

KNOX COUNTY CHARTER

PREAMBLE

We, the people of Knox County, Maine, 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 – THE COUNTY

Section 1. NAME.

The name of the county under this Charter shall continue to be Knox County.

Section 2. BOUNDARIES.

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

Section 3. COUNTY SEAT.

The seat of government of the County under this Charter shall continue to be the City of Rockland.

ARTICLE II – POWERS OF THE COUNTY

Section 1. POWERS.

The County shall have all 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 were specifically enumerated in this Charter.

Section 2. TRANSFER OF POWERS.

Whenever a municipality, special district or agency in the County shall request the performance or transfer of any power, privilege, authority or function by or to the County, the County may, at its discretion, exercise

such power, privilege, authority or function, except that nothing herein shall be construed to allow the County to levy taxes other than as allowed by law.

Section 3. INTERGOVERNMENTAL COOPERATION.

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

Section 4. CONSTRUCTION OF POWERS.

The powers under this Charter shall be construed broadly in favor of the County and toward the end of enabling the County to implement 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 – COUNTY COMMISSION

Section 1. POWERS AND DUTIES.

All powers of the County shall be vested in and exercised by the County Commission, except as otherwise provided by law or this Charter. The County Commission shall provide for the performance of all duties imposed on the County by law or this Charter.

Section 2. COMPOSITION.

The County Commission shall be composed of three members, who shall be called “commissioners.” Each commissioner shall be elected by and represent the voters of one of three districts, as provided in Section 6 of this Article.

Section 3. ELIGIBILITY; ELECTION; TERMS.

- a. Eligibility; residence.** Each commissioner must be a registered voter of the County and must be a resident of the district that he or she represents.
- b. Election.** The regular election of County commissioners shall be held on the Tuesday following the first Monday of November in each even-numbered year. The method for receiving and counting votes for commissioners shall be conducted in the manner provided by law for the election of State Representatives.

- c. **Terms.** Each regularly elected commissioner shall serve a term of four years, from the first day of January following his or her election.

Section 4. INCOMPATIBLE OFFICES.

No commissioner shall hold any other elected municipal or county office or full-time municipal or county employment during his or her term of office. No former commissioner shall hold any compensated appointive county office or employment until one year after the expiration of the term for which he or she was elected.

Section 5. VACANCIES; MILITARY SERVICE.

- a. **Vacancies.** When a vacancy occurs in a commissioner office by death, resignation, permanent incapacity or forfeiture of office, the Governor shall appoint a person eligible under Section 3.a. of this Article to fill the vacancy in accordance with Title 30-A M.R.S.A. §63. Forfeiture of office occurs when a commissioner is no longer eligible under Section 3.a. of this Article. The appointed person shall hold office until the thirty-first day of December following the next biennial election at which a person is elected to fill the office.

- b. **Military Service.** Whenever a county commissioner, during his or her term of office, enlists or is inducted or ordered into the military service of the United States, that commissioner's office is not deemed to be vacant. That commissioner's term of office is not lengthened because of entry into military service. The commissioner shall be regarded as on leave of absence without pay from the time of entry into military service. The Governor shall appoint a person eligible under Section 3.a. of this Article to fill the office while the commissioner remains in military service, but for a period no longer than the commissioner's remaining term, in accordance with Title 30-A M.R.S.A. §64.

Section 6. DISTRICTS; INITIAL TERMS; APPORTIONMENT.

- a. **Districts.** On the effective date of this Charter, three districts shall be designated and described as follows:

- District 1.** District 1 shall consist of the municipalities of Owls Head, Rockland, Rockport and South Thomaston.

District 2. District 2 shall consist of the municipalities of Cushing, Friendship, St. George, Thomaston and Warren.

