

Introduction

Freedom Charter Introduction
date of adoption: June 13, 2023
effective date: January 1, 2024

On September 18, 2021, Freedom voters overwhelmingly voted to create a Town Charter Commission. This commission was tasked with drafting a “town constitution” that would orient, collate, and clarify Freedom’s governmental structure for new and old residents alike; and benefit grant and loan applications that require, or prefer, municipal applicants with a town charter.

Three commission members were appointed by the Select Board, and six were voted at large in a March 2022 election. The commission met for the first time in late March 2022, and meetings were scheduled for the first and third Tuesday of each month. The commission examined many Charters from around the State. The commission chose to use the Town of St. George’s Charter as a guide in that it is well written and well organized.

During the drafting process, the commission members educated themselves on “how Freedom works.” They realized that much of what Freedom does is simply by tradition, while other things are required by the State or codified in a Freedom policy or ordinance. The drafting process was a masterclass in municipal law and governance.

“Civic duty” is a “duty” because it’s done more than when it is convenient. The Commission embodied that spirit through its diligent work in and outside of commission meetings.

Hopefully, current and future Freedom residents will reflect on this charter, appreciate the work that went into it, and take pride in their hometown.

Respectfully,

Tyler C. Hadyniak, Chair
Alexis Bennett
Mary Ann Bennett
Phil Bloomstein
Tim Biggs
Meredith Coffin
Joseph Freeman (former member)
Elaine A. Higgins
Eleanor MacMakin (former member)
Rene Ouellet

William Pickford

TABLE OF CONTENTS

Introduction	1
Table of Contents	2
PART I General Provisions	
ARTICLE 101 Incorporation	3
ARTICLE 102 Powers of the Town of Freedom	3
ARTICLE 103 Government	3
ARTICLE 104 Intergovernmental Relations	4
ARTICLE 105 Amending the Charter	4
ARTICLE 106 Individual Rights	4
ARTICLE 107 Separability	4
PART II Organization	
ARTICLE 201 Select Board	4
Section 201.1 Composition, Eligibility, Election and Terms	4
Section 201.2 Organizational Meeting	5
Section 201.3 General Powers and Duties	5
Section 201.4 Limitations and Restrictions	7
Section 201.5 Vacancies, Recall, Filling Vacancies	7
Section 201.6 Procedures	8
Section 201.7 Select Board Compensation	8
Article 202 Town Boards and Committees	9
Section 202.1 General Procedures	9
Section 202.2 Board Authority	11
Section 202.3 Authorization of Committees	12
Article 203 Administrative Organization	12
Section 203.1 General Provisions	12
Section 203.2 Personnel	13
Section 203.3 School Administration	14
ARTICLE 204 General Provisions	14
Section 204.1 Terms of Elected or Appointed Officials	14
Section 204.2 Oath of Office	14
Section 204.3 Conflict of Interest	14
Section 204.4 Nondiscrimination	16
PART III Functions	
ARTICLE 301 Town Meetings	16
Section 301.1 Town Meetings	16
Section 301.2 Warrant	17
Section 301.3 Town Report	17
Section 301.4 Elections	17
Section 301.5 Individual Authority	17
ARTICLE 302 Nominations and Elections	18
Section 302.1 Conduct of Elections	18
Section 302.2 Nomination by Petition Method	18
Section 302.3 Order of Candidates' Surnames	19
Section 302.4 Secret Ballot	20

Section 302.5 Determination of Election Results	20
Section 302.6 Moderators	20
ARTICLE 303 Ordinances	20
Section 303.1 Authority	20
Section 303.2 Requirements	20
Section 303.3 Ordinance Creation	20
Section 303.4 Public Hearings	21
Section 303.5 Ballots for Ordinances.	21
Section 303.6 Emergency Ordinances	21
Section 303.7 Authentication and Recording of Ordinances	21
Section 303.8 Codification of Ordinances	22
ARTICLE 304 Financial Procedures	22
Section 304.1 Fiscal Year	22
Section 304.2 Budget	22
Section 304.3 Budget Development	22
Section 304.4 Budget Committee Recommendations	22
Section 304.5 Budget Vote	22
Section 304.6 Budget Adoption	23
Section 304.7 Public Records	23
Section 304.8 Budget Administration	23
Section 304.9 Annual Audit	23
Section 304.10 Lapse of Appropriations	23
Section 304.11 Borrowing and Investment Guidelines	23
Section 304.12 Bonds of Officials	24
Section 304.13 Purchase Authority	24

PART I General Provisions

ARTICLE 101 Incorporation

The Town of Freedom was incorporated as a municipality by an act of the Commonwealth of Massachusetts on June 11, 1813.

