

**TOWN OF ORONO
SPECIAL COUNCIL MEETING
COUNCIL CHAMBER - MUNICIPAL BUILDING**

MONDAY, JANUARY 7, 2019 AT 7:00 P.M.

MINUTES

1. Roll Call

Present: Council Chair Cindy Mehnert, Tom Perry, Meghan Gardner, Sam Kunz, Laurie Osher, Cheryl Robertson and Town Manager Sophie Wilson. Absent: Tom Spitz.

2. Public Hearings

a. To consider Amendments to the Town of Orono, Town Charter.

Public hearing a. opened at 7:04 p.m. Town Manager Sophie Wilson reviewed the elements of the Town Charter and the eight proposed amendments to the Charter (*see the attached PowerPoint presentation*).

Public Comments

Ryan Tipping asked for clarification of Article 2, requiring that only residents of the Town are eligible to be Councilors. Town Clerk Shelly Crosby explained the difference between voting residency (i.e. students from another state) versus permanent residency. Ms. Wilson clarified the situation of someone living on-campus, whose primary residency was somewhere else, who took out papers to run for Council. She noted that the intent of the change is to have the person be a resident. Ms. Gardner added that the original intent of the Charter was to reflect both the voter and residency.

Sam Kunz read questions sent in from Leo Kenney regarding Article 7, reducing the threshold number of required signatures to certify petitions and Article 8, increasing the threshold for Council purchases/borrowing to referendum from \$100,000 to \$500,000. Mr. Kenney supported the change to Article 7, but not the change to Article 8.

Regarding Article 3, Mr. Perry asked whether the two Associate Members for the Board of Assessment Review would operate differently than the Planning Board members. She stated that all of the members would receive a packet and could attend the public meeting, but the Associate Member would only be called upon to fill in as a voting member in the absence of a regular member.

Ms. Mehnert asked whether each Article would be voted on separately. Ms. Wilson confirmed that each Article would be its own ballot question that could be voted up or down by residents.

Regarding Leo Kenney's question on spending funds, Sam Kunz spoke of Council's transparency and open, public process. Ms. Wilson explained the intent of raising the threshold is to live

within the original (1970) intend of the threshold. Public hearing a. closed at 7:56 p.m.

3. New Business

Order 19-01 Order, pursuant to 30-A M.R.S.A. § 2104, the Municipal Officers of the Town of Orono hereby direct the Town Clerk to place the following articles on the Municipal Election Warrant to be voted on March 12, 2019:

ARTICLE 1. Shall the municipality approve amendments to the Municipal Charter of the Town of Orono updating gender references and correcting grammatical errors, as summarized below?

SUMMARY: This article, if approved, would update gender references for consistency with current practices (e.g. His, Their, Town vs. town, Board vs. board) and correct grammatical errors throughout the entire Municipal Charter.

ARTICLE 2. Shall the municipality approve amendments to the Municipal Charter of the Town of Orono to require that only residents of the Town are eligible to be Councilors, as summarized below?

SUMMARY: This article, if approved, would amend Section 1.1.2 of the Municipal Charter to require that only residents are eligible to become Councilors.

ARTICLE 3. Shall the municipality approve amendments to the Municipal Charter of the Town of Orono authorizing the addition of two (2) Associate Members to the Orono Board of Assessment Review, both of whom would be authorized to participate only in the event necessary to produce a quorum, as summarized below?

SUMMARY: This article, if approved, would allow for the addition of two (2) Associate Members on the Orono Board of Assessment Review. Associate Members would only participate as full voting members of the Board of Assessment Review in the event their participation is required to establish a quorum.

ARTICLE 4. Shall the municipality approve amendments to the Municipal Charter of the Town of Orono to recognize the organization of Regional School Unit No. 26 and to reflect that, pursuant to state law, the Town of Orono no longer has a Department of Education, as summarized below.

SUMMARY: This article, if approved, would amend Sections 1.1.7, 1.1.8, and 1.1.9 of the Municipal Charter to (1) recognize the organization of the Regional School Unit No. 26 and (2) to reflect that, pursuant to state law, the Town of Orono no longer

has a Department of Education.

ARTICLE 5. Shall the municipality approve amendments to the Municipal Charter of the Town of Orono to make clear that the Town Council has broad authority to review, amend, and approve the municipal budget and to extend the deadline for submission of a Capital Improvement Plan, as summarized below?

SUMMARY: This article, if approved, would amend Section 1.1.8 of the Municipal Charter to (1) clarify the Town Council's role in the budgeting process by deleting the inconsistent language limiting its authority to the final determination of the total appropriation to be made to each municipal department and (2) to authorize the Town Council to extend the deadline for delivery of the 5-year Capital Improvement Plan to a date no less than three months prior to the end of the then-current fiscal year.