District 3. District 3 shall consist of the municipalities of Appleton, Camden, Hope, Isle au Haut, Matinicus Isle Plantation, North Haven, Union, Vinalhaven and Washington and the unorganized territory of Criehaven.

b. Initial Terms. On the effective date of this Charter, the initial term of office of:

(1) the commissioner representing District 1 shall expire on December 31, 2006;

(2) the commissioner representing District 2 shall expire on December 31, 2008; and

(3) the commissioner representing District 3 shall expire on December 31, 2008.

c. Apportionment. Pursuant to Maine law, the boundaries of county districts are reviewed by an apportionment commission every ten years. Such review may necessitate reapportionment of districts within the County to establish equally populated districts as nearly as practicable. Any such reapportionment of districts will be codified in Maine statutes, without the need for amendment to this Charter. The County Commission will notify the clerk of each municipality in the County of the results of such reapportionment. No reapportionment resulting from the activities of an apportionment commission shall disqualify any commissioner from completing the term of office to which he or she was elected.

Section 7. ORGANIZATION; CHAIR.

The County Commission shall hold an organizational meeting on the second Tuesday in January each year. At this meeting, the Commission shall elect from among its members a Chair, to serve for one year. The Chair shall preside at Commission meetings and shall have the same vote on all questions as each of the other commissioners.

Section 8. COMPENSATION.

Annual salaries of county commissioners shall be in accordance with amounts approved in the county budget.

Section 9. DUTIES AND RESPONSIBILITIES OF THE COMMISSION.

The County Commission shall be the policy-making body of the County. In addition to the powers and duties provided elsewhere in this Charter and by law, the Commission shall perform the following specific duties and responsibilities:

- (a) Select and appoint a County Administrator, as described in Article IV of this Charter, solely on the basis of executive and administrative qualifications, with special reference to actual experience in and knowledge of the duties of the office. At the time of appointment, the County Administrator need not be a resident of the County, but while in office, he or she may reside outside the County only with the Commission's approval. The Commission shall determine the compensation of the County Administrator, who shall hold office for an indefinite term unless otherwise specified by contract. The Commission may remove or suspend the County Administrator, for cause, in accordance with the procedure for removing or suspending a town manager under Title 30-A M.R.S.A. §2633. The Commission may also appoint another county official to perform the County Administrator's duties in case of his or her absence or disability.
- (b) Create such independent advisory committees as it deems necessary to assist it in the performance of its duties, including, but not limited to, a committee to advise on the selection of a County Administrator.
- (c) Exercise administrative responsibilities through the County Administrator. Confirm the appointment and removal of all unelected department heads. However, neither the Commission nor any individual commissioner shall direct the County Administrator either to appoint or remove any person to or from any county office.
- (d) Apply for private or public grants to fund County functions or services.
- (e) Adopt such rules of procedure as deemed necessary for the orderly transaction of the Commission's business.

- (f) Designate those county officials and employees who shall be bonded and fix the amount and approve the form of the bond.
- (g) Exercise final authority over the operation of all county departments and offices by both elected and appointed county officers.
- (h) Borrow funds in accordance with state statutes.
- (i) Hear and determine appeals by county employees of discharges, suspensions and other disciplinary actions.
- (j) Adopt policies to insure open communications for exchanging information with municipal and other governmental officials and for disseminating information to the public.
- (k) Adopt policies for purchasing supplies and services for the county, including requirements for using sealed bids for certain purchases.
- (l) Perform all other duties required by law.

Section 10. MEETINGS.

- a. Regular Meetings.** The Commission shall meet regularly at least once each month. Commission meetings shall be open to the public and notice of the time and place of each regular Commission meeting shall be given at least seven days before the meeting.
- b. Special Meetings.** The chairman or at least two commissioners may call special meetings. 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 Commission in its rules.
- c. Quorum.** Two commissioners constitute a quorum at any meeting. No action of the Commission shall be effective unless approved by at least two commissioners in attendance. At regular Commission meetings, the Commission may take action on matters not included in the notice of the meeting. However, actions of the Commission at special meetings on matters not included in the notice of the meeting shall not be effective unless ratified at the next regular Commission meeting following the decision.

Section 11. RECORDS.

The Commission shall cause a public record of its proceedings to be kept and maintained by the County Administrator or his or her designee. Individual votes on any question before the Commission shall be recorded.

ARTICLE IV – ADMINISTRATION

Section 1. GENERAL PROVISIONS.

