

# MAINE STATE LEGISLATURE

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# N I N E T Y - S E V E N T H   L E G I S L A T U R E

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**Legislative Document**

**No. 118**

H. P. 110

House of Representatives, January 20, 1955.

Referred to Committee on Legal Affairs. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Hanson of Gardiner.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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### **AN ACT to Grant a New Charter to the City of Gardiner.**

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Be it enacted by the People of the State of Maine, as follows :

#### **ARTICLE I**

##### **Grant of Powers to the City**

**Sec. 1. Corporate existence retained.** The inhabitants of the city of Gardiner shall continue to be a municipal corporation under the name of the city of Gardiner and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation; and may enact ordinances, by-laws, and regulations not inconsistent with the constitution and laws of the state of Maine.

#### **ARTICLE II**

##### **City Council**

**Sec. 1. Powers and duties.** The administration of all the fiscal, prudential and municipal affairs of said city with the government thereof, except as otherwise provided by this charter, shall be and are vested in 1 body of 6 members and a mayor, which shall constitute and be called the city council, all of whom shall be qualified voters of said city, and shall be sworn in the manner hereinafter prescribed. Said city council shall exercise its powers in the manner hereinafter provided.

The members of the city council shall be and constitute the municipal officers of the City of Gardiner for all purposes required by statute and except as other-

wise herein specifically provided, shall have all the powers and authority given to and perform all duties required of municipal officers and mayors of cities under the laws of this state.

All the powers of establishing a watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the said city council so far as relates to said city; and they are authorized to unite the watch and police departments into 1 department and establish suitable regulations for the government of the same.

The said city shall be divided into 6 wards, except that it shall be the city of the city council at least once in 10 years to review and, if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.

The said city shall be divided into 6 wards, except that it shall be the duty of the city council at least once in 10 years to review and, if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.

All other powers now or hereinafter vested in the inhabitants of said city, and all powers granted by this act, except as herein otherwise provided, shall be vested in said city council.

**Sec. 2. Composition, election, tenure of office.** The city council shall be composed of the mayor and 6 other members. The members shall be elected, 1 from each of the 6 voting wards provided for in section 1 of this article. The candidate from each ward receiving the largest number of votes cast in each ward shall be the elected councilman from his ward. The term of office shall be for 2 years or until their successors are elected and qualified. Each member shall be a voter and resident of the ward from which he is elected. Each member, except the mayor, shall serve without pay and shall not be eligible while a member of the council to any office of emolument or profit under the city charter or ordinances, nor to hold the office of city manager, nor to act as city manager during the term for which he was elected.

**Sec. 3. Vacancies, forfeiture of office.** In case of a vacancy caused by the death, resignation, removal from the city, or removal from office, as hereinafter provided, of any member of the city council, the vacancy shall be filled by a majority vote of the remaining members.

Any member of the city council who shall be convicted of a crime while in office may, after due notice and hearing before the city council, be removed from office.

**Sec. 4. Regular meetings and qualification.** The council shall meet at the usual place for holding meetings, at 10 o'clock A. M. on the 1st Monday in January, at which time the mayor-elect and the councilmen-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk. Thereafter the council shall meet at such time and place as may be prescribed by ordinance or resolution, except that it shall meet regularly each month.

**Sec. 5. Special meetings.** Special meetings may be called by the mayor and in case of his absence, disability or refusal may be called by a majority of the members of the city council. Notice of such meeting shall be served in person or left at the residence of each member of the city council at least 24 hours before the time for holding said special meetings.

**Sec. 6. Quorum.** A majority of the members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least 24 hours' notice shall be given to all members who were not present at the meeting from which the adjournment was taken.

