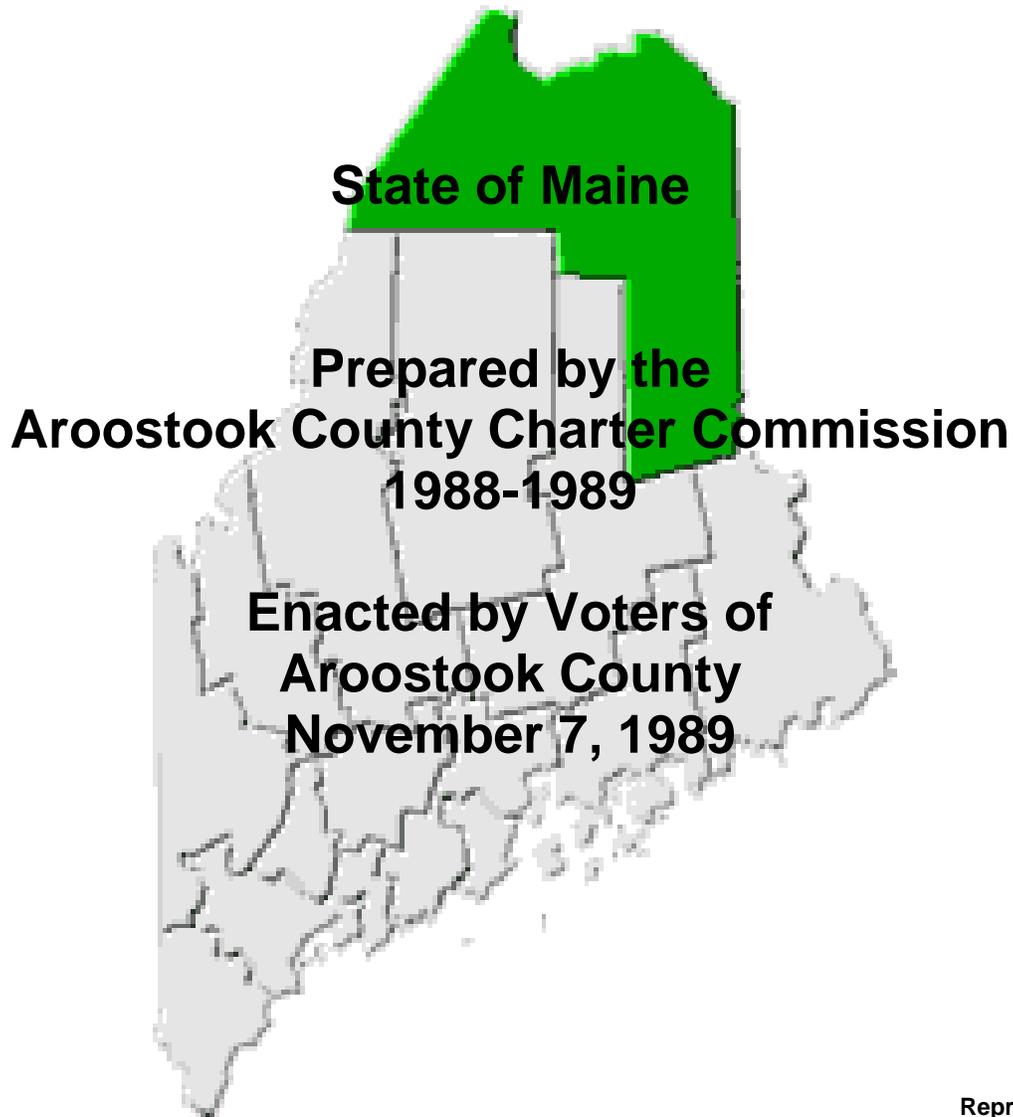


Charter for the COUNTY OF AROOSTOOK



State of Maine

**Prepared by the
Aroostook County Charter Commission
1988-1989**

**Enacted by Voters of
Aroostook County
November 7, 1989**

Reprinted 2005
Amended by Public Law 2003,
Chapter 291



COUNTY COMMISSIONERS 1988 – 2004

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AROOSTOOK COUNTY CHARTER

PREAMBLE

We, the people of Aroostook County, Maine, in recognition of the dual role of the County as an agency of the State and as a unit of local government, and in order to provide for self determination in county affairs to the full extent permissible under the Constitution and laws of the State, by this Charter, confer upon the County the following powers, subject it to the following restrictions, and prescribe for it the following procedures and governmental structures:

ARTICLE I

AUTHORITY

Section 1.

NAME.

The name of the county as it operates under this Charter shall continue to be Aroostook County.

Section 2.

NATURE AND LEGAL CAPACITY.

From the time this Charter takes effect, the County shall continue to be an agency of the State and a body politic and corporate and shall be vested with all rights and powers of local self-government which are now, or hereafter may be, provided by the Constitution and laws of Maine and this Charter.

Section 3.

BOUNDARIES.

The boundaries of the County as it operates under this Charter shall be the boundaries now or hereafter prescribed for the County by the laws of the State.

Section 4.

COUNTY SEAT.

The seat of government of the County as it operates under this Charter shall continue to be the Town of Houlton.

ARTICLE II

POWERS AND DUTIES

Section 1. GENERAL GRANT OF POWERS.

The County shall have those powers granted or allowed by the Constitution and laws of the United States of America and the State of Maine as fully as if each power comprised in that general authority were specifically granted by this Charter.

Section 2. TRANSFER OF POWERS.

Whenever a municipality, special district or agency shall request the performance or transfer of any power, privilege, authority or functions to the County, the Board of County Commissioners has the authority, at its discretion, to exercise said power, privilege, authority or function, except that nothing herein shall be construed to allow said County to levy taxes other than as allowed by law.

