTER II**

### **CITY COUNCIL**

#### Sec. 201. City Council - General Powers.

The general policy regarding, and the administration of all fiscal, prudential and municipal affairs of said City with the government thereof, except as otherwise herein provided, shall be and are vested in one body of nine (9) members which shall constitute and be called the City Council, and shall exercise its powers in the manner herein provided.

#### Sec. 202. City Council Constituted Municipal Officers.

The members of the City Council shall be and constitute the municipal officers of the City of Bath for all purposes required by statute and except as otherwise herein specified provided, shall have all the powers and authority given to, and perform all the duties required of, municipal officers and mayors of cities, under the laws of this state.

#### Sec. 203. City Council Granted Watch and Ward and Police Powers.

All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers and inhabitants of towns, are vested in said City Council so far as relates to said City; and they are authorized to unite the watch and police department into one (1) department and establish suitable regulations for the government of the same.

#### Sec. 204. Ward Revision.

The said City shall continue to be divided into seven (7) wards with the now existing boundaries; except that it shall be the duty of the City Council each 10th year, commencing with the year 1950, to review, and if needful, to alter, the ward lines in such manner as to preserve as nearly as may be convenient, consistent with well-defined boundaries, an equal number of voters in each ward.

#### Sec. 205. Municipal Dock or Pier.

The Council is authorized and empowered to enact an ordinance establishing a municipal dock or pier, and appropriate money for its acquisition, management, control and maintenance. Such is hereby declared to be a public purpose and a public use. The City may exercise for this purpose either or both the right of condemnation and the right of laying out a town way, all as provided by law, such town way being permissible to low water mark.



Sec. 206. Powers of the City Council.

The City Council shall have, exercise and enjoy all the rights, immunities, powers and privileges of municipal corporations incorporated under the laws of the State of Maine. It shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon municipal corporations. It may enact orders, resolutions and ordinances consistent with the constitution and laws of the State of Maine and establish penalties for the breach thereof as authorized by law.

Sec. 207. Residue of Powers.

The powers of the City Council shall be construed liberally and shall include all those that are necessary and convenient to conduct its municipal affairs including all powers pursuant to the constitution and laws of the State of Maine.

Sec. 208. Composition, Election and Terms.

There shall be a City Council of nine (9) members. Each member shall be elected for a term of three (3) years, Two (2) members shall be elected by the voters of the City at large. One (1) member shall be elected from each of the seven (7) wards by the electors of that Ward. This method of election of the Councilors representing each of the seven wards, by the electors of that Ward, shall commence with those terms which become vacant in 1979 and shall continue with those terms which become vacant in subsequent years thereafter. Each member elected shall serve for a term of three (3) years unless said seat is declared vacant pursuant to Section 209 of this Charter. All members shall serve until his successor is elected and qualified. In any election for office in the City of Bath where there is a tie vote, a special election shall be held not less than thirty (30) days after the date of determination by the City Council of such tie vote. Such special election shall be limited to those candidates who received the same number of votes for such office resulting in such tie. [11/7/78]

Sec. 209. Qualifications, Vacancies, Forfeiture of Office; Filling of Vacancies, Compensation.

Only voters or persons eligible to be voters, who reside in the City of Bath shall be eligible to hold office as Councilor. Candidates for election as Councilor from a designated ward shall be qualified electors of such ward. The office of Councilor shall become vacant upon his death, resignation, removal from office in any manner authorized by law, forfeiture of his office, or permanent physical or mental disability resulting in decreased ability to perform his duties, all as determined by the Council.

Should a Councilor who is elected from a particular Ward change his residence from the Ward from which he was elected, to some other Ward in the City of Bath, that Councilor shall be allowed to serve out that portion of his term until the next election during which Councilors are elected. At that time his seat shall be declared vacant for the remainder of his term and a new Councilor qualified from the ward in question shall be elected to fulfill the remainder of the term. A Councilor shall forfeit his office if he fails at any time during his term of office to maintain any qualification for the office prescribed by this Charter or by law. If a seat on the Council becomes vacant, the Council shall call a special election to fill the vacancy for the unexpired term. If the remainder of the unexpired term is less than six (6) months, the Council shall appoint a qualified person to fill the vacancy.

If by virtue of a change in ward lines, a Councilor elected from a particular ward without having physically moved his residence, is nevertheless located in a ward other than that from which he was elected, he shall be permitted to serve out the remainder of his term, but shall not be eligible for re-election as Councilor from the original ward. Each member of the City Council shall receive compensation for the performance of the duties of the office, the same to be paid quarterly. The amount of compensation shall be set by City Council as part of the budgetary process beginning with the budgetary process for the fiscal year commencing July 1, 1985. (Election of 11/84)

#### Sec. 210. Prohibitions.

No Councilor shall hold any other City office or employment during the term for which he was elected and no employee of the City shall be eligible to serve on the Council. Neither Council nor any of its members shall, in any manner, dictate the appointment or removal of any administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint. Except for the purpose of inquiry, the Council and its members shall deal with the administrative officers, and employees of the City only through the Manager. Neither the Council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately. A Councilor shall not participate in any commercial transaction with the City directly or indirectly except by competitive bid.

#### Sec. 211. Induction of Council into Office.

The City Council shall meet at the usual place for holding meetings at 6:00 p.m. o'clock in the evening or at such other time as Council may determine prior to that meeting on the first Wednesday in the month of December following the election date as established by this Charter, and at said meeting the Councilors elect shall be sworn to the faithful discharge of their duties by a Justice of the Peace or by the City Clerk. This section shall be effective with the first election of Councilors, following the final adoption of this section. (11/04/14)

Sec. 212. Chairman of the Council.

At its first meeting or as soon thereafter as practicable the Council shall elect, by majority vote of the entire Council, one of its members for the ensuing year as Chairman of the Council, and the City Council may fill, for the unexpired term any vacancy in the office of chairman that may occur. He shall preside at the meetings of the Council and shall be recognized as the official head of the City for all ceremonial purposes and shall have the power and authority given to and perform the duties required of mayors of cities for all purposes of military law, but shall have no regular administrative duties. The Chairman shall act in lieu of the Mayor insofar as representation is provided for the City by the Mayor upon any board or commission by any statute. In the same manner as provided for the election of a Chairman, the Council, immediately subsequent to the election of the Chairman, shall elect a Vice-Chairman, from among its members. He shall exercise all powers of the Chairman, during the Chairman's temporary absence or disability. [11/4/86]

Sec. 213. Council to be Judge of Qualifications of Members; Censure of Council.

The Council shall be the judge of the election and qualifications of its members. The Council shall also have the authority to censure or remove any of its members for cause. Cause may include, but is not limited to, knowingly violating the provisions of this Charter or the terms of their oath of office, being convicted of a felony, malfeasance of office, failure to carry out the duties of the office, or misappropriation of funds. For purposes of Judging qualifications censuring or removing its members, the Council shall have the power to subpoena witnesses and require the production of documents.