**Sec. 7. Procedure.** The council shall keep a record of its proceedings and shall be the judge of the qualification and election of its own members. The council may determine its own rules of procedure and punish members for misconduct. The meetings of the council shall be open to the public. The council shall act only by ordinance, order or resolve; and all ordinances, orders, and resolves, except resolves making appropriations, shall be confined to one subject which shall be clearly expressed in the title. The appropriation resolves shall be confined to the subject of appropriations. No ordinance and no appropriation resolve shall be passed until it has been read on 2 separate days, except when the requirement of a reading on 2 separate days has been dispensed with by a 5/6 vote of the voting members of the council. The yeas and nays shall be taken on the passage of all ordinances and entered on the record of the proceedings of the council by the clerk. The yeas and nays shall be recorded on the passage of any order or resolve when called for by any member of the council. Every ordinance shall require on final passage the affirmative vote of a majority of the voting members of the council. Every ordinance before final passage shall be posted, marked "Proposed Ordinance," at the city hall and shall take effect and be in full force 30 days from and after it shall have received final passage by the city council. Within 15 days after final passage said ordinance shall be published in one or more of the newspapers circulated in Gardiner.

No order or resolve shall take effect until 10 days after its passage except that the city council may by vote of 5/6ths of its members pass emergency orders or resolves to take effect at the time indicated therein but such emergency orders or resolves shall contain a section in which the emergency is set forth and defined.

### ARTICLE III

#### The Mayor

**Sec. 1. Eligibility, election and tenure of office.** A mayor shall be elected by and from the qualified voters of the city. He shall hold office for a term of 2 years or until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term or until his successor is elected and qualified.

**Sec. 2. Vacancy.** In case of the death, resignation, or removal from office of the mayor, the vacancy shall be filled from the council by a majority vote of

the members, and the member so elected to the position of mayor shall serve until the next regular municipal election.

**Sec. 3. Powers and duties.** The mayor shall preside at all meetings of the council and shall perform such other duties not inconsistent with his office as the council may impose. He shall have no veto and no vote except in case of a tie. He shall be recognized as the official head of the city. The title of mayor shall not be considered as conferring upon him any power of a mayor under the general laws of the State inconsistent with the provisions of this charter.

**Sec. 4. Salary.** The salary of the mayor shall be fixed at \$500 annually.

## ARTICLE IV

### The School Board

**Sec. 1. Composition, eligibility, election, tenure of office, special provision.** The school board shall consist of 6 members elected from their respective wards in the regular municipal election. They shall hold office for a term of 2 years, or until their successors are elected and qualified. If for any reason a vacancy shall exist in the membership of the school board, the vacancy shall be filled forthwith by the city council.

**Sec. 2. Organization, qualification, quorum.** The members elected shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk, and a record made thereof. A majority of the whole number elected shall be a quorum and they shall elect their own chairman; except that the mayor shall be chairman ex officio and shall vote only in the case of a tie.

**Sec. 3. Powers, duties.** The school board shall have all the powers, and perform all the duties in regard to the care and management of the public schools of said city, which are now conferred and imposed upon school committees by the laws of this state, except as otherwise provided in this charter. They shall elect a superintendent of schools as provided for by the laws of this state, who shall have the care and supervision of said public schools under their direction, and act as secretary of their board; they shall fix his salary at the time of his election. They shall annually furnish to the city council an estimate in detail of the several sums required during the ensuing municipal year for the support of the public schools.

## ARTICLE V

### Nominations and Elections

**Sec. 1. Date of elections and procedure to determine results.** The regular municipal elections under the provisions of this charter will be held biennially on the last Tuesday in November. At these biennial elections the qualified voters of the city shall ballot within their regular wards and at their respective polling places for members of the city council, the mayor, school board and such other elective offices as are otherwise provided for in this charter. The candidates for these offices shall be duly qualified under the nomination regulations contained herein.

As provided in section 2 of Article II, at the 1st municipal election to be held under the provisions of this charter, the qualified voters of the various wards

and polling places shall vote for 6 members of the city council and the mayor, and such other elective officers as herewithin prescribed, all of whom shall have been nominated under the provisions of this charter.