Section 3. INTERGOVERNMENTAL COOPERATION.

The Board of County Commissioners may, on such terms as it deems to be in the best interests of the County, arrange by contract for one or more functions of the County to be performed in cooperation with one or more other counties, or for one or more functions of the County to be transferred to and performed by one or more municipalities, special districts or agencies in the County.

Section 4. DIVISION OF POWERS.

This Charter establishes the separation between legislative and administrative functions of county government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Administrator.

Section 5. CONSTRUCTION OF POWERS.

The powers granted by this Charter shall be construed broadly in favor of the charter form of government and toward the end of enabling the county to implement municipal programs and services on behalf of its municipalities, while avoiding the creation of special districts or other legal or administrative entities to accomplish these purposes.

ARTICLE III

BOARD OF COUNTY COMMISSIONERS

Section 1. COMPOSITION.

There shall be a three member Board of County Commissioners which shall be elected from three districts.

Section 2. TERMS.

Each County Commissioner elected shall serve four years, beginning on the first day of January after election, and continuing after such term until a successor is elected and qualified.

Section 3. DISTRICTS.

Aroostook County is divided into the following 3 districts (amended by Public Law 2003, Chapter 291).

A. Commissioner District Number 1, in the County of Aroostook, consists of the minor civil divisions of Amity, Bancroft, Blaine, Bridgewater, Cary Plantation, Crystal, Dyer Brook, Easton, Fort Fairfield, Glenwood Plantation, Hammond, Haynesville, Hersey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Macwahoc Plantation, Mars Hill, Merrill, Monticello, Moro Plantation, New Limerick, Oakfield, Orient, Oxbow Plantation, Penobscot Indian Island Reservation, Reed Plantation, Sherman, Smyrna, Weston, the unorganized territories of Central Aroostook and South Aroostook. The term of office of the county commissioner from this district shall expire in 2006 and every four (4) years thereafter.

