



**CHARTER REVIEW COMMISSION
PUBLIC MEETING NOTICE
FEBRUARY 23, 2021
6:00 PM**

This meeting will be held remotely via Zoom.

Register in advance for this webinar:

https://ogunquitpd-org.zoom.us/webinar/register/WN_y_RrQCSGQQiu_FSuEYKinQ

After registering, you will receive a confirmation email containing information about joining the webinar.

Telephone: 929 436 2866 or 312 626 6799

Webinar ID: 831 5008 8442

AGENDA

1. CALL TO ORDER / ROLL CALL

2. OLD BUSINESS

Agree to defer consideration of the Minutes of February 16, 2021.

3. NEW BUSINESS

The purpose of this meeting is to solicit public input at an alternative time to the Commission's usual meeting schedule. Circulated with this Agenda is a summary of public comments received to date. Below are topics identified by members of the Commission to help start discussion: it is not intended as an exclusive list.

Preamble

Should the Preamble include a statement of values / vision statement reflecting our aspirations more fully?

Article II – Town Meetings

202 – What are your views on qualification of voters / definition of resident voters?

203.1 – Select Board and Budget Review Committee (BRC) members are limited to 2 consecutive terms with a one year “break”. Do you agree that a partial term of any length should count as a full term for a Select Board / BRC member? Is a break of one year sufficient?

203.1 – Should the Planning Board also be elected (Article VIII) and subject to the term limit provisions of this section?

Article III – Select Board

309.3 – How can we better resolve the issue of partial terms (vacancy occurring more than 70 days before the next Town Meeting)?

Article IV – Town Manager

405 – What are your views on the description of the powers and duties of the Town Manager?

Article V – Financial Procedures

503.6 – When the Select Board and BRC recommend different amounts for a department or CIP item, should the voters be presented with both dollar amounts, the prior year's funding level, and the option not to fund? Alternatively, should the warrant only include the Select Board's recommended dollar amount, the BRC's vote and the option not to fund?

Article VIII – Boards, Committees and Commissions

801 – Is the provision enabling property owners who are not registered voters or full-time residents of the Town to be members of appointed Boards, Committees and Commissions adequate to ensure that they are able to have a voice in matters that have a direct impact on them?

802 – Does this adequately and accurately describe the relationship between the Select Board and the BRC?

802.3 – when should the one year term for Committee or Board alternates expire?

General

- What should be in our Charter that isn't?
- The Town of Ogunquit has a Code of Ethics for Boards and Committees (approved by the Select Board in 2018) and a separate Code of Ethics for the Select Board (adopted by the then serving members of the Select Board, also in 2018). Should elected officials, town employees, contractors and volunteers pledge annually to comply with the Town's Code of Ethics and should this include the use of social media?
- How should the Code of Ethics be enforced?
- How should the Charter be enforced? What penalties should the Charter include for non-compliance?

4. ADJOURNMENT

Ogunquit Charter Review Commission – Public Comments by Topic

Updated February 17, 2021

General

Update and streamline the Charter, use plain language, make it an easy reference document and minimize ambiguities that lead to different interpretations. (Statutory Public Meeting 9/2/2020)

Put “teeth” into the Charter – specify consequences when it is violated. (Statutory Public Meeting 9/2/2020)

There is no provision for enforcement or consequences if ethics are breached. If a Board member is misbehaving, a member of the public has to speak, and people are reluctant to do so. (Meeting 2/02/2021)

Include “Definitions” page but call it Glossary / Glossary of Terms and put it after the Table of Contents. *[Note – I assume the writer means “immediately after”, as it will follow in any case.]*

Links to other documents – distinguish between links to Maine State law and references to a local ordinance / Town website document / map

Adopt Terry Ann’s suggestion of criteria for each section: purpose; whether broad governance or better dealt with by ordinance / administrative procedure; be more or less specific; in conflict with State law; how implemented. Secretary to prepare a list of points as discussion framework.

Review Municipal Ordinances (if falls within CRC’s remit to do so). (Statutory Public Meeting 9/2/2020)

Post all Town policies / ordinances on the Town website. (Statutory Public Meeting 9/2/2020)

Limit the number and variety of signs which political candidates can put up and specify areas where signs cannot be posted (2 comments on this point.) (Statutory Public Meeting 9/2/2020; email to the Town CRC mailbox 11/15/2020)

It’s good to have discussion of a vision statement. (Meeting 2/04/2021)

Article 1 – Grant of Powers to the Town

On the basis that the “list” approach is retained:

New Explain how Departments other than those included in the list are established and maintained, e.g., Public Works (email to Secretary 9.14.2020, circulated to CRC)