ARTICLE 102 Powers of the Town of Freedom

The Town of Freedom shall have all powers possible for a municipality to have under the Constitution and Laws of the State of Maine. The powers under this Charter shall be construed liberally in favor of the Town and no mention of particular powers in this Charter shall be construed to be exclusive or limiting in any way the general power stated in this article.

ARTICLE 103 Government

The voters of the Town of Freedom shall continue to be a body both corporate and politic by the name of the Town of Freedom. The Town of Freedom shall have all

the powers possible for a municipality to have in accordance with the Constitution and Laws of the State of Maine. The legislative authority of the Town of Freedom shall continue to be vested in the voters of the Town of Freedom acting by means of the Town Meetings and the Select Board in accordance with Part II of the charter.

ARTICLE 104 Intergovernmental Relations

The Town of Freedom may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more political subdivisions of the State of Maine, or the United States or any agencies thereof, including any "public agencies" within the meaning of State law. The exercise of such powers shall be governed by laws pertaining to interlocal cooperation.

ARTICLE 105 Amending the Charter

This Charter may be amended or revised as provided by State law.

ARTICLE 106 Individual Rights

Nothing in this Charter shall be construed to diminish any individual's rights granted by the Constitution of the United States or the laws thereof or by the Constitution of the State of Maine or the laws thereof.

ARTICLE 107 Separability

If any provision of this Charter is held invalid, the other provisions shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

PART II Organization

ARTICLE 201 Select Board

Section 201.1 Composition, Eligibility, Election and Terms

- I. Composition: There shall be a Select Board of three members nominated and elected at large by the voters of the Town, as provided in Article 302. The number of Select Board members may only change in a manner consistent with state statute.

- II. Eligibility: In order to hold office as a member of the Select Board, a person must be a registered voter in the town of Freedom.
- III. Election: Select Board members, who shall serve staggered, three-year terms, shall be elected before the Annual Town Meeting. Eligible candidates shall be elected to fill the offices of those whose terms expire. Each office will be a separate position when applied for and shall appear on the ballot as such.
- IV. Term of Office: The duties of a Select Board member shall commence with taking an oath of office as specified by Section 204.2 and shall terminate with the swearing in of their replacement, or by the vacating of the office as specified in Section 201.5.I.

Section 201.2 Organizational Meeting

The Select Board shall hold an organizational meeting not later than seven days following each Annual Town Meeting and shall organize, to the extent possible, as follows. Any items not completed at that meeting shall be accomplished as soon thereafter as possible.

- I. Elect one of its members as Board Chairperson for that year by majority vote with the entire board present.
- II. Establish the time and place for regular meetings of the Select Board.
- III. Make those appointments specified in Section 201.3.II and have the appointments completed within the required thirty (30) days.
- IV. Familiarize themselves with the Select Board Policy Manual identified in Section 201.3.VIII.

Section 201.3 General Powers and Duties

The Select Board (and all other municipal officials, either elected or appointed by the Select Board) represent the executive branch of the municipal government, of which the Select Board members are the chief executives. The duty of the Select Board is to execute the will of the people, to manage Town affairs, and to provide leadership and oversight on issues of importance to the Town.

The Select Board shall act as a unit, settling all questions by formal vote in authorized meetings. Members must not act individually unless specific authority related to a particular duty has been delegated to them by the Board.

- I. Responsibilities:

- A. The Select Board shall act as the Board of Assessors.
 - B. The Select Board shall act as the Fair Hearing Authority for General Assistance Applications and Appeals.
 - C. The Select Board shall act as the Licensing Authority.
 - D. The Select Board shall act on personnel matters in conformance with the Town of Freedom Employee Manual, any applicable guiding authority from the Maine Municipal Association, and any applicable county, state, and federal law.
 - E. Select Board members may not act as deputy election wardens.
- II. Board and Committee Appointments: The Select Board shall appoint individuals to fill all vacant Freedom Board and Committee positions, except for some Town Charter Commission members who must be elected in accordance with Maine State Law.
- III. Board and Committee Leadership: The Select Board shall provide oversight, liaison, and leadership to the volunteer boards, committees, commissions, and advisory groups, which serve at its pleasure.
- IV. Optional Appointments: The Select Board may establish the following offices and appoint individuals to them for one-year terms.
- A. Town Attorney: To serve as chief legal advisor to the Select Board and the boards, committees, and departments of the Town of Freedom. The Town Attorney may represent the Town of Freedom in legal proceedings and may perform any other duties prescribed by ordinance and law. The Select Board may hire other attorneys in matters of specific expertise.
 - B. Assessors' Agent: An assessor, certified by the State of Maine, to assist the Board of Assessors in performing the duties and responsibilities provided for assessors under applicable state law.
- V. Required appointments for Interlocal Agreements: The Select Board will appoint representatives to regional organizations of which the Town of Freedom is a member, for instance, regional solid waste management and broadband access organizations.
- VI. Appointments and Removals: The Select Board appoints or removes town officers and board members in accordance with the Select Board's policy. The