B. Commissioner District Number 2, in the County of Aroostook, consists of the minor civil divisions of Ashland, Caribou, Castle Hill, Chapman, Garfield Plantation, Mapleton, Masardis, Presque Isle, Washburn and Westfield and the unorganized territory of Northwest Aroostook. The term of office of the county commissioner from this district shall expire in 2004 and every four (4) years thereafter.

C. Commissioner District Number 3, in the County of Aroostook, consists of the minor civil divisions of Allagash, Caswell, Cyr, Eagle Lake, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, Nashville, New Canada, New Sweden, Perham, Portage Lake, St. Agatha, St. Francis, St. John, Stockholm, Van Buren, Wade, Wallagrass, Westmanland, Winterville and Woodland and the unorganized territories of Connor and Square Lake. The term of office of the county commissioner from this district shall expire in 2004 and every four (4) years thereafter.

Following each decennial census and prior to the next ensuing general election, the Board of County Commissioners shall, following a public hearing, prepare proposed descriptions of said districts to insure division of the county into contiguous areas as nearly equal in population as possible. In this regard, the said Board shall attempt to follow municipal boundaries insofar as possible. The proposed districts shall be submitted to the voters of the County as a proposed charter amendment. No such reapportionment shall disqualify a commissioner from completing the term of office to which that commissioner was elected. The Board of County Commissioners may, of their own initiative, adopt any alternate method of preparing descriptions of districts which is allowed by the Legislature subsequent to the adoption of this Charter.

**Section 4.
QUALIFICATIONS.**

No person shall be eligible to be nominated and elected to the office of county commissioner unless registered to vote in the County and a resident of the district from which nominated and elected. The office of any member of the Board of County Commissioners shall become vacant when the member ceases to be a resident of the district from which elected, ceases to be registered to vote in the County, or for any other cause as provided by this Charter or by the Constitution and laws of the State.

**Section 5.
INCOMPATIBILITY OF OFFICES.**

Except where clearly authorized by law, no commissioner shall hold any other elected municipal or county office or full-time municipal or county employment in this County during a term on the Board of County Commissioners. No former commissioner shall hold any compensated appointive county office or employment until one (1) year after the expiration of the term for which he or she was elected.

**Section 6.
VACANCIES.**

When no choice is effected because no person is elected to a vacant commissioner seat, or a vacancy occurs in the office of county commissioner by death, resignation, removal from the County or for any other reason, the Governor shall appoint a person to fill the vacancy. That person shall hold office until the first day of January following the next biennial election at which a person shall be elected to fill the office. In the case of a vacancy in the term of a commissioner who was nominated by primary election before the general election, the commissioner appointed by the Governor must be enrolled in the same political party as the commissioner whose term was vacant. The person appointed to fill the vacancy shall be a resident of the same district as was his or her predecessor at the time of the predecessor's election.

**Section 7.
COMPENSATION. –**

Salaries of all commissioners shall be two thousand dollars (\$2,000.00) per year. In addition, each commissioner shall receive one hundred dollars (\$100.00) for each

meeting attended for up to fifty-two meetings during the fiscal year. The Board may allow by majority vote the payment of all necessary and proper expenses and travel allowance incurred in the performance of its duties. The Board of Commissioners shall have the power to change the level of compensation provided such change shall not become effective until approved by a majority vote of the Finance Committee.

**Section 8.
POWERS & DUTIES OF BOARD.**

The Board of County Commissioners shall be the policy-determining body of the County. Except as otherwise provided by this Charter, the Board of County Commissioners may exercise all the powers granted to the County by this Charter and by the Constitution and the laws of the State. The Board, in addition to the powers and duties provided elsewhere in this Charter and by law, shall have the specific powers and duties to:

- (a)** Appoint the County Administrator solely on the basis of executive and administrative qualifications, with special reference to the actual experience in, or knowledge of, the duties of the office as set forth in the policies established by the Board and by law. At the time of appointment, the County Administrator need not be a resident of the County, but while in office, the County Administrator may reside outside the county only with the Board's approval. A County Administrator may not hold any other elective or appointed county office, except as provided by 30-A M.R.S.A. § 82. The Board shall determine the compensation of the County Administrator. The County Administrator shall hold office for an indefinite term unless otherwise specified by contract. The Board may, for cause, remove or suspend the County Administrator in accordance with the procedure for removing or suspending a town manager under 30-A M.R.S.A. § 2633. In case of the absence or disability of the County Administrator, the Board may appoint an official of the County to perform the Administrator's duties;
- (b)** Confirm, by a majority vote, the appointment and removal of all department heads. However, neither the Board nor any member shall direct the appointment or removal of any person by the County Administrator. The Board shall deal with administrative services solely through the County Administrator;
- (c)** Create and abolish such independent advisory boards as it may deem necessary to assist it in the performance of its duties and appoint the membership thereof;
- (d)** Participate in the budget process as specified in Article V of this Charter;
- (e)** Apply for private or public grants to fund the construction, creation or continuance of such existing or new county structures, functions or services as the Board shall decide;
- (f)** Cause an annual independent post-audit by a certified public accountant of any and all government operations of the county government, in accordance with Maine Statutes;

- (g) Adopt by a majority vote of the full Board such rules of parliamentary procedure and create such subcommittees as shall be necessary for the orderly transaction of the business of the Board;
- (h) Designate which officials and employees shall be bonded and fix the amount and approve the form of the bond;
- (i) Examine, allow and settle accounts of the money of the County;
- (j) Represent the County;
- (k) Care for the County's property and manage its business;
- (l) By a recorded order, appoint an agent to convey real estate of the County;
- (m) Lay out, alter or discontinue ways;
- (n) Keep the County books and accounts on forms and in a manner approved by the Department of Audit;
- (o) Have final authority over the operation of all County offices by elected or appointed county officers. The Board must act as a board and not on an individual basis in exercising this authority;
- (p) Borrow funds in accordance with state statutes; and
- (q) Perform all other duties required by law.

**Section 9.
ORGANIZATION.**

At the annual organization meeting of the Board of County Commissioners, which shall be held on the first Tuesday after the first Monday in January of each year, the Board shall elect from among its members a chairman to a one year term. The chairman shall preside over the meetings of the Board, have a vote on all questions before it, have authority to preserve order at Board meetings, enforce the rules of the Board, and determine the order of business under the rules of the Board.

**Section 10.
MEETINGS.**

(a) Regular Meetings. The Board shall meet regularly and publicly in the County at least once each month. The Board shall provide for the manner, time and place for holding all regular Board meetings, except that public notice of the time and place of each regular meeting shall be given at least seven days before the meeting. A regular meeting shall be scheduled and held in each commissioner's district at least every calendar quarter.

(b) Quorum. Two commissioners constitute a quorum. When fewer attend, they may adjourn to a convenient time and place. When no commissioner attends, the clerk may adjourn the meeting. No action of the Board shall be effective unless approved by at least two commissioners in attendance.

(c) Special Meetings. Special meetings may be called by the chairman or at least two members of the Board. Upon a call for a special meeting, public notice shall be given of the time, place and purpose of the meeting in accordance with the procedures established by the Board in its rules.

Actions of the Board at special meetings on matters not included in the notice of the meetings shall not be effective until approved at a regular meeting or at a special meeting for which the action was included in the notice. Any policy decisions made by the Board at meetings other than regular meetings shall be recorded in the minutes of the next regular meeting following the decision. At regular meetings, actions need not be limited to the posted agenda.

**Section 11.
RECORDS.**

The Board of County Commissioners shall cause a public record of its proceedings to be kept, which such records shall be transcribed and maintained by the Clerk. Upon the request of a member of the Board, the individual votes on a question before the Board shall be recorded.

ARTICLE IV

ADMINISTRATION

Section 1. GENERAL PROVISIONS.