Administrative duties and functions shall be distributed among such departments and offices as may be established by the Commission or as provided in this Charter. County departments and offices shall exercise their functions under the direction and supervision of the County Administrator, subject to the approval and control of the Commission.

Section 2. COUNTY ADMINISTRATION.

- 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 Commissioner. The County Administrator shall:
- (1) Assure that all policies, rules and regulations made by the County Commission are faithfully executed;
 - (2) Attend all Commission meetings, except when his or her removal or suspension is being considered;
 - (3) Assure that all duties and responsibilities assigned by law to the Clerk of the County are properly performed;
 - (4) Act as purchasing agent for all County departments and offices;
 - (5) Direct and supervise the operation of all County departments and offices;
 - (6) Keep the Commission and the Budget Committee informed as to the financial condition of the County;
 - (7) Collect all necessary financial information and prepare and submit to the County Commission an annual itemized estimated budget; and
 - (8) Communicate and exchange information with administrative officials in all municipalities, special districts and agencies in the County in accordance with policies adopted by the County Commission.

The County Administrator may not hold any elective county office.

- b. Other Authority.** Unless otherwise provided by law or by this Charter, the County Administrator shall appoint all administrative officials and employees of the County, other than elected officials. However, the appointment of department heads shall be subject to confirmation by the Commission. The functions and duties of each administrative official and employee of the County and the qualifications for each appointed county office or position shall be prescribed by the County Administrator, subject to the advice and approval of the Commission. Personnel administration shall be under the direction of the County Administrator or his or her designee; provided, however, that appeals from personnel actions may be taken to the Commission by aggrieved employees for resolution.

Section 3. FINANCIAL MANAGEMENT.

The County Treasurer, reporting to the County Administrator, shall perform all financial management functions and duties of the County. In addition to the duties prescribed by Title 30-A M.R.S.A. §§171-174 and §§181-183, the County Treasurer shall be responsible for all financial management duties specified by the County Administrator from time to time. Such duties may include, among other things, the establishment and implementation of accounting systems and procedures for budgeting, recording, tracking, and reporting all financial transactions of the County and of each of its departments and offices.

The incumbent County Treasurer shall continue to serve as County Treasurer for the remainder of the term for which he or she was elected at the salary approved in the county budget. Upon the expiration of the term for which the incumbent County Treasurer was elected, the office of County Treasurer will become an appointed full-time position, for which the incumbent Treasurer may apply.

Section 4. REAL ESTATE RECORDS REGISTRY.

The Register of Deeds shall record, index, maintain, verify and reproduce, as needed, all deeds, records and other instruments affecting real estate within the County in accordance with Title 33 M.S.R.A. Chapter 11 and other applicable laws.

The incumbent Register of Deeds shall continue to serve as Register for the remainder of the term for which he or she was elected at the salary approved in the county budget. Upon the expiration of the term for which the incumbent Register of Deeds was elected, the office of Register of Deeds will become an appointed full-time position, for which the incumbent Register may apply.

Section 5. ELECTED OFFICIALS.

The Sheriff, District Attorney, Judge of Probate and Register of Probate shall continue to be elected pursuant to the Constitution and laws of the State of Maine. Their respective departments and offices shall remain under their supervision and control as provided by the law, except that all activities relating to personnel management, financial management, and general administration of the County shall be accomplished in cooperation with the County Administrator or his or her designee.

Section 6. CHANGES IN DEPARTMENTS OR OFFICES.

On the effective date of this Charter, County departments and offices consist of: Airport; Building Maintenance; Communications; County Commission office; County Treasurer; District Attorney office; Emergency Management; Probate Court; Registry of Deeds; and Sheriff's Department, including County Correctional Facility.

The County Commission may, from time to time, establish additional administrative departments or offices, combine any two or more administrative departments or offices into a single department or office, separate departments or offices thus combined, abolish any administrative department or office and prescribe the duties and functions of any administrative department or office.

ARTICLE V – BUDGET PROCEDURES

Section 1. FISCAL YEAR.