**Sec. 2. Warden and ward clerk; eligibility; tenure; qualification; powers and duties; vacancies; ward meetings, how called.** The warden and the ward clerk appointed as hereinafter provided shall be qualified voters of the wards for which they are appointed, and shall hold their offices for 2 years, or until others have been chosen and qualified in their stead; the warden and the ward clerk shall be sworn to the faithful performance of their duties by the city clerk, or by a justice of the peace, and a certificate of such oath shall be entered by the clerk on the records.

**Sec. 3. Nominations for elective offices to be made by petition.** The nomination of all candidates for elective offices provided for by this charter shall be by petitions. The petition of candidates for mayor shall be signed by not less than 50 qualified voters of the city. The petition for a candidate for the city council shall be signed by not less than 25 of the qualified voters of the respective ward. No voter shall sign petitions for more than 1 candidate for each office.

**Sec. 4. Form of nomination paper.** The signatures to nomination papers need not all be affixed to 1 nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each petition, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street, or their description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the city clerk of the city of Gardiner:

We, the undersigned voters of the city of Gardiner, hereby nominate ..... whose residence is ..... for the office of ..... to be voted for at the election to be held in the city of Gardiner on the ..... day of ....., 19...; and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are vacancies to be filled.

Name ..... Street and number ..... being duly sworn, deposes and says that he is the circulator of the foregoing nominating petition containing ..... signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

(Signed) .....

Subscribed and sworn to before me this ..... day of ....., 19....

.....  
(Justice of the Peace)  
(Or Notary Public)

If this petition is deemed insufficient by the city clerk he shall forthwith notify by mail ..... at No. .... Street.

**Sec. 5. Filing nomination papers; acceptances of nominations must be filed.** The nomination petitions for any 1 candidate shall be assembled and united into 1 petition and filed with the city clerk not earlier than 30 nor later than 16 calendar days before the day of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing not later than 16 calendar days before the day of election, his consent, accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

**Sec. 6. List of candidates to be published.** The city clerk shall certify the list of candidates and shall cause to be published in 1 or more of the daily newspapers circulating in the city the names, the residences and offices to which nominated, of the candidates who have duly filed the above described petitions and acceptances.

**Sec. 7. Ballots, etc., to be prepared by the city clerk.** Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk and furnished by the city.

**Sec. 8. Form of ballot.** Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence and the office for which they are a candidate, and shall be furnished with 1 column for crosses or check marks at the right of the candidate's name and residence. Such ballots shall be without party mark or designation and shall be in form as prescribed by board of registration and city clerk.

**Sec. 9. Count of ballots.** All votes cast for the several officers shall be sorted, counted, declared and registered in open ward meetings as provided by statute. The ward clerk shall forthwith deliver to the city clerk a certified copy of the records of such election.

The city council shall examine copies of the records of the several wards, certified as aforesaid, and shall cause the persons who shall have been elected mayor and members of the city council to be notified in writing of their election. If it shall appear that at the 1st election, or at any subsequent election, 1 or more of the offices to be filled by said election has not been so filled, or if at any election the person elected shall refuse to accept the office for which he has been elected, warrants for another and special election to fill such vacancy or vacancies shall be issued forthwith.

**Sec. 10. Returns; canvass.** Upon receipt of the returns, after the 1st election under this charter, the then municipal officers and thereafter the city council shall determine the successful candidates as has been the customary practice of canvassing returns of municipal elections in Gardiner.

**Sec. 11. Specimen ballots to be published and posted.** The city clerk shall cause specimen ballots to be posted in public places in each ward and at city hall. Such specimen ballots shall be printed on colored paper and marked specimen ballots, and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters by the legislature or by the city council. Such ballots shall be without party mark or designation.

**Sec. 12. State laws not inconsistent applicable.** The provisions of the laws of the state of Maine relating to the qualifications of electors, registration, the

manner of voting, the duties of election officers, and all other particulars in respect to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections of Gardiner, except as otherwise provided in this charter.