In review of a Council member, the Council shall have the authority to issue a public reprimand, to cause a reduction or elimination of salary, to suspend the member for a specific period of time, or to cause removal of a Council member, which shall result in a seat being declared vacant. The procedures for censure or removal of a Council member shall be the same as those provided in Sec. 304 of this Charter. If the chief elected official is the member of Council involved in the charges as brought, then the Council will appoint one (1) of its members to serve in his stead as investigating officer and prosecutor.

Sec. 214. Regular Meetings.

The City Council shall at its first meeting, or as soon thereafter as possible, establish by resolution a regular place and time for holding its regular meetings, and shall meet regularly at least once a month. All meetings of the City Council shall be open to the public.

Sec. 215. Special Meetings.

Special meetings may be called by the Chairman and in case of his absence, disability or refusal may be called by a majority of the City Council. Notice of such meetings shall be served in person upon, or left at the residence of each member of the City Council and of the City Manager at least 24 hours before the time of holding such special meetings. In the alternative, notice may be served by electronic mail with verification of receipt. The City Council may meet upon shorter notice by unanimous consent of all its members, recorded in the record of such meeting. (11/04/14)

Sec. 216. Quorum.

A majority of the nine (9) members of the City Council shall constitute a quorum for the transaction of business, but a small number may adjourn from time to time or may compel attendance of absent members. At least twenty-four (24) hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

Sec. 217. Vote, how Taken.

In all meetings of the City Council the vote shall be taken by yeas and nays on the passage of all ordinances, and on the passage of any order or resolve when called for by any member of the Council, and such yea and nay votes shall be entered on the record of the proceedings of the Council by the City Clerk.

Sec. 218. Rules of Procedure; Journal.

The Council shall determine its own rules and order of business and make lawful regulations for enforcing the same, provided that nothing in the rules of procedure to be adopted shall nullify the right of the public to attend all meetings of the City Council as provided for in Section 214 of this Charter. It shall act only by order or resolve. All ordinances, orders and resolves, except those pertaining to appropriations, shall be confined to one (1) subject, which is clearly stated in the title. The appropriation shall be confined to the subject of appropriations only. The City Council shall keep a journal of its proceedings and the journal shall be open to public inspection.

Sec. 219. Board of Registration.

The City Council shall elect the two (2) associate members of the Board of Registration of Voters, who shall serve for such term and perform such duties as may be provided by laws.

Sec. 220. City Clerk.

The Council shall elect an Officer of the City to serve an indefinite term, who shall have the title of City Clerk, shall give notice of its meetings, shall attend all meetings of the City Council and keep a journal of its proceedings, shall authenticate by signature and record in full in a book all ordinances and resolutions duly indexed and open to public inspection and shall perform such other duties as shall be required by this Charter or by ordinance. The City Clerk shall issue to every person appointed to any office by the City Council or by the City Manager, a certificate of such appointment. The City Clerk shall perform all duties and exercise all powers incumbent upon or vested in Town and City Clerks generally, and by statute, and shall be the custodian of the seal of the City. In case of the temporary absence, incapacitation or death of the City Clerk, the City Council may appoint a Clerk pro tempore, with all the powers, duties and obligations of the City Clerk, who shall be duly qualified. The City Council may remove the City Clerk by a majority vote of its nine (9) members. At least thirty (30) days before such removal shall become effective, the Council shall, by a majority vote of its nine (9) members, adopt a preliminary resolution stating the cause of removal. The City Clerk may reply in writing and may request a public hearing, which shall be held not earlier than ten (10) days nor later than twenty (20) days after filing of such request.

After such public hearing, if one be requested, and after full consideration, the Council, by majority vote of its nine (9) members, may adopt a final resolution of removal. All clerical help in the office of the City Clerk shall be appointed by, and work under the direction and supervision of the City Clerk.

#### Sec. 221. Ordinances, Public Hearings.

In addition to such acts of the Council as are required by law or by this Charter to be by ordinance, every act establishing a fine or other penalty shall be by ordinance. Except as otherwise provided in this Charter, every proposed ordinance shall be introduced in writing, shall be read by title and shall be initially passed. After initial passage, with or without amendment, the proposed ordinance shall be the subject of a Public Hearing, such hearing to be held within a meeting of the City Council. Notice of the time, date and place of the hearing, shall be published at least once in a newspaper having a general circulation in the City of Bath not less than seven (7) days before the date of said hearing. The notice shall also include the text of the proposed ordinance, if said text contains one thousand (1,000) words or less and otherwise a summary of the proposed ordinance will be published.

The full text of the proposed ordinance shall be available to the public in the City Clerk's Office of the City of Bath, and in addition the proposed ordinance or a summary thereof shall be posted at the Bath City Hall, the Sagadahoc County Courthouse, the Patten Free Library, Bath Police Station and Bath Fire Department not less than seven (7) days before the date of the hearing. At the Public Hearing, the Ordinance shall be read in full, provided, however, that such requirement may be waived by an affirmative vote of two-thirds of the entire Council. After the Public Hearing, and at the meeting then in session or at a later date, the Council may finally pass such with or without amendment.

Every ordinance shall become effective on the twenty-first day after its final passage except as otherwise provided in this Charter, and except that ordinances submitted to referendum under this Charter shall become effective upon a favorable vote of a majority of those voting thereon at such referendum. [11/7/78] [7/1/82]

#### Sec. 222. Emergency Ordinances.

To meet a public emergency affecting the public peace or the life, health, property or safety of the City or its inhabitants, the Council may enact one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the issuance of bonds. An emergency shall be plainly so designated and shall contain a declaration stating the existence of an emergency in clear and specific terms. An emergency may be enacted with or without amendment or rejected at the meeting at which it is introduced, by the affirmative vote of not less than six (6) Councilors. After its enactment, an emergency shall be published and printed in a newspaper having general circulation in the City and posted in at least two (2) public places. It shall become effective upon enactment, but it shall automatically be repealed as of the 60th day following the date of which it was enacted unless enacted in the meantime according to Section 221 of this Chapter. An emergency may be repealed by the enactment of a repealing in the same manner specified in this section for the enactment of emergency ordinances.

Sec. 223. Independent Annual Audit.

Prior to the end of each fiscal year, the Council shall designate the appropriate State Auditing Agency or private qualified public accountants, who, as of the end of each fiscal year, shall make an independent audit or accounts and other evidences of financial transactions of the City government and shall submit their report to the Council and the Manager. Such Accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers. They shall not maintain any accounts or records of the City business, but, within specifications approved by the Council, shall post-audit the books and documents kept by the Department of Finance and any separate or subordinate accounts kept by any other office, department or agency of the City government.