ARTICLE 6. Shall the municipality approve amendments to the Municipal Charter of the Town of Orono relating to municipal nominations and elections to clarify the priority of State law in the municipal election process, to impose certain ballot requirements, and to require write-in candidates to obtain at least the same number of votes required to be nominated in order to be successful, as summarized below?

SUMMARY: This article, if approved, would amend Section 1.1.9 of the Municipal Charter to (1) make clear in the event of any procedural conflicts, the Town shall follow State law procedures; (2) require candidates be listed on the ballot in alphabetical order of their legal last name; (3) prohibit notation of a candidate's political party or affiliation; and (4) require that, in order to be successful, write-in candidates obtain at least the number of votes as signatures required to be placed upon the ballot through the nomination process.

ARTICLE 7. Shall the municipality approve amendments to the Municipal Charter of the Town of Orono to reduce the threshold number of required signatures of registered voters needed to certify a petition from 10% of the total number of registered voters to 10% of those having cast ballots during the last Gubernatorial Election, as summarized below?

SUMMARY: This article, if approved, would amend Section 1.1.10 of the Municipal Charter to reduce the threshold number of required signatures of registered voters needed to certify a petition from 10% of the total number of registered voters to 10%

of those having cast ballots during the last Gubernatorial Election.

ARTICLE 8. Shall the municipality approve amendments to the Municipal Charter of the Town of Orono increasing the threshold for sending certain Town Council purchases and borrowings to referendum from \$100,000 to \$500,000, as summarized below.

SUMMARY: This article, if approved, would amend Section 1.1.10 of the Municipal Charter to increase the threshold for sending certain Town Council purchases and borrowings to referendum from \$100,000 to \$500,000. The lesser threshold was established back in 1970. The revised threshold is intended to reflect the increased cost of capital equipment and projects.

Moved by Meghan Gardner and seconded by Cheryl Robertson. All voted in favor, 6-0.

4. Public Comments

Ryan Tipping asked if Councilors had any issues to bring back to the Legislature. He noted that there is a bill to rename the Main Street bridge across the Stillwater River to the Brandon Silk Memorial Bridge. Ms. Wilson stated she would be willing to assist Mr. Tipping in that endeavor.

Mr. Perry stated that there will be bills before the Legislature by MMA's Legislative Policy Committee that he hopes Mr. Tipping will support. Ms. Wilson noted the Old Town Council supports bringing back full revenue sharing.

Ms. Wilson briefed the Council on two items:

- The OVWD Trustee vacancy has been advertised. Mr. Bolton will remain on the board until an appointment is made. The Town will re-advertise the opening.
- Governor Mills has declared the House of Representatives District 124 Seat vacant and the election will be held on March 12, 2019.

Council agreed to hold a Council workshop on January 14th to discuss a new TIF district request. A public hearing on the TIF district will be held at the February 11th Council Meeting.

5. Adjournment

At 7:40 p.m., Meghan Gardner moved and Sam Kunz seconded to adjourn. All voted in favor, 6-0.

Minutes are not verbatim. A video-recorded version is available on the Town's website at www.orono.org.

Respectfully submitted, Nancy W. Ward, Executive Assistant

Town of Orono

Proposed Town Charter Amendments

Elements of Orono's Town Charter

- **Establishes the Council - Town Manager Form of Government**
- **Vests powers in the Town Council and defines criteria for Town Councilors**
- **Creates and defines criteria for certain Boards**

Elements of Orono's Town Charter

- **Vests and defines powers of the Town Manager**
- **Describes the Annual Budgeting Process**
- **Establishes the Municipal Nomination and Election Process**

Elements of Orono's Town Charter

- **Prescribes the referendum and initiative process to:**
 - **Overrule certain Council action;**
 - **Allow for Council to submit ordinances, orders or resolves to popular vote; and**
 - **Allows voters to enact ordinances by initiative.**

Charter Amendment vs. Revision

Amendment = Minor Changes to Update the Charter

- **Council Recommends Amendments**
- **Voters Accept or Reject at the Annual Municipal Election**

Revision = Changing the Fundamental Structure of Governance

- **Requires the Seating of an Elected Charter Commission**
- **Commission Recommends Revisions**
- **Voters Accept or Reject at the Annual Municipal Election**

**THE ORONO TOWN COUNCIL
IS RECOMMENDING
AMENDMENTS TO
THE TOWN CHARTER**

Proposed Amendment (Article #1)

Shall the municipality approve amendments to the Municipal Charter of the Town of Orono updating gender references and correcting grammatical errors?

What does Article #1 do?