All functions and duties required of the County or county officials by the Constitution or law and permitted by this Charter shall be the responsibility of the Board of County Commissioners. Duties and functions shall be distributed among such departments, offices and agencies as the Law, the Board or this Charter may establish. The departments, offices and agencies shall exercise their functions under the direction and the supervision of the County Administrator, subject to the approval and control of the Board.

Section 2. COUNTY ADMINISTRATOR.

(a) Administration. The County Administrator is the chief administrative official of the County and is responsible for the administration of all departments and offices controlled by the Board. The County Administrator shall act as the Clerk of the County. The County Administrator shall act as purchasing agent for all departments and offices of the County, although the Board may require that all purchases greater than a designated amount must be submitted to sealed bid. The County Administrator shall attend all meetings of the Board, except when the County Administrator's removal or suspension is being considered. The County Administrator shall keep the Board, the County legislative delegation and the County Finance Committee informed as to the financial condition of the County and shall collect all data necessary to prepare the budget.

(b) Other Authority. Unless otherwise specified by law or by this Charter, all administrative officials and employees of the County, other than elective administrative officers, shall be appointed by the County Administrator, subject to confirmation by the Board. The functions of each administrative official and employee of the County shall be prescribed by the County Administrator, in conjunction with the Board. The qualifications for an appointed office or position of the County shall be as prescribed by the Board.

Section 3. ELECTED OFFICIALS.

The Treasurer, Sheriff, Registers of Deeds, District Attorney, Judge of Probate and the Register of Probate, until such time as said offices are no longer elective, shall continue to be elective pursuant to the Constitution and laws of the State of Maine. Their respective offices shall be under their supervision and control as provided by the law, except that all actions relating to personnel, fiscal matters and general administration of the County shall be accomplished in cooperation with the County Administrator.

Section 4.
CHANGES IN DEPARTMENTS.

The Board may, from time to time, establish additional administrative departments, combine any two or more administrative departments into a single department, separate departments thus combined, abolish any administrative department and prescribe the duties and functions of any administrative department. Any function of a County official or agency prescribed by law but not allocated to any county official or agency shall be allocated to a county official or agency by the Board.

ARTICLE V

AROOSTOOK COUNTY FINANCE COMMITTEE

There is established a Finance Committee to carry out the purposes of this article.

Section 1. MEMBERSHIP.

The Finance Committee shall consist of nine members, three members from each commissioner district elected as provided in this subsection. The Board shall designate three district subdivisions within each district from each of which one member of the Finance Committee shall be elected.

(a) Finance Committee members shall be elected on the Tuesday following the first Monday of November in each even-numbered year. The election shall be conducted and the results determined as provided for the election of County Commissioners in 30-A M.R.S.A. § 61.

(b) No person shall be eligible to be nominated and elected to the Finance Committee unless registered to vote in the County and a resident of the subdistrict from which nominated and elected. The office of any member of the Finance Committee shall become vacant when that member ceases to be registered to vote in the County, or for any other cause as provided by this Charter or by the Constitution or laws of the State.

(c) Before the first election of Finance Committee members, the Board shall designate five district subdivisions for which members of the Finance Committee shall serve initial terms of four years, and four district subdivisions for which members of the Finance Committee shall serve initial terms of two years. All subsequent terms are for four years. The Board shall reapportion these subdivisions after each Federal Decennial Census.

(d) The Finance Committee shall annually elect a chairperson from among its members.

(e) A vacancy occurring on the Finance Committee shall be filled by the committee, subject to confirmation by a majority of the Board, for the balance of the unexpired term. The person appointed to fill the vacant office must be from the same municipality or unorganized territory as the person vacating the office.

(f) Members shall serve without compensation.

(g) The Finance Committee shall review and approve the budget and estimates, including the budget for municipal services in the unorganized territory prepared by the Board.