Sec. 224. Appointment of City Manager.

The Council shall select and appoint an officer of the City who shall have the title of City Manager and shall have the powers and perform the duties provided in this Charter. The Council shall be the sole judge of the qualifications of such person selected and appointed to serve as City Manager. No Councilor shall receive such appointment during the term for which he shall have been elected, nor within two (2) years after the expiration of his term, nor shall any member of the City Council act in that capacity.

Sec. 225. Board of Assessment Review, Appointments, Vacancies.

There shall be a board of assessment review consisting of five (5) members who shall be appointed by the Council for a term of three (3) years. The members of the board shall be residents of the City. Annually the board shall choose a chairman and a secretary from its membership. The secretary shall keep a complete, accurate record of all votes taken at meetings of the board. The board shall have such powers as are granted to such boards by the laws of the State of Maine.

Sec. 226. Continuity of Government in Case of Enemy Attack.

Notwithstanding any general or special provision of this Charter, the City Council in order to ensure continuity of local government operations in periods of emergency resulting from disasters caused by enemy attack, or disaster from any other cause, shall have the power to provide by ordinance, for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for ensuring the continuity of local government operations including, but not limited to, the financing thereof.

**CHAPTER III**  
**CITY MANAGER**

Sec. 301. Appointment; Qualifications; and Compensation.

The City Council shall appoint a City Manager for an indefinite term and fix his compensation. The City Manager shall be chosen by the City Council on the basis of his character, executive, and administrative qualifications. At the time of his appointment, he need not be a resident of the City of Bath or the State of Maine, but during his tenure of office he may not reside outside the City of Bath, except where a majority of the City Council approves residence outside the City limits. (11/07/17)

Sec. 302. Powers and Duties of the City Manager.

The City Manager shall be the Chief Administrative Officer of the City. He shall be responsible to the Council for the administration of all City affairs placed under his charge by the Council or this charter, and he shall have the following powers and duties:

A) He shall appoint, prescribe the duties of, and, when necessary for the good of the service, remove all officers and employees of the City subject to his appointment, except as otherwise provided by law, this Charter, or personnel rules adopted by the Council subject to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officers department, office or agency.

B) He shall prepare the budget annually, submit it to the Council and be responsible for its administration after adoption.

C) He shall prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year, and cause such annual City report to be published and made available to the public as promptly as possible after the close of the fiscal year.

D) He shall keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable.

E) He shall have the care, superintending, and management of all City property not inconsistent with the legal custody of such property being held by the City Council.

F) He shall perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter.

### Sec. 303. Acting City Manager.

By letter filed with the City Clerk the City Manager may designate, subject to Council approval, a qualified City administrative officer to exercise the powers and perform the duties of City Manager during his temporary absence or disability. In the event of the failure of the City Manager to make such a designation, the Council may by resolution appoint any Administrative Officer of the City to perform the duties of the City Manager until he shall return or his disability shall cease.

### Sec. 304. Removal of City Manager for Cause.

The removal of the City Manager for cause shall be initiated by a petition in writing presented by a Councilor to the City Council. This petition shall state the basis in fact for the initiation of this removal process. It shall be delivered to the Manager at least seven (7) days prior to any meeting at which the petition is to be considered by the City Council. At the meeting where the petition is considered, the Manager shall have the right to be present and an opportunity to rebut any of the allegations in the petition, including the right to call witnesses, present evidence, be represented by counsel, and cross-examine witnesses. On presentation of the petition and any relevant evidence, which the Manager may wish to present, the Council will determine whether or not there is evidence which the Manager may wish to present, the Council will determine whether or not there is evidence to justify an investigation into the allegations stated in the petition. A majority vote of the Council shall be required to initiate an investigation, and if same is voted, the chief elected official of the City, or his designee, shall be responsible for filing with the Council within fourteen days subsequent to the vote, a written report outlining the results of the investigation. This fourteen-day period may be extended for good cause, shown by vote of the Council.

A copy of this report shall be delivered to the City Manager at least seven days prior to any hearing. After receipt of the investigation report from the chief elected official, or his designee, the Council will proceed to a full hearing. The chief elected official shall present the charges to the Council at this hearing, and such evidence as he deems appropriate in substantiation of these charges. At that hearing the Manager shall be present and shall have the right and opportunity to be heard, together with the right to call witnesses, to present evidence, to be represented by counsel, and to cross-examine all witnesses.

If six members of the entire Council, excluding the chief elected official, who may not vote, find that there is merit to the charges brought in the motion or petition, then the matter shall go to formal hearing before an independent referee.

At this same meeting, the Council may vote to suspend the Manager with or without pay during the pendency of the remaining procedures. The City Council and the Manager may in agreement designate a referee to conduct the hearing. If there is no agreement within seven days of the vote by the City Council, to proceed to a full hearing, then a referee shall be appointed by the Maine Municipal Association. The Manager to the satisfaction of the referee, by preponderance of the evidence presented. The Manager shall have all full due process rights at this hearing, and may present any relevant evidence that he deems to be in his best interest. The decision by the referee may be appealed by either party in accordance with Rule B, Maine Rules of Civil Procedure.



The nature of the proceedings above described shall be public unless a request is received from the Manger or his representative that the proceedings, or any part thereof, shall be held in executive session. Should such a request be received, it shall be honored. Any time period expressed above may be extended by vote of the City Council where good and sufficient cause is shown. (7/1/82)

## **CHAPTER IV**

### **ADMINISTRATIVE DEPARTMENTS**

#### **Sec. 401. General Provisions.**

A) Creation of departments. The City Council may establish City departments, offices, boards of agencies subject to their appointive power in addition to those created by this charter and may prescribe the functions of all departments, offices, boards, agencies, except that no function assigned by this Charter to a particular department, office, board or agency may be discontinued except by ordinance. The City Council shall have the power by ordinance to establish any new consolidated or combined administrative division, which may include two or more existing administrative departments as heretofore established.

B) Direction by City Manager. All departments, offices, boards, and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to 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, boards, or agencies or he may appoint one (1) person as the head of two (2) or more of them.

#### **Sec. 402. Personnel.**

A) Merit Principle. All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination and/or other evidence of competence.

B) Personnel Director. The City Manager or his appointee shall serve as personnel director.

C) Personnel Service Commission. There shall be a personnel board consisting of three (3) members appointed by the City Council for terms of three (3) years. Members of the personnel service commission shall hold no other City office.

D) Personnel Rules. The City Manager or his appointee shall promulgate personnel rules, which shall be submitted to the City Council for adoption by ordinance in order to provide for the practices and procedures necessary to the administration of the City personnel system.

Sec. 403. Appointments with Joint Approval.