Select Board will appoint only qualified individuals who can give the time and attention required to fulfill their duties. All appointments and promotions of administrative officials and employees of the Town of Freedom shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

- VII. Expenditures: The Select Board shall follow policy pursuant to State Statute for the signing of Treasurer's Warrants.
- VIII. Policy Manual: The Select Board shall maintain a published policy for conducting Town of Freedom business, collated in the Select Board Policy Manual. After the annual Town Meeting, the Select Board shall review and approve Select Board policies in a reasonable amount of time, not to exceed two months after such town meeting. The Select Board can amend or create policies at any time throughout the year as needed.

Section 201.4 Limitations and Restrictions

- I. Other Positions: Except for those positions listed below or town positions that a Select Board member is expressly permitted by statute or Charter to hold during that member's term of office, no member of the Select Board shall hold any other office or employment position in the Town of Freedom during that term. Additionally, no Select Board member shall hold any paid office or employment position, other than a temporary or contractual arrangement with the Town of Freedom, during that member's term and for one year thereafter, under any circumstance in which such office, employment position or contract was created or the compensation for which was increased by the action of the Select Board during that term.
 - A. A Select Board member may hold a part-time position of firefighter, as long as that member is not an officer of the fire department and recuses from Select Board votes on fire department issues to avoid any possibility of conflict of interest.

Section 201.5 Vacancies, Recall, Filling Vacancies

- I. Vacancies: A vacancy on the Select Board may occur by the following means:
 - A. Nonacceptance,
 - B. Resignation,
 - C. Death,
 - D. Failure to meet eligibility requirements for office,
 - E. Failure to elect an individual to the office, or

- F. Recall.
- II. Recall: Any Select Board member may be recalled and thereby removed from office by the voters in accordance with the town recall ordinance.
- III. Filling of Vacancies
 - A. A vacancy in the Select Board shall be filled by a special town election for the remainder of the unexpired term, if any.
 - B. The Select Board may fill a vacancy of more than thirty (30) days in the office of Chairperson. The replacement must be chosen from the members of the Select Board by majority vote.

Section 201.6 Procedures

- I. Meetings: The Select Board shall publish a policy regarding, time, location, and frequency of Select Board meetings. Special meetings may be held on the call of the Board Chairperson or upon a majority vote of the Select Board. All meetings of the Select Board shall be open to the public, however, the Board may, by majority vote, recess for the purpose of discussing in executive session any matter considered to be of a confidential or personal nature, as permitted by law. Final action on any matter taken up in such executive session shall be taken up publicly after a public session of the meeting has been reconvened or shall be taken up by the Select Board after such matter has been placed on the agenda of a regular or special meeting, to be considered publicly. Notice of all meetings shall be given as required by law.
- II. Rules and Minutes: The Select Board shall publish policy regarding a Select Board meeting's order of business, minute-taking, and any other regulation-worthy aspect of a Board meeting. The minutes shall be of public record.
- III. Voting: Actions of the Select Board shall be binding and valid when adopted by a majority vote when a quorum is present. A quorum is a simple majority of the full Board.

Section 201.7 Select Board Compensation

The compensation for Select Board members shall be established by warrant and voted on at the Annual Town Meeting.

Article 202 Town Boards and Committees

Section 202.1 General Procedures

A Board or Committee of the Town of Freedom shall follow any procedural requirements established by law, Charter, or ordinance for that Board or Committee. Where there is no such requirement, the Select Board or the Board or Committee may establish written procedures for that Board or Committee. At a minimum, a Board or Committee of the Town of Freedom shall adhere to the following procedures:

- I. Membership:
 - A. Each position on a Board or Committee shall be a separate office to which an individual is appointed by vote of the Select Board.
 - B. A candidate for a position on a Board or Committee must be a registered voter in the Town of Freedom and meet the requirements as listed in Select Board policy.
 - C. A term of office shall commence following appointment by the Select Board, or upon successfully winning a town election for that position and shall terminate when the term for the position ends.
 - D. Terms of office shall be staggered so that members will be replaced as evenly as possible over time. When a new Board or Committee is established, the initial terms of office shall be of different lengths to accomplish this.
 - E. Resignation shall be in writing and addressed to the Select Board. The Select Board, or an individual Board or Committee, may establish criteria for determining implied resignation for that Board or Committee.
 - F. Any member of a Board or Committee may be removed from office for cause by the Select Board before the expiration of the term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute those specific charges. The term "for cause" shall include but not be limited to failure to attend four consecutive Board meetings or hearings without sufficient justification or voting when the member has an undisclosed conflict of interest.