## ARTICLE VI

### Administrative Officers

**Sec. 1. Titles and appointments.** There shall be the following administrative officers and boards :

(a) The following officers and boards, except as herein otherwise provided, shall be appointed by the mayor with the advice and consent of the city council in regular session.

1. City manager.
2. Trustees of Gardiner Public Library.
3. Trustees of Gardiner Water District.
4. Superintendent of Cemeteries.
5. Superintendent of Parks and Playgrounds.
6. Director of Civil Defense.

(b) The following officers and boards shall be appointed by the city manager with the advice and consent of the council :

1. Treasurer.
2. Tax Collector.
3. City Clerk.
4. Chief of Police, special police officers and constables.
5. Chief of the Fire Department.
6. City Solicitor.
7. City Physician.
8. City Auditor.
9. Public Works.
10. Health Officer.

11. All other department heads now existing, or which may be appointed, established through ordinance and resolve.

Except as hereafter provided, these various department heads may hire their own subordinate clerks and employees as needed, subject to the approval of the city manager.

**Sec. 2. Power of council with regard to appointive officers and boards.** The council shall have power by ordinance or resolve to create new appointive office or to abolish any existing office or board excepting that of city manager.



**Sec. 3. Appointive officers; tenure; removal.** All appointive officers and boards, whose terms are not specified in this charter, shall hold office at the pleasure of the appointing power, except that the city manager, in case the city council proceeds to remove him, after 6 months of service, may demand and be entitled to written charges and a public hearing before the council, upon the question, prior to the date of his removal, but pending such hearing the council may suspend him from office. Appointive officers and boards, whose terms are specified in this charter, may be suspended and removed by the council; except that any such person may demand written charges and a public hearing prior to such removal.

**Sec. 4. Salaries.** Salaries of the appointees and all subordinate employees of the city manager shall be fixed by the city manager, subject to the approval of the city council.

**Sec. 5. Appointment and qualification of the city manager.** The city manager shall be chosen by the city council on the basis of his character and his executive and administrative ability and qualifications. He shall give bond to the city of Gardiner for the faithful performance of his duties in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on his bond shall be paid by the city. The city council shall fix the salary of the city manager.

**Sec. 6. Powers and duties of the city manager.** The city manager shall be the administrative head of the city and shall be responsible to the mayor and city council for the administrative management of all departments of the city. The powers and duties of the city manager shall be as follows:

1. To act as purchasing agent for the whole city. Each department head shall make requisitions to the purchasing agent for their several needs and he shall be the only person authorized to make contracts of purchase for the city.
2. To make appointments as provided for in this charter.
3. To assign the duties of 2 or more officers to 1 officer.
4. To divide the duties of any office between 2 or more officers.
5. To attend meetings of the city council (except when his removal is being considered) and recommend for adoption such measures as he may deem expedient.
6. To keep the city council fully advised as to the business and financial condition of the city as well as the future needs of the city and to furnish the city council with all the available facts, figures and data connected therewith when requested.
7. To perform such other duties as may be prescribed by this charter or required by ordinance of the city council.

**Sec. 7. Substitute.** During any vacancy in the office of city manager and during the absence or disability of the city manager, the city council may designate a properly qualified person to serve and perform the duties of city manager and fix his compensation; while so acting he shall have the same

powers and duties as those given to and imposed upon the city manager. Before entering upon his duties, he shall give bond to the city of Gardiner in a sum and with surety to be approved by the city council. The premium on such bond is to be paid by the city.

**Sec. 8. Duties of administrative officers other than city manager.** Duties of administrative officers other than the city manager shall be those prescribed by the city manager except that such duties shall not be inconsistent with any of the provisions of this charter.