A) The administrative offices of City Solicitor and City Assessor shall be filled by joint appointment of the City Manager and the City Council.

B) Such joint appointment shall be made by majority vote of the Council to be in concert with the Manger's recommendation for appointment.

C) Either the City Solicitor or the City Assessor may be removed for the good of the service by the City Manager or the City Council, but may request within ten (10) days of such removal a hearing before the City Council where charges leading to the removal will be answered in writing.

Sec. 404. Appointment with Council Confirmation.

The City Manager shall appoint all department heads subject to confirmation by a majority of the City Council.

## **CHAPTER V**

### **DEPARTMENT OF EDUCATION (11/5/07)**

Sec. 501. Education.

All matters relating to public education provided to Bath public school students, shall be in accordance with a School District organized under the provisions of Legislative Document 910, "An Act to Permit Public Schools in the Lower Kennebec River Area to Regionalize to Achieve Efficiency and Improve Quality." The District is considered a State-approved unit of school administration under the Act and shall have all of the powers and duties provided under LD 910 and generally under State Law.

Sec. 502. Governance.

The District shall be governed by a Board of Directors who shall be elected and shall serve in accordance with the provisions of Sec. 7 and Sec. 8 of the Act.

Sec. 503. Financial Provisions.

The City of Bath shall provide financing as a participating member of the District and shall raise, collect and pay District assessments in accordance with the Act.

## **CHAPTER VI**

### **FINANCIAL PROVISIONS**

Sec. 601. Fiscal Year.

The fiscal year of the City shall be fixed from time to time by the municipal officers, but shall not be for less than twelve (12) months nor more than eighteen (18) months.

Sec. 602. Submission of Budget and Budget Message.

Sec. 603. Budget Message.

The City Manager's message shall explain the budget 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 City Manager deems desirable.

Sec. 604. Budget Format.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year, shall consist of at least the budget components contained in Section 605, 607 and 608 hereof and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. (11/5/07) In organizing the budget, the City Manager shall utilize the most feasible combination of expenditure classification by funds, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents, shall show in detail all estimated income and all proposed expenditures including debt service for the ensuing fiscal year, and shall be so arranged as to show comparative figures for "actual-and-estimate-income-and expenditures" of the current fiscal year and actual income and expenditures of the preceding fiscal year. (11/7/78)

Sec. 605. Operating Budget Component.

The Operating Budget Component shall contain at least the following information:

A. Statement of estimated income including at least the following:

1. Taxes.
2. Licenses and Permit Fees.
3. Intergovernmental funds.
4. Charges for current services.
5. Fines and forfeitures.
6. Miscellaneous funds.
7. Surplus to be appropriated.

B. Proposed expenditures for current operations during the ensuing year, detailed by offices, departments, agencies, and other Cost Centers in terms of their respective operational accounts, and the method of financing such expenditures and together with proposed expenditures for fixed assets during the ensuing fiscal year detailed by offices, departments, agencies and other Cost Centers when practicable. The total of the proposed expenditures shall not exceed the total of estimated income. As used in this Chapter, the term "Cost Center" shall have the meaning as set forth in Section 611 hereof. (11/7/78)

Sec. 606. School Expenditures.

As a participating member of a School District organized under the provisions of LD 910, "An Act to Permit Public Schools in the Lower Kennebec River Area to Regionalize to Achieve Efficiency and Improve Quality," the City of Bath shall raise, collect and pay District assessments in accordance with the Act. (11/5/07)

Sec. 607. Sewer Utility Fund Budget Component.

The Sewer Utility Fund Budget Component shall contain at least the following information:

A. Statement of estimated revenue including at least the following:

1. Taxes.
2. Current user fees.
3. Revenue attributable to prior years.
4. Unspent funds carried over from prior years.
5. Non-capital related State-Federal revenue.
6. Other

B. Listing of all proposed expenditures shall be submitted for Council approval in a form acceptable to the City Manager of the City of Bath. (11/7/78)

Section. 608. Capital Improvements Budget Component.

The Capital Improvements Budget component shall contain at least the following information.

A. Statement of estimated revenue including at least the following:

1. Estimated amount of appropriated but unspent balances by project account number and list of recommendations as to which project account balances shall be carried forward within the same project account to the next fiscal year and those balances, which shall lapse to capital surplus.

2. The amount of anticipated borrowing.
3. The amount of unappropriated capital surplus.
4. The amount of intergovernmental funds.
5. The amount of gifts and donations.
6. The amount of be raised by taxes.
7. The estimated amount of earned interest.
8. Miscellaneous funds.

B. Description of Project Accounts:

1. Cost estimates, method of financing and recommended time schedules for such projects.

2. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

3. The estimated carryover unspent balances by project together with identification of Council policy decisions related to the project.

C. Summary of Contents with the list of the City Manger's proposed expenditures in a listing by priority.

D. A Five (5) year capital program prepared by the Manager including a list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements and with a clear general summary as to the contents of said five (5) year capital program. The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition. (11/7/78)

Sec.609. Council Action on Budget.

A. Budget Presentation. As soon a practicable but no later than seven (7) days after the budget, in written form, has been submitted to the Council at a public meeting, the City Manager shall publish in one or more newspapers of general circulation in the City of Bath a general summary of the budget and the time and place where copies of the message and budget are available for inspection by the public.

B. Public Hearing and Notice. The City Council shall set the time and place, not later than the seventh (7th) day of the last month of the fiscal year, for a public hearing on each of the budget components, i.e. the operating budget component, the sewer utility fund budget component, the capital improvements budget component and such other components as may be contained in the budget. The Council at its discretion may set the same date for hearing on each budget component or may set different dates for such hearings. Notice of such hearings shall be published in a newspaper of general circulation in the City of Bath not less than seven (7) days prior to any such hearing and shall contain the date, time, and place of any such hearing. Hearings occurring on the same date may be combined in one notice. (11/4/86)

C. Amendment before Adoption. After the public hearing or hearings, the Council may adopt the budget with or without amendment. The Council shall act separately on each individual budget component, i.e. the operating budget component, the sewer utility fund budget component, the capital improvements budget component, and such other components as may be contained in the budget and each of these components shall require separate adoption with the adoption of each component being independent from the adoption of any other component. The Council may amend any portion of any budget by increasing appropriations or by deleting or decreasing any appropriations, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized appropriations to an amount greater than the total of estimated income.

D. Adoption. The Council shall adopt the budget on or before the twenty-seventh (27th) day of the last month of the fiscal year currently ending. If it fails to adopt any of the budget components by this date, the amount proposed in any such component for the ensuing fiscal year shall be deemed to be adopted on a month to month basis with all items in it prorated accordingly, until such time as the Council adopts the budget component for the said fiscal year. Adoption of the budget components by the Council shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Sec. 610. Public Records.

