



## **Ogunquit Charter Review Commission**

### **Meeting Minutes**

#### **Statutory Public Meeting September 2, 2020**

This meeting was conducted remotely via Zoom during the COVID-19 State of Emergency

#### **1. Welcome and Call to Order**

The meeting was called to order at 6.00 pm.

Members present:

- William Sawyer, Chair
- Gordon Lewis, Vice Chair
- Robin Millward, Secretary
- Amy Forbes
- Peter Griswold
- Patricia Hussey
- Gary Latulippe
- Wendy Levine
- Terry Ann Lunt

Others present:

- Town Manager Patricia Finnigan
- Town Clerk Christine Murphy

#### **2. Old Business**

Moved by Peter Griswold, seconded by Terry Ann Lunt, that the Minutes of the Charter Review Commission's organizational meeting on August 4, 2020 be approved. Agreed unanimously.

#### **3. New Business**

##### ***Introduction***

The Chair provided a background to the work of the Commission as set out in Maine State Statute and made more specific by Ogunquit's Town Charter. The Town is required to establish a Commission every five years, to review the Charter and to recommend updates. The Chair reported that the Town Attorney would advise the Commission on conflicts between the Charter and State law when specific provisions were reviewed, not as a consolidated list. The Commission's initial thoughts at the August 4 meeting had been to simplify the Charter, make it easier to understand and resolve ambiguities. There had been some discussion as to "Why a Charter?" and Peter Griswold had researched this topic in more depth.

### ***Why a Charter? – Peter Griswold***

Ogunquit adopted its first Town Charter in 1991 and has made changes 16 times to date. Although only 15% of Maine’s 493 municipalities have Charters, all of Ogunquit’s surrounding towns have Charters except for Kennebunkport, Berwick and North Berwick. The Ogunquit Town Charter is a living document which relies on public input and requires clear thinking.

Managers of towns without Charters rely on State Statutes, Administrative Codes and Local Ordinances. The view of the Managers with whom Peter spoke is that amending Codes and Ordinances is easier than operating under a Charter, and less expensive as no Charter Review Commission is required.

Towns with Charters choose their own form of town government, which is limited only by any prohibitions imposed by State Statutes or Federal laws. The Maine Municipal Association advises that a Town Charter should be a document of broad principles regarding structure, governance, and stewardship and should not overreact to issues of the day.

(Please also see Peter’s outline paper, attached as an appendix to these Minutes.)

### ***Welcome to the public***

In opening the meeting to the public, the Chair emphasized the importance of public input on “Should we have a Charter” and other specific concerns. Public input is also welcome at the Commission’s fortnightly meetings and via the email box which can be accessed via the “Contact” drop down menu on the Town’s website. All emails will be reviewed at the appropriate meeting.

### ***Public input – key themes***

- The Charter has served us well for 30 years. It is more accessible than the 1000 pages of Maine Statutes, both to members of the public and to Boards and Committees. If the Charter were abolished, its provisions would have to be incorporated into codes and ordinances and an index of documents created.
- The Town Manager recruitment process should be streamlined.
- Clarity is needed on the expiration of terms for Boards / Committees. Terms should end with the end of the fiscal year, with a specific note to the Select Board allowing the Board to extend terms until the next scheduled election. Problems arose this year (2020) with the June Town Meeting being postponed until July and should be avoided in the case of another emergency. Provisions for moving alternates into empty seats should also be reviewed.
- Ensure Town policies / ordinances are accessible to the public electronically.
- Can the Charter Review Commission look at municipal ordinances and correct discrepancies, for example, regarding the Town Seal?

- Update and streamline the Charter, using plain language and making it an easy reference document while minimizing ambiguities leading to different interpretations.
- Specify consequences when the Charter is violated – “put some teeth into it”.
- Limit the number and variety of signs which political candidates can put up and specify areas where signs cannot be posted.

#### **4. Next steps**

##### ***Topics for review***

The Chair proposed that at each fortnightly meeting, Commission members should prepare to discuss both a specific Article and a topic. The Town Manager Search Committee was a good example: before tackling Article IV, review how the Committee worked and how it could be improved.

##### ***Ideas for topics:***

- Rules for being on Committees
- Overlap between ordinances and the Charter: determine which document is the most appropriate “home” for each point
- Charter language – identify and simplify complex wording
- Make the Charter real: where are sanctions needed? Where should provisions be changed (i.e., election by secret ballot, which is honored in the breach and contradicts State law)

##### ***Accessibility***

Wendy proposed making hotlinks in the document between State law and Charter provisions for ease of reference. There was general support for this proposal.

**Action:** agree who will take the lead; Chair to facilitate, if possible, direct contact with Town Attorney to ensure correct links are chosen.

##### ***Preamble***

**Action:** everyone to review and try to reduce to one half page; send to Secretary by **September 9** to circulate; select one at the September 15 meeting and work on that. Alternatively, please advise the Secretary of preferred version(s) [no more than 2] from those already drafted.

##### ***Articles***

**Action:** everyone be prepared to discuss Article 1 at the next meeting. Send any written comments to the Secretary by **September 9**. The Vice Chair proposed that, given the brevity of Article 1, the group also prepare to discuss Article 2.

*Note:* Patricia has researched residency, which is part of Article 2, and will send background papers to the Secretary to circulate to the Group.

***September 15 meeting management***

Public input is welcome at the beginning of the meeting and for each topic.

**Action:** Chair and Secretary to solicit more input.

A vote will be taken on Charter / no Charter. Several Commission members proposed this be at the beginning of the meeting.

**Action:** Chair, Vice Chair and Secretary to agree draft Agenda.

The meeting will be limited to 2 hours.

**5. Close of meeting**

Moved by Peter Griswold, seconded by Gordon Lewis, that the meeting be adjourned. By unanimous consent, the meeting was adjourned at 7.05 pm.

Respectfully submitted,

*Robin Millward*

Ogunquit Charter Review Commission Secretary

*Note: These minutes are not a transcript.*



## Why should Ogunquit have a Charter?

Charter Review Commission - 2 September 2020

- Maine’s Constitution – Home Rule = VIII<sup>th</sup> Amendment
- Charter - Pros & Cons

Non-Charter Towns in Maine = 427	Charter Towns = less than 66
<ul style="list-style-type: none"> <li>• No burning need – follow State Statutes</li> <li>• If it works, don’t fix it</li> <li>• Town Administrative Codes &amp; Ordinances</li> <li>• Both written on paper vs etched in stone</li> <li>• Charter = another layer of regulation</li> <li>• Time, effort &amp; expense of Charter Reviews</li> </ul>	<ul style="list-style-type: none"> <li>• Home Rule – Decentralized Power (900+ vs 36 pages)</li> <li>• Right to govern unless prohibited (Federal/State)</li> <li>• Each town’s Charter is unique – needs &amp; values</li> <li>• Charter describes governmental structure</li> <li>• Charter governs powers, duties &amp; responsibilities</li> <li>• Amendments must be approved by voters</li> <li>• Enhances voter interest &amp; participation</li> </ul>

- Surrounding Non-Charter Towns: Kennebunkport. Berwick & North Berwick
- Ogunquit’s Charter History
- - 1913 – First Legislative Charter approving the Ogunquit Village Corporation (street lights)
  - 1980 – Second Legislative Charter establishing the Town of Ogunquit (L.D. 9590)
  - 1991 – Ogunquit Adopted its First Town Charter, approved by the Town’s voters
  - 2020 – Ogunquit’s Charter Review Commission commenced on August 4<sup>th</sup> - Charter #18

24 August 2020 - PLGriswold