The Select Board shall appoint a qualified candidate to fill any vacancy which may occur on a Board or Committee for the remainder of the term of that office.

- II. Appointment: The appointment of any board or committee member shall be in writing and signed by the Select Board. Before assuming the duties of office, an appointed individual shall take an oath of office as specified by Section 204.2.
- III. Positions:
 - A. At the initial meeting of a Board or Committee and the first meeting after the Town Meeting, each Board and Committee shall, as a first order of business, elect a Chairperson, Assistant Chairperson, and Secretary by a majority vote. The election shall be for the period until the following annual Town Meeting. If any position becomes vacant a replacement shall be elected for the remainder of the period.
 - B. A Board or Committee may establish other positions and fill them, by majority vote, for the same period of time.
 - C. If funds are available a Board or Committee may employ the services of a recording secretary who is not a member of the Board to assist the Secretary in taking and transcribing the minutes of meetings. The individual selected will be subject to the approval of the Select Board.
 - D. In the absence of the Chairperson and Vice Chairperson, the members of a Board or Committee present at a meeting shall elect, by majority vote, one of themselves as acting Chairperson for the period of that meeting.
- IV. Vacancies: When there is a permanent vacancy the secretary shall immediately notify the Town Clerk. The Select Board shall within sixty (60) days of its occurrence, appoint a person to serve for the unexpired term. A permanent vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or when a member is removed from office for cause (see section 202.1-I-F). When a vacancy occurs, the Chairman of the Board shall immediately so advise the Select Board in writing.
- V. Meetings:
 - A. A meeting of a Board or Committee may be convened only if a quorum is present. A quorum shall be a majority of the total membership.

- B. All motions shall require the vote of a majority of the members present to pass. A tie vote will constitute a failure of the motion.
 - C. A member shall abstain from voting on any particular matter where there is a conflict of interest or a possible appearance thereof. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member making the challenge and the member who is being challenged. A tie vote shall result in disqualification. See also Section 204.3 below.
 - D. All meetings shall be open to the public and notice shall be given as provided by state law or town policy.
 - E. Minutes of all meetings shall be recorded in writing and approved, with amendments, if necessary, by a vote of the Board or Committee. The approved minutes of all Board and Committee meetings shall be delivered to the Town Clerk after the meeting date for distribution to Board or Committee members. Copies of all approved minutes and any relevant supporting material shall be maintained by the Town Clerk as public documents
- VI. Annual Report: The Chairperson of each Board and Committee shall prepare a report of the activities of that Board or Committee over the preceding year to be submitted for inclusion in the Annual Report of the Town of Freedom.

Section 202.2 Board Authority:

The boards of the Town of Freedom are established as authorized by law, this Charter, or town ordinance. They shall have the powers and duties prescribed thereby and the authority to act on their own initiative within such powers and duties.

I. Planning Board

- A. The Planning Board shall perform such duties as may be prescribed by law, this Charter and/or ordinance. Likewise, the Board composition and terms of service will be as prescribed by law, this Charter, and/or ordinance.
- B. Select Board members may not be a member.

II. Board of Appeals:

A. The Board of Appeals shall perform such duties as may be prescribed by law, this Charter, and/or ordinance. Likewise, the Board composition and terms of service will be as prescribed by law, this Charter, and/or ordinance.

B. Select Board members may not be a member.

Section 202.3 Authorization of Committees

- I. Committees act in an advisory capacity to the Select Board.
- II. Standing committees are those authorized by Charter or ordinance and function on a continuing basis until disbanded by the town of Freedom.
- III. Ad hoc committees may be established by the Select Board on an as needed basis to perform specific functions and are disbanded after those functions are accomplished, a specified time period has passed, or at the will of the Board.
- IV. There shall be a Budget Committee consisting of seven members with staggered three-year terms. The Budget Committee is a standing committee and shall perform such duties as defined by this Charter and any applicable ordinances.