Copies of the budget as adopted shall be public records, and shall be made available to the public at not less than three (3) suitable places in the City. (11/7/78)

Sec. 611. Amendments after Adoption.

A. Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess. However, if there is unanticipated revenue in the form of insurance proceeds, from the damage or destruction of a capital asset or from the sale of capital asset, such revenue shall be designated as capital surplus and shall be available for the purchase of a replacement asset without certification of excess revenue within the capital budget.

B. Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance with the provisions of Section 222 except that said appropriation shall not terminate according to Section 222. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year next succeeding that in which the emergency appropriation was made.

In the absence of a contrary provision in an ordinance authorizing such notes, the City Treasurer, with the approval of the Chairman of City Council and the City Manager, shall determine the date or dates, maturities, denominations, interest rate or rates and other details of such issue of such notes and shall provide for the sale thereof.

C. Shortfall of Revenues. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as any other steps to be taken.

D. Transfer of Appropriations. At any time during the fiscal year, the City Manager shall have the authority to transfer funds within the limits of the appropriation for a particular Cost Center among items within that said Cost Center. A Cost Center shall be defined as, "A major set of appropriated expenditure accounts having a commonality of general purpose duly approved within the final budget by the City Council". For accounting purposes, the original line appropriations within a Cost Center shall be carried with negative or positive balances rather than showing the actual transfer. Any transfer of funds between Cost Centers, rather than within one (1) single Cost Center, shall only be made upon written request by the City Manager to the Council and upon approval of said transfer by order the said Council. Transfers are only permitted within and among Cost Center, as included in a particular budget component, and are prohibited as between budget components. (11/07/78) (7/01/82)

E. Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by

law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 612. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital improvement project expenditure designated to be carried forward, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital improvement project expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned, or it has been reappropriated. The purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation or unless reappropriated. (11/07/78)

Sec. 613. Administration of Budget.

A. Work Programs and allotments. At such time as the City Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The City Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 611.

B. Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made and unless the City Manager or his designee first discerns that there is sufficient unencumbered balances within the total departmental or Cost Center appropriation and that sufficient funds therefore are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligations in violation of the provisions of this Charter shall be void and any payment so made illegal, such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and such officer shall be liable to the City for any amount so paid; provided, however, that no provision of this Charter shall be construed to prevent the City from making or authorizing payments or making contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond that end of the fiscal year, provided that such action is made or approved by ordinance and is not in violation of state or federal law. (11/07/78)

Sec. 614. Certification of Budget to the Tax Assessor.

From the date of adoption of the budget for any fiscal year, the amount stated therein as the amount to be raised by taxation shall constitute a determination of the amount to be levied for the purposes of the City in said fiscal year. A copy of the budget, as adopted by the Council, shall be signed by the City Manager and certified by the City Clerk, and shall be filed with the Tax Assessor, whose duty it shall be to levy such taxes as are necessary for said fiscal year.

Sec. 615. Delivery of Budget to Department Heads.

A copy of the budget, signed by the City Manager and certified by the City Clerk, shall be delivered to all Department Heads who shall acknowledge receipt thereof to the City Clerk.

Sec. 616. Borrowing in Anticipation of Taxes.

In anticipation of the collection of taxes, the Council may by resolution authorize borrowing by the issuance of notes, which notes may be renewed, but all such notes, or renewals thereof, shall mature and be paid no later than the end of the fiscal year in which the borrowing occurred. In the absence of a contrary provision on a resolution authorizing said notes, the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities, denominations, interest rate or rates and other details of each issue of notes and shall provide for the sale thereof.

Sec. 617. Limitations on Municipal Expenditures.

The maximum increase in appropriated expenditures for any fiscal year over those of the immediately preceding fiscal year shall not exceed the increase in the National Consumer Price Index (the "CPI") as determined by the Department of Labor for the United States government of the calendar year which ends within that immediately preceding fiscal year provided, however, that authorized actual expenditures, whether appropriated or otherwise, for any fiscal year shall include the following without regard to the foregoing maximum increase permitted for such fiscal year by the preceding sentence of this provision:

- (1) proceeds of any new bond issues received after their approval by public referendum or pursuant to Section 1002 of the City Charter.
- (2) any debt service required to support any new bonded indebtedness issued following its approval by public referendum or pursuant to Section 1002 of the City Charter.
- (3) expenditures to be funded in full or in part by grants or program specific revenues received by the City of Bath, to the extent of such grant monies or program specific revenues are actually received. (11/02/2021)
- (4) expenditures for programs mandated by the federal or state governments to the extent such programs are funded by federal or state authorities.
- (5) expenditures of insurance proceeds received as the result of damage to or loss or destruction of any asset, for acquisition of a replacement asset.
- (6) emergency appropriations approved by the City Council in accordance with the provisions of Section 611(B) of the Charter of the City of Bath.



(7) School District assessments paid as a participating member under the provisions of LD 910, “An Act to Permit Public Schools in the Lower Kennebec River Area to Regionalize to Achieve Efficiency and Improve Quality.”(11/5/07)

(8) expenditures of payments for legally required employment programs. (11/02/2021)

(9) expenditures of payments of county taxes to Sagadahoc County. (11/02/2021)

(10) expenditures of tax increment financing revenues. When a tax increment financing district reduces captured value or terminates in any given fiscal year as compared to the prior fiscal year, the expenditures of revenues associated with the reduced or terminated captured assessed value shall be included in the determination of expenditures for the immediately preceding fiscal year for purposes of the expenditure limitation calculation. (11/02/2021)

Such authorized actual expenditures as described in sub-sections 1 through 10 above shall not be added to appropriated expenditure for any fiscal year in determining the authorized increase in appropriated expenditures for the following fiscal year pursuant to this provision. (11/05/07) (11/02/2021)

In the first year of implementation for sub-section 8, such current fiscal year expenditures shall be captured for the budget fiscal year calculation. In the first year of implementation for sub-sections 3 with respect to program specific revenues, 9 and 10 above, such expenditures shall also be removed if necessary, from the current fiscal year for purposes of the budget fiscal year calculations. (11/02/2021)

## **CHAPTER VIII**

### **PERMANENT FINANCING**

#### **Sec. 801. Power to Issue Bonds or Notes.**

The City Council, by ordinance adopted in accordance with the provisions of Section 221 of this Chapter, may provide for the issuance of serial bonds or notes, the proceeds to be used for the acquisition of land, the construction and equipping of buildings and other permanent public improvements, the acquisition of equipment of a lasting character, or for any other purpose for which municipalities are or hereafter may be authorized to borrow money by general law. Except as otherwise provided in this Charter, the issuance of bonds or notes by the City shall be subject to the laws of the State relating thereto.