Section 2.
FINANCE COMMITTEE ORGANIZATION.

The Finance Committee shall conduct its meetings in public at county buildings. The Board shall direct the County Clerk to call an organizational meeting of the Finance Committee no later than sixty days before the end of the County's fiscal year. The Board shall provide the Committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information. The Finance Committee shall select its own chairperson, vice-chairperson and secretary. The Finance Committee shall adopt its own rules or procedures and bylaws.

Section 3.
BUDGET PROCEDURES.

(a) Proposed Budget. The Board shall submit itemized finance estimates, as described in 30-A M.R.S.A. §§ 701, 702 and 7503, in the form of a budget, to the Finance Committee in a timely fashion, no later than 60 days before the end of the County's fiscal year.

(b) Budget review process. The Finance Committee shall review the itemized estimated budget prepared by the Board, together with any supplementary material prepared by the head of each county department or provided by any independent board or institution or another governmental agency. The Finance Committee shall prepare a proposed budget and may increase, decrease or alter the estimated budget provided that:

(i) The Finance Committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues as initially presented by the Board; and

(ii) In the proposed budget, the total estimated revenues, together with the amount of county tax to be levied, equals the total estimated expenditures.

(c) Public hearing. The Finance Committee shall hold a public hearing in the County on its proposed budget before the end of the County's fiscal year and before the final adoption of the budget. Notice of the hearing shall be given at least ten days before the hearing in all newspapers of general circulation within the County. Written notice and a copy of the proposed budget shall be sent by mail, or delivered in person, to the clerk of each municipality in the County. Each municipal clerk shall notify the municipal officials of the proposed budget.

(d) Finality of budget. After the public hearing is completed, the Finance Committee shall adopt a final budget and transmit that budget to the Board. The Board shall not further increase, decrease, alter or revise the budget as adopted by the Finance Committee, except by unanimous vote of the Board. If the adopted budget is changed by the Board, the Finance Committee may reject that change by a two-thirds vote of its membership. Those actions shall be final and not subject to further action by either the Board or Finance Committee.

(e) Assessment of taxes. The budget as so adopted and changed under subsection (d) is the final authorization for the assessment of county taxes. The approved final budget shall be sent to the Board and the county tax authorized shall be apportioned and collected in accordance with 30-A M.R.S.A. § 706. The approved final budget for the unorganized territories shall be sent to the State as provided by 30-A M.R.S.A. § 7503.

(f) Interim budget. Until a budget is finally approved, the County shall operate on an interim budget which shall not exceed the previous year's budget.

(g) Transfer of funds. The Board may transfer funds as provided in 30-A M.R.S.A. § 922.

(h) Fiscal Year. The fiscal year of the County shall be January 1 through December 31, but the Board may change the fiscal year in accordance with State law.

Section 4. BUDGET AMENDMENTS.

The approved final budget shall govern the expenditures of the County during the fiscal year. No expenses may be incurred in excess of those shown in the approved final budget, but the budget may be, from time to time, revised by the preparation and submission of a proposed amended budget by the Board to the Finance Committee for approval. Only after the Finance Committee has approved an amended approved final budget shall the amendment become effective. A report of approval of an amended budget shall be transmitted to the State Auditor within fifteen days of an approval of an amended budget by the Finance Committee.

Section 5. FILING OF COUNTY BUDGET.

A copy of the approved final budget and subsequent amendments shall be filed on forms approved by the Department of Audit with the State Auditor, who shall retain them for three years.

Section 6. DISTRICT SUBDIVISIONS.

The District subdivisions shall be as follows:

DISTRICT I

Area 1: Amity, Bancroft, Cary Plantation, Crystal, Dyer Brook, Glenwood Plantation, Hammond, Haynesville, Hersey, Hodgdon, Island Falls, Linneus, Macwahoc Plantation, Merrill, Moro Plantation, Oakfield, Orient, Oxbow Plantation, Reed Plantation, Sherman, Smyrna, Weston, and the unorganized territories of Central Aroostook and South Aroostook.