Article 203 Administrative Organization

Section 203.1 General Provisions

- I. Offices and Departments: In addition to those provided by law, the Town of Freedom shall, by ordinance, create such executive and administrative offices and departments, as it may deem necessary for the proper and efficient conduct of the affairs of the town. The Town of Freedom shall also determine and define the duties and powers of such offices and departments. Any office or department so created may at any time be abolished by the Town of Freedom.
 - A. The Town of Freedom elects the Select Board and School Board Directors for all towns of RSU #3. The Town Clerk, Town Tax Collector, Town Excise Tax Collector, Registrar of Voters or other town positions will be elected or appointed, consistent with town ordinances. In addition, the Town of Freedom will elect those positions as needed as required by law such as when creating a Charter Commission.
 - B. The Select Board will fill an elected position when there is a vacancy by appointment consistent with state law.
 - C. Standing Boards and Committees of the Town of Freedom are established

according to State Statute, Town Ordinances, and this Charter. See Section 202.3.

- D. The Select Board establishes town departments and appoints and hires the municipal official(s), with the exception of elected officials. The Select Board oversees all departments and is ultimately responsible for their work. The Select Board will set wages and benefits for town positions subject to budget committee oversight.
 - E. The Town Office maintains and annually updates a binder with job descriptions of the positions of town departments and committees. The Maine Municipal Association's manuals guide the responsibilities and procedural activity of the Municipal Clerk, Tax Collector, and Treasurer.
- II. Fire Department: The Freedom Volunteer Fire Department (FVFD) is a volunteer fire association incorporated under Maine Law in 1950. The FVFD shall elect the FVFD Chief on an annual basis; and independent of that selection, the town shall approve the Town of Freedom Fire Chief at the annual town meeting. The FVFD Association has its own Constitution and By Laws delineating membership, purpose, election of officers, duties, and standard operating guidelines. They have their own budget and can raise, receive and expend funds and are required to function with transparency when reporting to the Select Board. The Select Board shall keep a Policy addressing communication between the Town of Freedom Fire Chief and the Select Board. The municipality raises and appropriates funds for the FVFD. The municipality sets compensation for the Town of Freedom Fire Chief, the only paid position. Active members of the FVFD are deemed municipal employees which gives them municipal protection and benefits such as worker's compensation. An annual report of the Volunteer Fire Department, written by the FVFD Chief is included in the annual town warrant.

Section 203.2 Personnel

There shall be a Municipal Employees Handbook covering personnel policy for all employees of the Town of Freedom, approved and adopted by the Select Board, as part of the Select Board Policy Manual. The Select Board shall review the Municipal Employees Handbook Personnel Policies at least annually.

Section 203.3 School Administration

The Town of Freedom participates in the provision, support, and maintenance of a Regional School Unit as required by the Maine Constitution. The Freedom School Board Director's term is 3 years.

ARTICLE 204 General Provisions

204.1 Terms of Elected or Appointed Officials

The term of any elected or appointed official shall begin following the final determination of the election or appointment of said official and continue until a successor is elected or appointed. The term of each elected or appointed position is specified in the Town of Freedom Ordinances and Policies.

Section 204.2 Oath of Office

Every elected or appointed Town of Freedom official shall take an oath of office to support the Constitutions of the United States and the State of Maine and to faithfully discharge the incumbent duties in accordance with the Laws of the State of Maine, this Charter and the ordinances of the Town of Freedom. The oath shall be sworn to the Town Clerk or to any other person authorized by law to administer an oath, in a manner consistent with Maine State Law.

Section 204.3 Conflict of Interest

In any situation in which any Town of Freedom official has an interest outside their board or committee membership, in the subject matter coming before the board or committee, that member is to disclose to the board or committee the nature of their outside interest to the potential conflict. A decision is then made whether the nature of that interest rises to the level of that member having a conflict of interest and in a position to recuse themselves from involvement in the discussion or potential decision of the subject matter at hand. The decision is made through the following process.

I. Voluntary Recusal:

- A. A member of the Select Board, or any other Town of Freedom official, who has a conflict of interest in fact, or appearance thereof, will make known that interest and will voluntarily recuse themselves from voting upon or otherwise participating in their capacity as an official, or in any other capacity concerning such subject matter.
- B. A conflict of interest exists in situations including but not limited to
 1. a direct or indirect pecuniary interest in the subject matter necessitating a decision;

2. in the purchase, management, or sale of any land, material, supplies, or services to the Town or a contractor supplying the Town; or
 3. in any other matter duly raised by a town official.
- C. A conflict of interest in fact, or by appearance, will not automatically include a familial or professional direct or indirect association with the concerned subject matter but may be considered a conflict of interest under the voting rules described below in section 204.3-II-C.
- D. The implicated official's disclosure and notice of abstention from taking part in a decision shall be recorded with the Town Clerk.