On the effective date of this Charter, the County's fiscal year is and shall continue to be the calendar year. After notice and public hearing, the Commission may adopt either a July 1st to June 30th or an October 1st to September 30th fiscal year, without amending this Charter. When changing the County's fiscal year, the Commission may, for transition purposes, adopt one or more fiscal years no longer than 18 months each.

Section 2. BUDGET COMMITTEE.

A Knox County Budget Committee, is established to carry out the purposes of this article. The Budget Committee shall consist of nine members, who are elected from districts defined in Section 8 of this Article. The Budget Committee shall review the itemized estimated budget, as prepared by the County Administrator and submitted by the Commission, and shall, after a public hearing, approve a final budget.

Section 3. ELECTION; ELIGIBILITY; TERM.

- a. Election.** Nominations for the office of Budget Committee member shall be nonpartisan and be made by petition. The signatures of at least 25 voters in a district must be obtained on the petition for a candidate from that district and it is not necessary for any candidate to verify that he or she is not enrolled in a party. Budget 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 Title 30-A M.R.S.A. § 61.
- b. Eligibility.** No person shall be eligible to be nominated and elected to the Budget Committee unless registered to vote in the County and a resident of the district from which nominated and elected.
- c. Term.** Except as provided in Section 8 of this Article, each Budget Committee member shall serve a term of four years, beginning on the Tuesday after the first Monday in January in the year following his or her election. Budget Committee members serve without compensation.
- d. Vacancies.** The office of any member of the Budget Committee shall become vacant when that member ceases to be registered to vote in the County, or for any of the reasons mentioned in Section 5 of Article III of this Charter. Entry into active military service, whether voluntary or involuntary, shall be deemed to create a vacancy. A majority of budget committee members shall fill any vacancy on the committee by appointment for the balance of the unexpired term, subject to confirmation by the County Commission. The person appointed to fill the vacant office must be from the same municipality or unorganized territory as the person vacating the office.

Section 4. ORGANIZATION; MEETINGS; QUORUM.

- a. Organization.** The Budget Committee shall hold an organizational meeting at any time after the second week of January each year, but no later than sixty days before the end of the County's fiscal year. At this meeting the Committee shall select from among its members, a chair, vice-chair and secretary. The Budget Committee shall adopt its own rules of procedure and bylaws.
- b. Meetings.** The Budget Committee shall conduct its meetings in public at county buildings. The Commission shall provide the Budget Committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information.
- c. Quorum.** Five members constitute a quorum at any Budget Committee meeting. No action of the Budget Committee shall be effective unless approved by a majority of committee members in attendance.

Section 5. BUDGET PROCEDURES.

- a. Proposed Budget.** The Commission shall submit detailed financial projections, in the form of a proposed itemized estimated budget, to the Budget Committee in a timely fashion no later than 60 days before the end of the County's fiscal year. The proposed budget must identify all revenue sources used at arriving at the budget estimates, including balances in reserve accounts and other such funds.
- b. Budget review process.** The Budget Committee shall review the itemized estimated budget submitted by the Commission, together with any supplementary material prepared by the head of each county department or office or provided by any independent board or institution or another governmental agency. The Budget Committee shall prepare a proposed final budget, which may increase, decrease or alter the Commission's itemized estimated budget, provided that:
 - a.** The Budget Committee records in its minutes an explanation for any suggested change in the itemized estimated budget as submitted by the Commission; and
 - b.** The total estimated revenues, together with the amount of county tax to be levied, equals the total estimated expenditures in the proposed final budget.
- c. Public hearing.** The Budget Committee shall hold a public hearing on its proposed final budget before the end of the County's fiscal year and before the final adoption of the budget. Notice 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 receipt of the proposed final budget.

- d. Finality of budget.** After the public hearing is completed, the Budget Committee shall adopt a final budget and transmit that budget to the Commission. The Commission may not further increase, decrease, alter or revise the final budget as adopted by the Budget Committee, except by unanimous vote of the commissioners. If the adopted final budget is changed by the Commission, the Budget 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 Commission or Budget 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 Commission and the county tax authorized shall be apportioned and collected in accordance with Title 30-A M.R.S.A. §706.
- 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 Commission may transfer funds within a department or office as provided in Title 30-A M.R.S.A. §922.