#### **Sec. 802. Borrowing Ordinance: Vote Required.**

The affirmative vote of a majority of all of the members of the City Council shall be required for enactment of an ordinance authorizing the issuance of serial bonds or notes.

#### **Sec. 803. Form and Content of Borrowing Ordinance.**

An ordinance authorizing the issuance of serial bonds or notes shall contain at least the following provisions:

A) An appropriation of a sum of money to be raised in whole or in part by the issuance of bonds or notes for an authorized purpose or purposes.

- B) A statement of the amount of bonds or notes to be issued.
- C) A description of the purpose or purposes for which the bonds or notes are being issued.

Sec. 804. Combination of Improvements.

Two or more authorized purposes may be included in a single ordinance authorizing the issuance of serial bonds or notes.

Sec. 805. Publication.

Within ten (10) days after its final enactment, an ordinance authorizing the issuance of serial bonds or notes shall be published in a newspaper having a general circulation in the City and posted in at least one public place.

Sec. 806. Effective Date.

An ordinance enacted pursuant to this Chapter shall become effective twenty-one (21) days after its publication in accordance with Section 805.

Sec. 807 Installment, Prepayment, Term.

Bond notes and other securities issued pursuant to this Chapter may be in serial form payable in annual installments, which need not be equal, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3). Any bond, note or security may be prepaid in whole or in part at any time as may be permitted in accordance with the terms and conditions of the borrowing of the original bond, note or security. The term of such bonds, notes or securities shall not exceed 30 years from the date that they are issued. (11-06-2001)

Sec. 808. Application of Proceeds.

The proceeds of serial bonds or notes issued pursuant to this Chapter shall be used only for the purposes specified in the ordinance authorizing the issuance of such bonds or notes. All proceeds not so used shall be applied to the repayment of principal or interest of such bonds or notes.

Sec. 809. Period of Limitations.

All suits questioning the validity of an ordinance enacted under this Chapter shall be barred unless commenced within forty-five (45) days following publication in accordance with Section 805.

Sec. 810. Anticipatory Borrowing.

The City Treasurer, with the approval of the Chairman of the City Council and the City Manager, may borrow money temporarily by the issuance of notes in anticipation of the issuance of serial bonds or notes, after said serial bonds or notes have been authorized by the City Council pursuant to this Chapter. Except as otherwise provided herein, the issuance of said notes shall be subject to the laws of the State relating thereto.

Sec. 811. Execution of Bonds or Notes; Determination of Details.

All bonds or notes issued by the City pursuant to Chapter VI or this Chapter shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager. In the absence of a contrary provision in an ordinance authorizing serial bonds or notes, the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities, denominations, interest rate or rates and other details of each issue of serial bonds or notes and notes issued in anticipation of such serial bonds or notes and shall provide for the sale thereof.

Sec. 812. General Obligations; Revenue Bonds.

All bonds or notes issued pursuant to this Chapter shall be general obligations of the City, provided, however, that nothing herein contained shall be deemed to prevent the issuance of revenue bonds in accordance with, and subject to, the provisions of the Revised Statutes relating thereto, as amended, and as the same may from time to time be amended. (2/24/77)

Sec. 813. Refinancing.

Bonds, notes or securities may be issued in accordance with the provisions for this Chapter VIII of the Charter of the City of Bath and after approval by the City Council by Ordinance, in order to refinance any outstanding bond, note or security or other indebtedness of the City. This authority to refinance any outstanding bonds, notes or securities of the City which have been approved at public referendum shall not require additional voter approval of the new indebtedness and repayment shall continue to be exempt under the provisions of Sec. 617(2) of this Charter, which establishes limitations on municipal expenditures. (11/6/2001)

## **CHAPTER IX**

### **NOMINATION & ELECTIONS**

Sec. 901. City Elections.

The regular City elections shall be held on the first Tuesday following the first Monday in November in each year.

A) All elected officials serving at the time of adoption of the November 1973 amendment to this Charter shall have their term of office extended from the first Monday in November in the year of the termination of their existing term to the first Wednesday in December of the same year or until their successors are elected and qualified.

B) There shall be a warden and ward clerk for each City ward to be appointed by City Council. The appointment shall be made on the first Wednesday in December of each year and the term of the appointment shall run for three (3) years concurrent with the Council term for that ward. Council shall appoint on the first Wednesday in December of each year, up to fifteen (15) alternate wardens and ward clerks to serve in the absence or disability of the appointed wardens and ward clerks. The wardens and ward clerks and their alternates shall have the duties and powers as prescribed by State Law. (11/04/97)(11/04/14)

Sec. 902. Conduct of Election.

Except as otherwise provided by this Charter, the provisions of the general election laws of the State shall apply to all election officials provided for by Charter and all elections held under the Charter. Election of Director to the School District of which the City of Bath is a participating member shall be conducted in accordance with Sec. 8 and Sec. 9 of LD 910, "An Act to Permit Public Schools in the Lower Kennebec River Area to Regionalize to Achieve Efficiency and Improve Quality." The requirements for the declaration of write-in candidates and the procedures for tallying and reporting of votes cast for all write-in candidates at municipal elections shall be in accordance either the provisions of State Law regarding candidates and State elections as set forth in Title 21-A of the Laws of the State of Maine. (11/04/14)

A) All citizens qualified by the laws of the State to vote in the City who are duly registered shall be qualified voters within the meaning of this Charter.

B) After all elections held under this Charter, the City Council shall meet within twenty-four (24) hours to examine the records of the wards to determine the successful candidates, and to cause all successful candidates to be notified of their election. Examination of records and notification of successful candidates for Directors of the School District for which the City of Bath is a participating member shall be administered in accordance with said LD 910. "An Act to Permit Public Schools in the Lower Kennebec River Area to Regionalize to Achieve Efficiency and Improve Quality."

Except as otherwise provided by this Charter, the provisions of the general election laws of the State shall apply to all election officials provided for by Charter and all elections held under the Charter.

A) All citizens qualified by the laws of the State to vote in the City who are duly registered shall be qualified voters within the meaning of this Charter.

B) After all elections held under this Charter, the City Council shall meet within twenty-four (24) hours to examine the records of the wards to determine the successful candidates, and to cause all successful candidates to be notified of their election.

Sec. 903. Nomination of Candidates to be by Petition.(11/5/07)

The nomination of all candidates for elective offices provided for by this Charter shall be by petition. Candidates for election to the position of Councilor of the City of Bath from a designated ward therein shall be qualified electors of the ward in which they are candidates for election as City Councilor. The petition of each At Large candidate for a member of the City Council shall be signed by not less than fifty (50) nor more than one hundred (100) qualified voters of the City. The petition for each ward candidate for member of the City Council shall be signed by not less than thirty-five (35) nor more than one hundred (100) qualified voters of the respective ward.