**Sec. 9. Assessors of taxes.** The assessors of taxes shall be 3 in number, appointed by the mayor with the advice and consent of the city council. They shall hold office for a term of 3 years, or until their successors are appointed and qualified; except that at the 1st appointment, 1 assessor shall be appointed for 3 years. The 2 members whose terms have not expired shall serve out the term for which they were originally chosen, and thereafter 1 assessor shall be appointed each year for a term of 3 years, and each shall hold office until his successor is appointed and qualified. If for any reason a vacancy shall exist in the membership of the board of assessors, the vacancy shall be filled forthwith by the city council for the unexpired term. The assessors appointed as above provided shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to under the laws of the State. The majority of the whole number appointed shall be a quorum and they shall elect their own chairman.

**Sec. 10. Overseer of the poor.** The city manager is hereby constituted the overseer of the poor of the city of Gardiner and shall perform all duties required of overseers of the poor for cities by statute or otherwise.

## ARTICLE VII

### Business and Financial Provisions

**Sec. 1. Accounts and records.** Accounts shall be kept by the auditor, showing the financial transactions of all departments of the city. Forms for all such accounts shall be prescribed by the auditor, with the approval of the city manager. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The auditor shall furnish to the city manager, prior to the 1st regular meeting of the city council in each month, a report containing in detail the receipts and disbursements of the city on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the city, of the several funds, and the total unexpended balance to the credit of each department or appropriation account.

**Sec. 2. Approving of bills.** The auditor shall check and furnish to the city council on or before the 1st regular meeting of each month the bills which have been incurred for the preceding calendar month. The council shall approve these bills before payment and such approval shall be by majority vote of the council.

**Sec. 3. Audit.** All the accounts of the city shall be audited annually by a certified public accountant or State Dept. of Audit to be chosen by the city

council and the council at its discretion shall have included in any year an audit of the uncollected taxes.

**Sec. 4. Reports.** The auditor shall publish each month a statement of the financial condition of the city. Each of the administrative officers and boards shall annually, on such date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. The city manager shall thereafter prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show :

- (a) Receipts classified according to sources.
- (b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification employed in the city's accounting system.
- (c) Balance sheets.
- (d) Such other financial information as may be required by the city council.

**Sec. 5. Annual budget.** Not later than 1 month before the end of the fiscal year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks the forms for which shall be designated by the city manager and shall contain :

- (a) Exact statement of the financial condition of the city.
- (b) Itemized statement of appropriations recommended for current expenses and for permanent improvements; with comparative statements in parallel columns of expenditures for the current and next preceding fiscal year. Any increases or decreases in any item or items shall be indicated.
- (c) Itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, with comparative figures from the current and next preceding year.
- (d) Such other information as the city council may require. The budget shall be posted not later than 2 weeks after its submission to the city council. The city council shall fix a time and place for holding a public hearing upon the budget and shall give a public notice of such hearing, which shall be at least 10 days before the final passage of the appropriation resolve.

**Sec. 6. Appropriation resolve.** As early as possible after the beginning of the fiscal year, the city council shall pass an annual appropriation resolve, which shall be based upon the budgets submitted by the city manager and the school board. The total amount appropriated shall not exceed the estimated revenue of the city. Before the annual appropriation resolve has been passed, the city council may make appropriation for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

There shall be included in the annual appropriation resolve an appropriation to provide for tax abatements and uncollectible taxes in such amount, not less than 2% of said annual appropriation, as shall be recommended by the manager and approved by the council. All abatements and uncollectible taxes shall be charged to this reserve, and if at any time such reserve should be in excess of the total uncollected taxes, tax deeds and tax liens, then such excess shall be transferred to the reserve fund.

**Sec. 7. Borrowing.** The borrowing of money by and for the city shall be limited as to form and purpose by the provisions of sections 8 and 9 of Article VII of this charter. The credit of the city shall in no manner be loaned to any individual or corporation.