II. Involuntarily Recusal

- A. In a situation where a town official has a conflict of interest and does not voluntarily recuse themselves or make the conflict known, any of the other Board or Committee members may raise the issue if they have a rational basis for doing so.
1. "Rational basis" shall be defined as "a reason or ground that is not unreasonable or arbitrary, and that bears a reasonable relationship to a legitimate municipal interest." The burden of sufficiently presenting a rational basis, in order to trigger a vote on an alleged conflict of interest, rests with the moving member. The moving member is the member seeking to expose a potential conflict of interest.
 2. Such a rational basis and supporting facts must be thoroughly recorded in the meeting's minutes.
- B. If the implicated member does not recuse voluntarily, any other member may make a motion for involuntary recusal of the implicated member. In such a circumstance, the Board or Committee, excluding the implicated member and the moving member, shall vote on whether:
1. the moving member has sufficiently alleged a conflict of interest; if so;
 2. if the implicated official has a conflict of interest in appearance and/or in fact; and if so,
 3. whether that conflict precludes the official's participation in the concerned subject matter.
- C. If such a vote results in a tie; or cannot happen because a quorum of the Board or Committee cannot be achieved when excluding the implicated and moving member(s), a conflict of interest determination shall be referred to the Board of Appeals upon the motion of two Board or Committee members. The Board of Appeals shall render a decision on the alleged conflict of interest within two weeks of the referral from the originating Board or Committee.

- D. If a Board or Committee finds that a conflict of interest exists and precludes an implicated member from voting on the subject matter, the implicated member can appeal that decision to the Board of Appeals. In such circumstances, the vote on the underlying subject matter shall be stayed pending an expedited decision from the Board of Appeals.
- E. In the interests of efficiency, transparency, and fairness, the Board or Committee may refer the underlying decision, not just the conflict of interest determination itself, to the Board of Appeals. The Board of Appeals will consider the matter and render a vote within two weeks of the referral from the originating Committee or Board.
- F. If no other resolution can be achieved, the Board of Appeals shall be bound by the Rule of Necessity.
- G. Any action by a board or committee, or a contract that is negotiated or issued in violation of the preceding subsection, shall be voidable.

Section 204.4 Nondiscrimination

No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Town of Freedom employee or official, based on race, color, religion, national origin, ancestry, age, sex, sexual orientation including gender identity and expression, disability, genetic information or history, veteran status, or status as a whistleblower, or any other category protected under state and federal law or the Municipal Employees Handbook.

PART III Functions

ARTICLE 301 Town Meetings

Section 301.1 Town Meetings

- I. Freedom's annual Town Meeting shall be held each year on a date as determined by the Select Board. In addition, Special Town Meetings may be called as provided in subsection 301.1-II below.
- II. Special Town Meetings can be called by a warrant. A warrant must be signed by a majority of the Select Board or, if the Select Board refuses to call a Special Town Meeting, by a notary public on the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town of Freedom at the last gubernatorial election, but in no case less than ten (10) voters consistent with Maine State Law.

Section 301.2 Warrant

- I. Requirements: A warrant for calling any Town Meeting must specify the time and place of the meeting and state in distinct articles the business to be acted upon. No other business may be acted upon. The warrant shall be directed to a resident by name. The person to whom it is directed shall post an attested copy in conspicuous public places in the Town at least seven days before the meeting. The Select Board may adopt a policy to use other methods of notification in order to make the public more aware of meetings.
 - A. Petition for Article: Upon receipt of a written petition of a number of voters of the Town of Freedom equal to at least ten percent (10%) of the number of votes cast in the Town of Freedom at the last gubernatorial election, but in no case less than ten (10) voters the Select Board shall either insert a particular article in the next warrant issued or shall within sixty (60) days call a Special Town Meeting for its consideration.
- II. Secret Ballots: The first Articles on the Warrant shall indicate the town officers to be elected and any referenda to be voted on. Those Articles will be decided by Secret Ballot on a date and place identified by the Select Board preceding the Town Meeting as indicated on the Warrant. All other Articles on the Warrant shall be considered and voted on during the Town Meeting.

Section 301.3 Town Report

The Town Report shall include a copy of the warrant for the Annual Town Meeting and shall be made available at least five days before the Meeting.

Section 301.4 Elections

- I. Candidates shall be elected at large prior to the annual Town Meeting, by Secret Ballot, to fill vacant or expiring offices in the Select Board and other elected town positions. Any referendum appearing on the Warrant shall also be decided by Secret Ballot.
- II. At each Town Meeting, a moderator shall be elected by written ballot as the first order of business.

Section 301.5 Individual Authority

- I. Suggestions to Select Board: All residents and property owners of the Town of Freedom have the authority to make suggestions to the Select Board. In those

instances where the Select Board does not agree with the suggestions, the provisions of Section 301.2.I-A may be followed.