Area 2: Houlton, Littleton, Ludlow, New Limerick.

Area 3: Blaine, Bridgewater, Easton, Fort Fairfield, Mars Hill, Monticello.

DISTRICT II

Area 4: Ashland, Castle Hill, Chapman, Garfield Plantation, Mapleton, Masardis, Westfield, Washburn and the unorganized territory of Northwest Aroostook.

Area 5: Presque Isle.

Area 6: Caribou

DISTRICT III

Area 7: Woodland, Limestone, Caswell, Cyr Plantation, Hamlin, Van Buren, Grand Isle and the unorganized territory of Connor.

Area 8: Allagash, Eagle Lake, Frenchville, Nashville Plantation, New Canada, New Sweden, Perham, Portage Lake, St. Agatha, St. Francis, St. John Plantation, Stockholm, Wade, Wallagrass, Westmanland, Winterville Plantation and the unorganized territories of Sinclair and Square Lake.

Area 9: Fort Kent and Madawaska.

ARTICLE VI

ELECTIONS

Section 1. NOMINATION AND ELECTION OF COUNTY OFFICERS; VACANCIES.

Except as this Charter provides to the contrary, the manner of nominating and electing county officers and the filling of vacancies shall be the manner now or hereafter prescribed by the laws of the State for nominating and electing county officers in general.

Section 2. PARTISAN ELECTIONS.

No provision of this Charter or orders adopted under its authority shall alter the partisan nature of the nomination and election of the Judge of Probate, District Attorney, Sheriff, Registers of Deeds, Register of Probate and Treasurer, except as they may be amended by the laws of the State.

Section 3. NOMINATION AND ELECTION OF COUNTY COMMISSIONERS.

The manner of nominating and electing candidates for County Commissioner shall be the manner now or hereafter prescribed by the laws of the State for the conduct of partisan nominations and elections.

Section 4. FINANCE COMMITTEE.

The Finance Committee shall be selected in accordance with Article V, Section 1 of this Charter.

Section 5. ELECTIONS ON COUNTY REFERENDA.

Except as this Charter or legislation enacted pursuant to it provides to the contrary, the manner of conducting an election on referendum questions concerning the County shall be the manner prescribed by the laws of the State for an election in the County on any proposition.

ARTICLE VII

GENERAL PROVISIONS

Section 1. AMENDMENTS.

This Charter may be amended pursuant to the laws of the State of Maine.

Section 2. EXISTING LEGISLATION.

All legislation affecting the County consistent with this Charter and in force when it takes effect shall continue to be effective within the County until amended or repealed.

Section 3. EFFECT ON COUNTY REGULATIONS.

All existing orders, regulations, rules and resolutions of the County shall remain operative except where inconsistent or in direct conflict with this Charter or repealed or amended by the Board of County Commissioners.

Section 4. EXISTING CONTRACTS AND BONDS.

All rights, actions, proceedings, prosecutions and contracts of the County 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. All outstanding bonds issued by former governments, including the Board of County Commissioners of Aroostook County and all special districts or authorities abolished or altered under this Charter, are obligations of the County government. However, payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not become effective.

Section 5. CONTINUATION OF OFFICERS, EMPLOYEES.

(a) Rights and Privileges Preserved. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are County officials or employees at the time of its adoption.

(b) Continuance of Office or Employment. Except as specifically provided by this Charter, if, at the time this Charter takes full effect, a county administrative officer or employee holds any office or position which is or can be abolished by or under this

Charter, the person shall continue in such office or position until the taking effect of some specific provision under this Charter directing that this person vacate the office or position.

Section 6.
SEVERABILITY.

If any part of this Charter is finally determined by a court of competent jurisdiction to be unconstitutional or invalid, the remainder thereof shall remain in full force and effect.

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