



TO: Auburn Voters  
FROM: Sue Clements-Dallaire, City Clerk  
RE: November 8, 2022 Special Municipal Election, Proposed Charter Amendments  
DATE: October 24, 2022

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Sec. 2.8 of the City Charter that was approved by voters on November 8, 2005 states that the City Council shall provide for the review of the city's charter and ordinances in their entirety at least once every 15 years.

The Charter discussions began in October of 2020. Several special meetings were held to review the Charter and Ordinances. Proposed Charter amendments were discussed by the City Council and School Committee, then submitted to the City Attorney for legal review.

Title 30-A, Sec. 2102 (1) states: "The municipal officers may determine that the revision of the municipal charter be considered or that adoption of a new municipal charter be considered and, by order, provide for the establishment of a charter commission to carry out that purpose as provided in this chapter.

The City Council felt that the current City Charter was solid and did not require revisions, therefore, a Charter Commission would not be necessary. After a full review of the Charter was done by the City Council, and pursuant to Title 30-A, Sec. 2104, Council determined that the proposed amendments should be considered and, public notice was given, a public hearing was held, and Council voted to submit the proposed Charter amendments to the voters at the November 8, 2022 Election.

**Order 49-04042022**

**ORDER to submit the proposed Charter Amendments to the voters of Auburn  
at the November 8, 2022 Election.**

**Whereas**, the Auburn City Council held several special meetings to conduct a review of the City Charter section by section in accordance to Sec. 2.8 of Auburn's Charter; and

**Whereas**, the School Committee presented their recommended changes to the City Council at a special meeting held on November 30, 2020; and

**Whereas**, proposed changes that were voted on by the City Council during the process only submitted the Proposed Charter Amendments listed below to the City Attorney for legal review, with proposed additions to the City Charter indicated with an underline, and proposed deletions from the City Charter indicated with a ~~strickethrough~~; and

**Now, therefore, be it ordered by the Auburn City Council** as follows:

The Auburn City Council finds that the Proposed Charter Amendment in Section 4.2 does not affect the composition nor voting authority of the School Committee but is simply designed to ensure that any student representatives are of sufficient capacity to meaningfully participate in the School Committee's work.

The Auburn City Council finds that the Proposed Charter Amendments in Sections 4.7 and 4.9 merely serve to conform the existing Charter language to Maine statutes governing the hiring and firing of the superintendent of schools.

The Auburn City Council finds that the Proposed Charter Amendments to Sections 6.4 and 8.7 simply promote conformity and consistency in references to the Auburn School Committee throughout the Charter.

Accordingly, the Auburn City Council concludes that the Proposed Charter Amendments will not alter the general plans, schemes, or structure of the existing Charter language, will not result in a profound or fundamental alteration in the essential character or core operations of Auburn's municipal government, and therefore constitute amendments to the Auburn City Charter which are within the purview of the Auburn City Council, as the municipal officers, to propose for consideration by the voters and that they are not revisions requiring the establishment of a Charter Commission.

The Auburn City Council therefor orders that the Proposed Charter Amendments be placed on a ballot and submitted to the voters of Auburn at the November 8, 2022 Election and if passed by the voters of Auburn, the Charter Amendments would take effect July 1, 2023.

### **Proposed Charter Amendments**

#### **Sec. 4.2 Composition and compensation.**

The School Committee shall consist of the Mayor, or a City Councilor selected by the Mayor, and seven (7) other members. Five (5) members shall be elected, one (1) from each ward by and from its registered voters. Two (2) members shall be elected at-large by and from the City's registered voters. Members shall hold office for a term of two (2) years or until their successors are elected and qualified except that any candidate whose name does not appear on the printed ballot must receive at least twenty-five (25) valid write-in votes in order to qualify for election to that position. The School Committee may appoint by rule non-voting student representatives to serve with the School Committee. Student members will be secondary students and will serve a one (1) year term.

#### **Sec. 4.7. Voting.**

A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least four affirmative votes; however, in the event of a tie the measure fails. ~~Five affirmative votes shall be required to hire or fire the superintendent of schools.~~

**Sec. 4.9. Superintendent of schools.**

The school committee shall choose a superintendent of schools in accordance with Title 20-A §1051, solely on the basis of executive and administrative qualifications. The superintendent of schools need not be a resident of the city at the time of appointment but shall be a resident of the city during tenure of office unless otherwise approved by the school committee. The School Committee may discharge the superintendent before the expiration of the contract term in accordance with Title 20-A §1052.

**Sec. 6.4. Powers and duties.**

The city manager shall be administrative head of the city government and shall be responsible to the city council for the administration of all departments other than the ~~department of education~~ School Department.

**Sec. 8.7. Amendments after adoption.**

- A. *Supplemental appropriations.* If during or before the fiscal year the city manager certifies that there are available for appropriation municipal revenues, including those of the ~~department of education~~ School Department, in excess of those estimated in the budget, the city council by resolve may make supplemental appropriations for the year up to the amount of such excess.

**Passage on 8/15/2022 7-0.**