Sec. 904. Nomination Papers, Signatures to: Form of Petition.

The signatures to nomination papers need not all be affixed to one (1) petition, but to each separate petition there shall be attached an affidavit of the circulator hereof stating the number of signers on each petition and that each signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

"To the City Clerk of the City of Bath, We, the undersigned voters of Ward \_\_\_\_\_ of the City of Bath hereby nominate \_\_\_\_\_, whose residence is \_\_\_\_\_ for the office of \_\_\_\_\_, to be voted for at the election to be held in the City of Bath on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and we individually certify that we are qualified to vote for a candidate for the above office.

Name \_\_\_\_\_ Street and Number \_\_\_\_\_ being duly sworn deposes and says that he is the circulator of the foregoing nomination petition containing \_\_\_\_\_ signatures and that the signatures appended thereto were made in his presence and are the signatures of the persons whose name they purport to be.

Signed \_\_\_\_\_

Subscribed and sworn to, before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public/Justice of the Peace

If this petition is deemed insufficient by the City Clerk he shall notify by mail \_\_\_\_\_ at No. \_\_\_\_\_ Street."

Sec. 905. Filing of Petitions.

For municipal elections for candidates for municipal offices scheduled after November 7, 2017, the nomination petitions for any candidate shall be united into one petition and filed with the City Clerk not earlier than the third Tuesday of July, and no later than close of business on the third Tuesday of August. No nomination shall be valid unless the candidate shall file with the City Clerk, no later than close of business the third Tuesday in August a written consent accepting the nomination and agreeing not to withdraw, and if elected, to qualify. Where the municipal officers determine to fill a

vacancy pursuant to Section 209 of this Charter and 30-A M.R.S. Section 3602, which must be filled by election, the municipal officers may designate a shorter time frame for the availability of nomination papers, but not less than ten (10) days before the filing deadline, and may designate a shorter time period for the final date for filing nomination papers, but not less than fourteen (14) days before the election. (11/07/17)

Sec. 906. Certification, Publication.

The City Clerk shall certify a list of candidates and shall cause to be published in a newspaper of general circulation in the City of Bath, the names, residences, and offices to which nominated candidates who have duly filed the above described petition and acceptances.

Sec. 907. Ballots.(11/5/07)

The City Clerk shall be responsible for the preparation of specimen and official ballots as are necessary for the conduct of the election. The position of candidate names on the ballot shall be determined by the order, by date and time, in which the nomination petitions were filed with the earliest filing listed first and the latest last. The ballot shall be without party mark or designation. The name and residence of each candidate shall be given. At the left of each name shall be a square within which the voter shall place a cross (X) or check mark ( ) to designate his choice. There shall be a blank space where the voter may insert the name of any person not printed on the ballot for whom he desires to vote. The ballot shall be printed substantially as follows:

(Back of Ballot)  
"OFFICIAL BALLOT"  
City of Bath  
WARD \_\_\_\_\_  
Tuesday, \_\_\_\_\_ A.D.

(Facsimile of Signature)  
City Clerk

(Face of the Ballot)

To vote for a candidate mark a cross (X) or check mark ( ) in the square at the left of the candidate's name and residence.

If you wrongly mark, tear or deface the ballot, return it and obtain another.

Vote for One FOR MEMBER OF CITY COUNCIL FROM WARD \_\_\_\_\_  
Name of Candidate Residence

Vote for One FOR MEMBER OF CITY COUNCIL AT LARGE  
Name of Candidate Residence

Mark a cross (X) or check mark ( ) in the square at the left of your choice.  
Sec. 908. Recall Provisions.

The registered voters of the City, for just cause, may by petition recall any duly elected official from office. The Recall Petition shall follow the general petition form provided in Section 1003, but shall further include a clear statement of the issues leading to the recall request. All petition papers comprising a recall petition shall be assembled and filed with the City Clerk as one (1) document.

A. The recall petition must have the signatures of a number of registered voters qualified to vote for the official equal to or greater than fifty per cent (50%) of the number of voters voting in the election in which the official to be recalled was elected. (11/07/78)

B. Within twenty (20) days after the petition is filed, the City Clerk shall determine whether the petition is valid in accordance with the provisions of Section 1005 of this Charter, and if valid shall so certify to the City Council.

C. Upon receipt of a certified recall petition, the City Council shall within sixty (60) days make provision for an election to recall the official so designated in the petition. The City Council shall cause to be published in a newspaper of general circulation in the City a specimen ballot of the recall election which shall contain the words:

"For the recall of \_\_\_\_\_" and  
Elected Official

"Against the recall of \_\_\_\_\_"  
Elected Official

D) If a majority of the qualified voters voting in said recall election shall vote in favor of recall, the office shall become vacant within twenty-four (24) hours of the declaration of the official canvas of the election pursuant to Section 902 of this Charter.

## **CHAPTER X**

### **INITIATIVE AND REFERENDUM**

#### **Sec. 1001. Power of Initiative.**

The electors of the City of Bath shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Such initiated ordinance may be submitted to the City Council by a petition signed by a number of qualified electors of the City equal to or greater than 10 percent of the registered voters of the City at the last municipal election.

#### **Sec. 1002. Power of Referendum.**

The electors of the City of Bath shall have power to approve or reject at the polls an ordinance passed by the City Council, or submitted by the Council to a vote of the electors, except the regular annual budget or appropriation ordinance and except any bond ordinance authorized solely for a capital purpose made necessary as a result of fire, flood, hurricane or other disaster, such power being known as the referendum.

Ordinances submitted to the Council by initiative petition and passed by the Council shall be subject to the referendum in the same manner as other ordinances. Within twenty



(20) days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by a number of qualified electors of the City equal to or greater than ten percent (10%) of the registered voters of the City at the last municipal election.

Sec. 1003. Form of Petitions.

The petitions used to invoke the initiative or the referendum shall be substantially in the following form:

PETITION TO THE BATH CITY COUNCIL  
For the Submission to the People of the

QUESTION

Shall the proposed ordinance, a copy of which is hereto attached, be adopted?

We, the undersigned, under oath, depose and say that we are duly qualified voters of the City of Bath, residing respectively at the address placed opposite our names, and we hereby petition the City Council to submit the foregoing question to the voters of the City of Bath.

NAMES	RESIDENCES	DATE
Name		
Street and Number		

Being duly sworn deposes and says that he/his is the circulator of the foregoing petition containing \_\_\_\_\_ signatures and that the signatures appended thereto were made in his/her presence and are the signatures of the persons whose names they purport to be.

Signed \_\_\_\_\_

Subscribed and sworn to, before me, this \_\_\_ day of \_\_\_\_\_, 19\_\_.

Sec. 1004. Signatures to Petitions.

