

ARTICLE II
TOWN COUNCIL

Section 1. Number, Election, Term. The Town Council, hereinafter called the "Council", shall be composed of five (5) members, each of whom shall be elected by the registered voters of the entire Town. Each member shall be elected for a term of three (3) years.

Section 2. Qualifications. Members of the Town Council shall be registered voters of the Town and shall reside in the Town during their term of office. Members of the Town Council shall not hold any other compensated Town office or Town employment, except as on-call emergency personnel, during their term of office.

Section 3. Nominations. Nominations for office of Town Councilor shall be made by nomination papers signed in the aggregate for each candidate by not less than twenty-five (25), nor greater than fifty (50), registered voters of the Town of Gray. All nomination papers must contain the full name and address of the candidate, must specify the office for which the candidate is to be nominated and the term for which the candidate seeks nomination.

Nomination papers for the nomination of candidates for any elective office in the Town of Gray shall be filed with the Town Clerk at least forty-five (45) days prior to the regular municipal election. Nomination papers shall be uniform and shall be made available by the Town Clerk ninety (90) days prior to the election.

Section 4. Enumeration of Powers and Duties. Without limitation of the foregoing, the Council shall have power to:

- A. Appoint the Town Manager, Town Assessor, the members of the Planning Board, Zoning Board of Appeals, and Board of Assessment Review which shall have such powers and perform such duties as are provided for by the laws of the State of Maine; appoint a Town Attorney and Town Auditor who shall serve at the will of the Council; and appoint members to committees created by the Council. Appointments shall be made by procedures adopted through rules of the Council.
- B. Remove for cause, after notice and hearing, in accordance with state law, the Town Manager, Tax Assessor, members of the Planning Board, Board of Assessment Review, the Zoning Board of Appeals and members of all other Town boards, commissions, and committees appointed by the Council. Said hearing may at either party's request include sworn testimony and the opportunity for cross-examination of witnesses.
- C. Create by ordinance, change and abolish offices, departments, agencies, and committees, other than the offices, departments and agencies established by the Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. The Council may, however, vest in the Town Manager all or part of the duties of any office under this Charter.
- D. Make, alter and repeal ordinances, including the power to enact ordinances providing for the grant of licenses and permits for the conduct of any business, as set forth in the statutes of the State of Maine, for such periods of time and in accordance with such rules and regulations consistent with law and upon payment by the licensee of such fees as the Council may establish in such ordinance.

- E. Inquire into the conduct of any office, department or agency of the Town and make investigation as to municipal affairs.
- F. Deal with the administrative service solely through the Town Manager and neither the Council nor any member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately.
- G. Adopt an annual budget and recommend same to the Town Meeting for approval.
- H. Provide for an Annual Audit.
- I. Establish, appoint and maintain a finance committee of which at least one (1) member shall be chosen from among its members, and any and all other members chosen by appointment of citizens registered to vote in the Town of Gray. The Council shall also establish a charge for the committee and a fiscal policy to be followed.

Section 5. Vacancies. The Town Council shall select an interim Councilor to serve until the next annual municipal election. The Interim Councilor shall serve until a successor is elected to fill the unexpired term.

Section 6. Compensation. Compensation for the Councilors shall be fixed each year at the annual Town meeting and shall be voted upon as a separate article in the Warrant.

Section 7. Induction of Council into Office: Councilors-elect shall be sworn to the faithful discharge of their duties by a notary public or by the Town Clerk at or before the next regular Council meeting.

Section 8. Council to Judge Qualifications of its Members. The Council shall be the judge of the election and qualifications of its members as prescribed in Article II Section 2 and for such purpose shall have power to subpoena witnesses and require production of records, but the decision of the Council in any such case shall be subject to review by the courts.

Section 9. Forfeiture of Office. A Councilor shall forfeit office if, after notice and hearing, during the term of office three (3) members of the Council determine the Councilor:

- A. Lacks at any time any qualifications for the office prescribed in this Charter, or
- B. Willfully violates any express prohibition of this Charter, or
- C. Is convicted of a crime for which the Councilor may be imprisoned for one year or longer, or
- D. Fails to attend three consecutive regular meetings of the Council without being excused for cause by the Town Council.

Said hearing may at either party's request include sworn testimony and the opportunity for cross-examination of witnesses.

Section 10. Regular Meetings. The 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. It shall also provide a method for calling special meetings.

The Town Council shall post an agenda at least seven (7) days prior to regularly scheduled Town Council meetings.

Section 11. Rules of Procedure; Journal. The Council shall determine its own rules of business. A record of the Council's proceedings shall be kept and the records shall be open to public inspection.

Section 12. Chairperson. At the next meeting following the Annual Town Meeting the Council shall elect, by majority vote of the entire Council, one of its members for the ensuing year as Chair and the Council may fill, for the unexpired term, any vacancy in the Office of Chair that may occur. The Chair shall preside at the meetings of the Council, and shall be recognized as head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Chair shall be entitled to vote, and that vote shall be counted upon all matters and things as a vote of other members of the Council. The Council shall elect a Vice Chair from among its members to serve in the absence or disability of the Chair.

Section 13. Quorum. A majority of the Council shall constitute a quorum for the transaction of business. At least three (3) votes shall be required for passage of any ordinance, order or resolution. A smaller 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.

Section 14 - Ordinances in General:

- A. Form: Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be "The Town of Gray hereby ordains..."
- B. Procedure: At least seven (7) days prior to its First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building and shall be published in a newspaper of local distribution. After passage on First Reading, every proposed ordinance or a summary thereof shall be posted in the municipal building for at least seven (7) days prior to the next regular meeting of the Council. At least one Public Hearing, notice of which shall be given at least seven (7) days prior, shall be held by the Council before any ordinance shall be passed, but nothing contained herein shall be deemed to require publication of the ordinance itself. Every ordinance shall be in order for Public Hearing and Second Reading at the next regular meeting of the Council, immediately after the First Reading of the same, but all ordinances may, at the discretion of said Council, be tabled from time to time. After such Public Hearing and Second Reading the Council may adopt the ordinance with or without amendment or reject it; but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to an additional Public Hearing.
- C. Effective Date: Except as otherwise provided in this Charter, every adopted ordinance shall become effective thirty (30) days after adoption or at any later date specified therein.
- D. Emergency Ordinances: To meet a public emergency affecting life, health, property or the public safety, the Council may adopt one or more emergency ordinances. Said emergency ordinances shall contain a section in which the emergency is set forth and defined. Except as otherwise required by state law, no public hearing or notice thereof shall be required prior to the adoption of an emergency ordinance. Within five (5) days after adoption, said ordinance shall be posted at the Town office and other such places as the Council may designate and shall be submitted for publication, at least in summary, in a newspaper having general

circulation in the Town. Every emergency ordinance except one authorizing the issuance of emergency tax anticipation notes shall stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists.

Section 15. Clerk of the Council. In addition to the statutory duties required of the Town Manager, the Town Manager shall act as clerk of the Council and shall keep a public record of all proceedings of the Council, including all votes.

Section 16. Independent Annual Audit. Prior to the end of each fiscal year, the Council shall designate an independent certified public accountant to serve as Town Auditor, who as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the Town government and shall submit the Auditor's report to the Council and the Town Manager within ninety (90) days of the end of the fiscal year. An extension may be granted by the Town Council for cause. Such accountant shall not maintain any accounts or records of the Town business, but shall post-audit the books and documents kept by any office, officer, department or agency of the Town government.