- II. **Authority to Vote and Speak:** Every registered voter in the Town of Freedom may vote in all elections and on all Town matters during Town Meetings. Any registered voter in the town may speak during the discussion of any matter which is before the Town Meeting. Additionally, a person who is not a registered voter may speak at the meeting with the consent of two-thirds (2/3) of the voters present.
- III. **Discussion Limits:** The moderator shall allow people wishing to speak as much time as is reasonably necessary to express their opinions on any matter which is before the town meeting. The moderator may limit discussion by an individual after two minutes if the comments are not relevant to the issue in question or are clearly redundant or repetitive.
- IV. **Rules of Order:** Unless the voters determine otherwise during a particular Town Meeting, the conduct of the affairs of the Town of Freedom shall be governed by the Maine Moderator's Manual. Conduct at a Town Meeting shall also be governed by the elected Moderator's judgment in cases where the Maine Moderator's Manual does not address or resolve a certain procedural issue. The Moderator's procedural judgment can be overruled by a motion from the assembly that is passed with a simple majority.
- V. **Consideration:** The voters of the Town of Freedom shall have the authority to require consideration of any warrant article. They shall also have the authority to require one reconsideration of any article prior to movement of a subsequent article. The motion for reconsideration must be made by a voter from the prevailing side of the article.

ARTICLE 302 Nominations and Elections

Section 302.1 Conduct of Elections

The conduct of Town of Freedom elections and the counting of ballots shall be consistent with state law.

Section 302.2 Nomination by Petition Method

- I. **Petitions:** Candidates for election to any elective office whose names appear on a written Town of Freedom ballot must be nominated by petition. Any voter qualified to run for office, unless otherwise specified in this Charter, may be

nominated for election by a petition signed by not less than twenty five (25) voters of the Town of Freedom. Any Select Board member must be a resident of the town of Freedom. Other elected positions do not require Freedom residency.

- II. Signatures: The signatures to a nomination petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in the circulator's presence and that the circulator believes each signature to be the genuine signature of the person whose name it purports to be. The signature shall be executed in ink or indelible pencil. Each signer shall indicate next to their signature the date of their signing and the address of their residence in the town.
- III. Filing and Acceptance of Petitions: All separate papers comprising a nomination petition shall be assembled and filed with the Town Clerk as one instrument not later than thirty five (35) days before the election, except as stated in Maine State Law. The Town Clerk shall make a record of when each petition is filed. No nomination petition shall be accepted unless accompanied by a signed statement of acceptance of nomination in which the person proposed as a candidate agrees in writing as follows:
 - A. To accept a nomination if nominated,
 - B. Not to withdraw; and
 - C. If elected, qualifies for the office.
- IV. Procedure after Filing Nomination Papers: Within five (5) days after the filing of a nomination petition, the Town Clerk shall notify the candidate and the person who filed the petition whether or not it satisfied the requirements prescribed by this Charter. If a petition is found insufficient, the Town Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions, a petition revised to correct any insufficiencies may be filed for the same candidate. The Town Clerk shall keep on file all petitions found sufficient for at least six (6) months after the election.

Section 302.3 Order of Candidates' Surnames

Where two or more candidates have been nominated for any office, the names of such properly nominated candidates shall be arranged under the proper office designation, in alphabetical order by their last names. The ballot may contain no other names.

Section 302.4 Secret Ballot

Voting shall be by Secret Ballot. The Select Board may provide for the use of mechanical or other devices for voting or counting the votes consistent with state law.

Section 302.5 Determination of Election Results

- I. Number of Votes: Every voter shall be entitled to vote for a candidate for each vacancy to be filled.
- II. Plurality: Election shall be determined by plurality vote. In case of a tie vote, the meeting shall be adjourned to a day certain, when ballots shall again be cast for the candidates tied for the office in question.

Section 302.6 Moderators

The requirements of this Article do not apply to the election of Moderators.

ARTICLE 303 Ordinances

Section 303.1 Authority

By State Statute, the Town may enact ordinances necessary for the welfare of the municipality and its inhabitants. The Town shall compile and publish these ordinances consistent with Maine State Law.

Section 303.2 Requirements

At a minimum, ordinances are required for any of the following:

- I. Establish or abolish any town department, office or agency;
- II. Provide for land use and planning;
- III. Meet other regulatory requirements that may arise consistent with state law.

Section 303.3 Ordinance Creation

- I. Proposed ordinances shall be drafted by the appropriate board, committee, or administrative department as requested by the Select Board and sent to the Select Board for review.
- II. Proposed ordinances may also be drafted by the Select Board.

- III. Ordinances may also be initiated by the petition process outlined in Section 301.2-I-A of this Charter.
- IV. If applicable, proposed ordinances to be enacted by the Town of Freedom or the Select Board shall specify the town ordinance(s) which shall be modified, amended or repealed by any such enactment.