Section 6. 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 revised, from time to time, by the preparation of a proposed amended budget and its submission by the Commission to the Budget Committee for approval. The amended budget becomes effective only after the Budget Committee has approved the amendment. A report of the approval of a budget amendment shall be transmitted to the State Auditor within fifteen days of such approval by the Budget Committee.

Section 7. FILING OF COUNTY BUDGET.

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

Section 8. BUDGET COMMITTEE DISTRICTS; TERMS.

a. Budget Committee districts. Except as provided in this section, Budget committee districts shall consist of contiguous municipalities or unorganized territories with populations as nearly equal as practicable. On the effective date of this Charter, there shall be eight budget committee districts; seven one-member districts and one two-member district with both members elected at large. Budget committee members represent and must be elected from the districts described in this section.

- (1) District 1 consists of Isle au Haut, Matinicus Isle Plantation, North Haven, St. George and Friendship and elects one member.
- (2) District 2 consists of South Thomaston, Vinalhaven and Owls Head and elects one member.
- (3) District 3 consists of Rockland and elects 2 members at large.
- (4) District 4 consists of that portion of Camden that is north of Route 1 from the Megunticook River and elects one member.
- (5) District 5 consists of Rockport and that portion of Camden that is south of Route 1 and from the Rockport/Camden line as far as the Megunticook River and elects one member.
- (6) District 6 consists of Appleton, Union and Washington and elects one member.
- (7) District 7 consists of Warren and Hope and elects one member.
- (8) District 8 consists of Thomaston and Cushing and elects one member.

Any Budget Committee vacancies on the effective date of this Charter shall be filled in accordance with subsection d of Section 3 of this Article.

b. Initial Terms Staggered. Notwithstanding the provision in Section 3 of this Article for budget committee members to be elected in even-numbered years, the election of all nine budget committee members shall be held on the Tuesday following the first Monday in November after the effective date of this Charter. As early before this election as feasible, the Commission shall designate five districts from which members of the Budget Committee shall be elected to serve initial terms of three years, and four districts from which members of

the Budget Committee shall be elected to serve initial terms of one year. Thereafter all Budget Committee terms shall be for four years.

- c. Apportionment.** The Commission shall prepare a plan for reapportioning Budget Committee district subdivisions every 10 years in conjunction with the report and recommendations of the apportionment commission described in subsection c of Section 6 of Article III. Upon receipt and review of the apportionment commission's recommendations, the County Commission shall submit its redistricting plan promptly to the Secretary of State, who shall transmit the plan to the Legislature for review and enactment. Any such reapportionment of Budget Committee district subdivisions will be codified in Maine statutes, without the need for amendment to this Charter. The County Commission will notify the clerk of each municipality in the County of the results of such reapportionment, which shall not disqualify any Budget Committee member from completing the term of office to which he or she was elected.

ARTICLE VI – GENERAL PROVISIONS

Section 1. EFFECTIVE DATE.

This Charter shall become effective thirty days after the Governor proclaims that it has been approved by a majority of those voters of the County who voted on its adoption.

Section 2. ELECTIONS.

a. COUNTY OFFICERS. 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.

b. BUDGET COMMITTEE. Budget Committee members shall be elected in accordance with Article V of this Charter.

c. COUNTY REFERENDUMS. 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.

Section 3. AMENDMENTS.

This Charter may be amended in accordance with the procedure prescribed in Title 30-A M.R.S.A. §1323.

Section 4. 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 5. 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 Commission.

Section 6. EXISTING PROCEEDINGS AND OBLIGATIONS.

All rights, claims, actions, orders, contracts and legal proceedings of the County or any of its departments, pending 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 Knox 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 7. RIGHTS AND PRIVILEGES OF OFFICERS, EMPLOYEES.

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 on its effective date.

Section 8. SEVERABILITY.

If any provision of this Charter is held to be invalid, the other provisions of the Charter shall not be affected thereby and shall remain in full force and effect.