- **Updates gender references for consistency with current practices (he/him vs. they/them); and**
- **Corrects grammatical errors (town vs. Town, board vs. Board, and includes punctuation to reflect intent).**

(Throughout the document.)

Proposed Amendment #2

Shall the municipality approve the amendments to the Municipal Charter of the Town of Orono to require that only residents of the Town are eligible to be Councilors?

What does Article #2 do?

In 1969, when the Charter was adopted registered voters were by definition residents of the town. Changes in Maine Law allow for individuals temporarily residing in the state to register to vote without declaring a permanent residency change. As proposed, this article would require an individual to be both a permanent resident and registered voter of Orono to serve on Council.

(Section 1.1.2)

Proposed Amendment (Article #3)

Shall the municipality approve amendments to the Municipal Charter of the Town of Orono authorizing the addition of two (2) Associate Members of the Orono Board of Assessment Review, both of whom would be authorized to participate only in the event necessary to produce a quorum?

What does Article #3 do?

With only three members on the Board of Assessment Review (BAR), it is often difficult to schedule hearings within the statutory time frame allowed for taxpayer appeal. The use of Associate Members mirrors the structure of other Town Boards and will allow the BAR to meet as necessary.

(Section 1.1.5)

Proposed Amendment (Article #4)

Shall the municipality approve amendments to the Municipal Charter of the Town of Orono to recognize the organization of Regional School Unit No. 26 and to reflect that, pursuant to state law, the Town of Orono no longer has a Department of Education?

What does Article #4 do?

Several years ago, voters of the Town of Orono elected to move from a municipal school department and formed RSU #26. This vote created a new legal entity separate from the Town or oversight by the Town Council; however, the Town Charter has not yet been updated to reflect this change. Article 4 seeks to update the Charter to reflect this change in structure.

(Sections 1.1.7)

Proposed Amendment (Article #5)

Shall the municipality approved amendments to the Municipal Charter of the Town of Orono to make clear that the Town Council has broad authority to review, amend, and approve the municipal budget and to extend the deadline for submission of a Capital Improvement Plan?

What does Article #5 do?

As a matter of practice, the Town Council has broad authority to adopt the annual budget. The Council is proposing to strike language in Section 1.1.8 that appears to limit this authority; however, seeks to maintain the practice of adopting budgets at the departmental level.

(Section 1.1.8)

Proposed Amendment (Article #6)

Shall the municipality approved amendments to the Municipal Charter of the Town of Orono relating to municipal nominations and elections to clarify the priority of state law in the municipal election process, to impose certain ballot requirements, and to require write-in candidates to obtain the same number of votes required to be nominated in order to be successful?

What does Article #5 do?

Article 5 seeks to clarify that:

- In the case of conflicting statutory guidance for elections, the Town will follow MRSA 30-A;**
- The slate of nominees for election to municipal office will be placed on the ballot in alphabetical order using the name as it appears on the official voter list and without reference to political party or affiliation; and**

What does Article #5 do?

Article 5 seeks to clarify that (Cont.):

- Those meeting the criteria to serve as Town Councilor or RSU #26 Director may be elected by write-in vote with no declaration in advance provided that they garner at least the number of votes required to be placed on the ballot through the nomination process.**

(Section 1.1.9)

PROPOSED AMENDMENT (Article #7)

Shall the municipality approve amendments to the Municipal Charter of the Town of Orono to reduce the threshold number of required signatures of registered voters needed to certify a petition from 10% of the total number of registered voters to 10% of those having cast ballots during the last Gubernatorial Election?

What does Article #7 do?

Currently, a petition to overrule Town Council action or enact an ordinance by initiative must be signed by at least 10% of individuals registered to vote in Orono. As proposed, this threshold would be reduced to require signatures of voters equaling at least 10% of the number of votes cast in the last gubernatorial election.

(Section 1.1.10)

Registered Voters vs. Votes Cast

<u>Year</u>	<u>Registered Voters</u>	<u>Votes Cast</u>	<u>Difference</u>
2018	9,844	4,447	5,397
2014	9,920	3,528	6,392
2010	10,364	3,293	7,071
2006	14,206	3,401	10,805

Proposed Amendment #8

Shall the municipality approve amendments to the Municipal Charter of the Town of Orono increasing the threshold for sending certain Town Council purchases and borrowings to referendum from \$100,000 to \$500,000?

What does Article #8 do?

When the Town Charter was adopted in 1969, the threshold for providing voters the opportunity to reconsider Town Council purchasing and borrowing actions to only those decisions related to a single item or capital project of \$100,000 or more. Adjusted for inflation, this would equate to approximately \$670,000-\$700,000 (depending upon index used).

(Section 1.1.10)