Section 303.4 Public Hearings

All proposed ordinances shall be given public hearings before presentation to the voters and shall be subject to any notice requirement thereof consistent with Maine State Law.

Section 303.5 Ballots for Ordinances.

Ordinances shall be voted on by Secret Ballot if requested by a member of the electorate.

Section 303.6 Emergency Ordinances

The Select Board may, by an affirmative vote of a majority of its members, pass emergency ordinances to take effect at the time indicated therein. Such action shall be limited to situations that have the potential to immediately imperil town residents' life, health, property, and public welfare, and where there is insufficient time or practicality to call a special town meeting. An example being a natural disaster. Any emergency ordinance must not conflict with state or federal law. Prior to enactment, there shall be a specific statement as to the nature of the emergency and the reason that the enactment of the ordinance is an appropriate response to that emergency. Within two days after passage, such ordinance shall be posted at the Town Office and in such other public places and media as the Select Board may designate. No public hearing or notice thereof shall be required prior to the passage of an emergency ordinance. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted. The Select Board may withdraw an emergency ordinance upon a determination by the Board that the emergency has subsided.

Section 303.7 Authentication and Recording of Ordinances

- I. All ordinances passed by warrant shall be authenticated by the signature of the Town Clerk and be recorded in full by the Clerk in a properly indexed book kept for the purpose.

- II. Any emergency ordinance passed by the Select Board shall be authenticated by the signatures of the Board Chairperson and the Town Clerk and be recorded in full by the Clerk in a properly indexed book kept for the purpose unless state statute requires differently.

Section 303.8 Codification of Ordinances

- I. The Town shall compile and maintain books of general codification, which shall include all ordinances, Select Board policies, this Charter and any amendments thereto, and such codes or technical regulations and other rules and regulations as the Select Board may specify. These reference books shall be maintained in a form suitable for public access.
- II. Select Board policies shall be reviewed annually and updated as needed.

ARTICLE 304 Financial Procedures

Section 304.1 Fiscal Year

The fiscal year of the Town of Freedom shall be consistent with Town Ordinance.

Section 304.2 Budget

The Budget shall provide a financial plan of all Town of Freedom activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the Budget Committee and the Select Board deem desirable.

Section 304.3 Budget Development

The Town of Freedom shall keep a Budget Committee ordinance describing the procedure used for crafting and presenting the town Budget at the annual Town Meeting.

Section 304.4 Budget Committee Recommendations

The Budget Committee shall make a recommendation on any budget related article and that recommendation shall be included in the warrant.

Section 304.5 Budget Vote

The Budget shall be included in the Town Warrant and each article shall be voted upon at the Annual Town Meeting.

Section 304.6 Budget Adoption

Action on the Budget by the Town of Freedom shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax thereby required. A copy of the Budget as finally adopted shall be certified by the Town Clerk and filed with the Town Select Board, whose duty it shall be to levy such taxes for the corresponding tax year.

Section 304.7 Public Records

Copies of the operating and capital budgets, as adopted, shall be public records.

Section 304.8 Budget Administration

The Select Board shall review and authorize departmental and office allotments, with or without revision, as early as possible in the fiscal year. The Select Board may revise such allotments during the year, if desirable, and shall revise them in accordance with any supplemental, emergency, reduced or transferred appropriations made. Such changes shall be reviewed and approved by the Select Board.

Section 304.9 Annual Audit

The Select Board shall engage a Certified Public Accountant or qualified accountants each fiscal year for the purpose of conducting the annual audit of the prior fiscal year's finances of the Town of Freedom as authorized by law. Each audit is a public record.

Section 304.10 Lapse of Appropriations

General fund appropriations shall lapse at the close of the fiscal year to the extent that they have not been expended or encumbered or except as provided below or prohibited by law. Such funds shall be transferred to a surplus or general fund balance. However, if approved by the Select Board, an appropriation may continue in force until the purpose for which it was made has been accomplished or abandoned. The Select Board shall annually review and approve any appropriations that continue in force, also known as carryforwards.

Section 304.11 Borrowing and Investment Guidelines

The Select Board shall borrow or invest town funds consistent with federal and state law.

Section 304.12 Bonds of Officials

The Select Board shall require a bond from all persons trusted with the collection, custody or disbursement of any monies of the Town of Freedom. The bond shall be by a reputable surety company or other acceptable sureties, equal to the potential liability, satisfactory to the Select Board. The Town shall pay the costs of providing such a bond.

Section 304.13 Purchase Authority

The Select Board shall state in the Policy Manual the requirements for sealed competitive bids.