102.6 After “necessary” add “for the efficient operation of the Town” (email to Secretary 9.14.2020, circulated to CRC)

102.9 Delete “Widen, deepen, extend and” (email to Secretary 9.14.2020, circulated to CRC)

Article 2 – Town Meetings

203.1 Eliminate term limits (email to Chairman, read at 9.15.2020 meeting)

203.1 Do not eliminate term limits as this provision was recently agreed by voters

- 203.1 Specify that term limits include any term or portion of a term of office.
- 203.1 When a vacancy is filled for 12 months or less, this should not be considered as a term served (e.g., filling a vacancy for 2 -3 months should not count towards term limits) (email to OGT CRC mailbox 2.04.2021)
- 203.3 Domicile shall be defined as: That place where an individual has his/her true, fixed and permanent home and principal establishment and to which whenever he/she is temporarily absent has the intention of **will** returning. **Or returns** The word "intention" could mean an individual living in another jurisdiction for 10 years yet still be able to vote absentee in OGT because of an "intention" to return some day in the future. Doesn't make sense. (email to Secretary 9.14.2020, circulated to CRC)
- 203.3 Can someone register to vote in Ogunquit in June and then go to Florida in October and register to vote there? (Meeting 10/20/2020)
- 204 After second paragraph, identify relevant State statutes (email to Secretary 9.14.2020, circulated to CRC)
- 206 Final sentence: are quotation marks necessary – if the Select Board "unreasonably refuses" to place a petitioned article on the warrant? Should "unreasonably refuses" be defined? (email to Secretary 9.14.2020, circulated to CRC)

Article 3 – Select Board

- 301 We only need to have 5 Select Board members: to add an alternate or have more than 5 is ludicrous. (email to OGT CRC mailbox 2.04.2021)
- 302 Revisit CRC straw poll decision not to add length of residency / experience on other local public bodies to criteria for Select Board candidates (email to the Town CRC mailbox, 11/16/2020)
- 307 Why would the Charter give the Select Board Chair the special and unique and singular authority of "enforcement of the Select Board Code of Ethics?" Why would the Charter give the Select Board Chair the special and unique and singular authority of "enforcement of the Select Board Code of Ethics?" And, what if the "enforcement" involves infractions by the Chair? (email via Town CRC mailbox, 11/30/2020)
- 308.4 Review use of Robert's Rules – are they still relevant? [also 801.B] (email to Chairman, 9/25/2020)
- 308.4 Are Select Board members required to complete FOA training and if so, is a signed certificate issued?
- 309.2D Include excused/unexcused absences in glossary / definitions section (Meeting 1/5/2021)
- 309.2D Consider whether to inform the public of the reason for an excused absence and whether to record this in the Minutes (Meeting 1/5/2021)

309.2D Set a limit on the number of meetings which can be missed (whether excused or unexcused) before a Select Board member is required to resign as being unable to perform their duties. This would improve accountability. (email to OGT CRC mailbox 2.04.2021)

310.16 Is the Information Packet still necessary when there is so much information available on the Town website? (Meeting 1/5/2021) *NOTE: Town Clerk recommends retaining, language being clarified.*

Article 4 – Town Manager

402.2 Review Town Manager selection process. (email to Chairman, read at 9/15/2020 meeting) (also Agenda item at 10.6.2020 meeting – Fred Lynk in attendance)

5.2 The Town Manager process should be streamlined (Statutory Public Meeting 9/2/2020)

Article 5 – Financial Procedures

503.1 It's redundant to add the BRC to this section as provision is already made for the Town Manager to receive input from all Chairpersons: why single out the BRC? (Meeting 2/02/2021)

504.2 Delete: \$25K is too large an amount to transfer to another CIP through an internal administrative procedure. The Select Board should not override the voters (Meeting 1/19/2021)

506 Change wording in last paragraph to read "on receipt of the audit" as the Town does not have the option to accept or reject it and add wording to refer to "the Management Letter which will be published on the Town website". (*NOTE: Done.*) (Meeting 1/19/2021)

506 The entire audit, rather than an abbreviated version, should be included in the Annual Town Report. This was previously the custom. (Meeting 1/19/2021)

General: Would the format used in the York budget referendum showing the votes of their Budget Committee and Select Board, as well as a statement of fact and a description of what a yes vote and a no vote provide, be appropriate for Ogunquit? (email to OGT CRC mailbox 2/11/2021).

Article 8 – Boards, Committees and Commissions

801 Preclude non-resident Board members from serving as Chair and consider making their role advisory only (email to Chairman, read at 9/15/2020 meeting)

801.B Review use of Robert's Rules – are they still relevant? (email to Chairman, read at 9/15/2020 meeting)

802.3 Add language to this section clarifying provisions for alternates filling empty seats mid-term
Terms for Boards and Committees should end with the end of the fiscal year, with specific powers for the Select Board to extend terms until the next scheduled election. [Note: arises from issues related to postponing the June 2020 Town Meeting.] (Statutory Public Meeting 9/2/20)

804 Reinstate original recall language (email to Chairman, 9/25/2020)

New Create a Town Planning Committee to identify buildable land, conservation land and formulate a strategy for future use (email to Chairman, read at 9/15/2020 meeting)