The signatures to petitions need not all be affixed to one (1) petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating that he/she, and he/she only, personally circulated the foregoing paper, that it bears a stated number of signatures, that each signature appended thereto was made in his/her presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same.

Sec. 1005. Filing, Examination and Certification of Petitions.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Clerk as one instrument. Within twenty (20) days after petition is filed, the City Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof.

If a petition paper is found to be signed by more persons than the number of signatures certified by the circulators, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his/her examination of the petition, the City Clerk shall certify the result thereof to the Council at the next regular meeting. If the City Clerk shall certify that the petition is insufficient, the City Clerk shall set forth in his/her certificate the particulars in which it is defective.

Sec. 1006. Effect of Referendum Petition.

Whenever there has been originated as aforesaid a petition for the reference to the people of any such ordinance passed by the City Council, and the required number of valid signatures has been obtained thereon for its presentation to the City Council, the same shall be suspended from going into operation.

Sec. 1007. Consideration by Council.

Whenever the City Council receives a certified initiative or referendum petition from the City Clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The City Council shall take final action on the initiative ordinance not later than sixty (60) days after the date on which such ordinance was submitted to the Council by the City Clerk. A referred ordinance shall be reconsidered by the Council and its final vote upon such reconsideration which shall be not later than sixty (60) days after the date on which such certified referendum petition was submitted to the City Council by the City Clerk shall be upon the question " Shall the ordinance specified in the referendum petition be repealed?" In the case of the referendum the entire repeal of the ordinance sought to be referred, and in the case of the initiative, the passage by the City Council of the desired ordinance shall put an end to all proceedings under said petition.

Sec. 1008. Submission to Electors.

If the City Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefore, or if the City Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty (30) days nor more than one (1) year from the date the Council takes its final vote thereon. The City Council may, in its discretion, and if no regular election is to be held within such period shall provide for a special election.

Sec. 1009. Publication.

Whenever any ordinance is required by the provisions of this Chapter to be submitted to the voters of the City at any election, the City Council must order one (1) publication of the complete text thereof to be made in one or more should the City Council deem it best, of the newspapers published or having a general circulation in the City of Bath, such publication to be made not less than ten (10) days, nor more than fifteen (15) days prior to the election, or in lieu thereof, the City Council may cause the ordinance to be printed and mailed to each voter at five (5) days prior to the election.

Sec. 1010. Form of Ballot.

The Ballots used when voting on such proposed ordinance shall set forth the title thereof in full and state its general nature, and shall contain the words: "For the ordinance" and " Against the ordinance".

Sec. 1011. Result of Election.

If a majority of the qualified voters voting on said proposed initiative ordinance or said referendum ordinance shall vote in favor thereof, such ordinance shall take effect five (5) days after the declaration of the official canvas of the return of said election. A referred ordinance which is not approved by a majority of the electors shall thereupon be deemed repealed.

Sec. 1012. Conflicting Ordinances.

Any number of proposed or referred ordinances may be voted upon at the same election. In the event that two (2) or more ordinances adopted at the same election shall contain conflicting provisions, the ordinance receiving the highest number of votes at such election shall prevail to the extent of such conflict.

Sec. 1013. Repeal of Popular Ordinances Enacted by the People.

No ordinance proposed by petition and adopted by vote of the people shall be repealed or amended except by a vote of the people unless such ordinance shall otherwise expressly provide.

Sec. 1014. Ordinance Submitted to Popular Vote.

The City Council may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any ordinance except as herein otherwise provided, to be voted upon at any municipal election, and should such proposition receive a majority of the votes cast thereon at such election, such ordinance shall be enacted, repealed or amended accordingly.

Sec. 1015. Further Regulations.

The City Council shall, by ordinance, make such further regulations as shall be necessary to carry out the provisions of this Chapter.

## **CHAPTER XI**

### **GENERAL PROVISIONS**

Sec. 1101. Bonds.

The City Council shall require a corporate surety bond in such amount as it may specify, from all persons trusted with the collection, custody or disbursement of any of the public officials as it may deem advisable. Every bond shall be approved by qualified legal advice as to form and sufficiency of surety prior to its acceptance by the City. The premiums on such bonds shall be paid by the City.

Sec. 1102. Contracts Extending Beyond 1 Year.

No contract involving the payment of money out of the appropriations of more than one (1) year, (other than contracts in which rates are subject to approval of the Public Utilities Commission) shall be made for a period of more than five (5) years, nor shall any such contract be valid unless made or approved by ordinance. The five (5) year term limit on contracts involving payment of money out of appropriations of more than one (1) year may be waived by affirmative vote of the majority of the entire City Council (six (6) votes).

Sec. 1103. Existing Contracts Not Invalidated, Unless Inconsistent.

All rights, actions, proceedings, prosecutions, and contracts of the City or any of its departments, pending or unexecuted when this Charter goes into effect and not inconsistent herewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

Sec. 1104. Summons Before City Council and Civil Service Commission; Failure to Obey Summons.

The Clerks of the Supreme Judicial and Superior Courts may issue summons for witnesses to attend and to produce books, documents and papers at any meeting of the City Council of the City of Bath at which a hearing is had in any matter regarding any alleged dereliction, which summons shall be served as summons are required to be served in matters before the Supreme Judicial or Superior Courts.



On complaint of failure to obey summons to the municipal court of the City of Bath, which court is expressly given jurisdiction to hear such complaints, said municipal court, if it finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than \$10 nor more than \$100, or imprisonment for not more than thirty (30) days, or by both.

All rights of appeal are to be available as they exist in the general law of the State of Maine.

Sec. 1105. Oath of Office.

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

"I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Maine; that I will in all respects observe the provisions of the Charter and ordinances of the City of Bath, and will faithfully discharge the duties of the office of \_\_\_\_\_".

Sec. 1106. Ordinances not Inconsistent Continue in Force.

All ordinances of the City of Bath 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.

Sec. 1107. Publicity of Records.

All records and accounts of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the City Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish, and except such records as are required by State law to be kept confidential.

Sec. 1108. Separability Clause.

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

Sec. 1109. Short Title.

This Charter shall be known and may be cited as the "Council-Manager Charter of Bath". The City Clerk shall cause it to be printed and made available to the public, promptly.

Sec. 1110. Removal of City Officials.

The City Council may remove the officials of the City appointed to office by it by a majority vote of its nine (9) members. At least thirty (30) days before such removal shall become effective, the Council shall by majority vote of its nine (9) members, adopt a preliminary resolution stating the cause for removal. Within thirty (30) days from the date of said preliminary resolution the officer of the City designated by such resolution may in writing filed with the chairman of the City Council, request a public hearing which shall be held not earlier than ten (10) days, and not later than twenty (20) days after the filing of such request. After such public hearing, if any, and after full consideration, the Council, by majority vote of its nine (9) members, may adopt a final resolution of removal.