**Sec. 8. Bond issues.** Money may be borrowed, within the limits fixed by the constitution and statutes of the state now or hereafter applying to said Gardiner, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the payment of indebtedness of the city contracted for the acquisition of land, the construction and equipment of buildings and other permanent public improvements, and the payment or refunding of bonds, notes and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in 2 public places in the city of Gardiner, and publishing said notice in at least 1 daily newspaper circulated in said Gardiner at least 2 weeks before final action by the city council, and the approval of 5/6 of all the members of the city council. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement, the term of such bonds shall not exceed the estimated period of utility of said improvement, but the declaration of the city council embodied in the order authorizing the issue shall be a conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed 30 years. Bonds issued after the adoption of this charter shall be made payable in annual, serial and approximately equal installments as pertains to principal, and interest shall be made payable semiannually. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal and interest; and such amounts shall be included in the tax levy for each year until the debt is extinguished; provided, however, that bonds issued to refund any indebtedness of the city of Gardiner existing prior to the adoption of this charter or bonds issued to refund such bonds shall not be subject to the aforesaid requirement of being made payable in annual, serial and approximately equal installments.

**Sec. 9. Temporary loans.** Money may be borrowed in anticipation of receipts from taxes during any fiscal year but the aggregate amount of such loans outstanding at any one time shall not exceed 80% of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be paid within 1 year and are subject to the provisions of laws of the state of Maine in relation thereto.

**Sec. 10. Liquidation indebtedness.** There shall be included in the annual appropriation resolve an appropriation for the liquidation of municipal indebtedness in the amount of not less than 2% of the total appropriation for that year, such amount to be used for the payment of serial notes and bonds maturing within the year and the balance to be deposited in a sinking fund. This provision shall remain in force so long as there remain outstanding bonds or notes, exclusive of temporary loans in anticipation of taxes, the payment of which has not been provided for by payments in serial installments.

This sinking fund shall be applied to the payment of the bonded indebtedness of the city at such times as such bonds become due, the payment of which has not been provided for by payments in serial installments. Any balance remaining in the sinking fund after such bonded indebtedness is completely retired may be used for the payment of serial bonds. This sinking fund shall be invested as provided by the Revised Statutes of the State of Maine and all acts in addition thereto or in amendment thereof.

**Sec. 11. Payments.** Money shall be paid out only on warrants on the city treasury issued by the auditor and countersigned by the city manager, the mayor and a member of the city council to be designated from time to time by said city council.

The auditor shall examine all payrolls, bills and other claims and demands against the city, and shall issue no warrant for payment until he finds that the claim is in proper form, correctly computed, duly certified and legally due and payable.

The auditor may require any claimant to make oath to the validity of his claim, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.

**Sec. 12. Bonds of officers.** The city council shall require a bond with sufficient surety or sureties, satisfactory to the city council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for said bonds to be paid by the city.

**Sec. 13. Collection and custody of city moneys.** All moneys received by any officer, employee or agent of the city belonging to the city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the city treasurer with some responsible banking institution to be chosen by said city council. All interest from all deposits of money belonging to the city shall accrue to the benefit of the city.

**Sec. 14. Purchasing of supplies.** The purchasing agent shall purchase all supplies according to subsection 1 of section 6 of Article VI. No purchase of supplies exceeding an amount set by the city council shall be made except through authorization of city council.

The purchasing agent shall see to the delivery of supplies to each officer and department to whom they belong, and take and file receipts therefor. He shall conduct all sales of property belonging to the city which are unfit or unnecessary

for the city's use, but only after such sale has been authorized by the city council, and subject to such restrictions as the city council may by ordinance provide.

The city manager shall act as purchasing agent.

## ARTICLE VIII

### Miscellaneous Provisions

**Sec. 1. Referendum; date of meeting; form of question; procedure.** This act shall be submitted for approval or rejection to the qualified voters of the city of Gardiner at an election to be held the 2nd Monday in September, 1955, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said city to meet in the several ward meetings of said city, there to cast their ballot on the approval or rejection of this act.

The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall 'An Act to Grant a New Charter to the City of Gardiner,' passed by the 97th Legislature, be accepted?" Otherwise said ballot shall be in form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted as municipal elections in said city are now conducted by law, and the results thereof shall be determined in the manner now provided by law, for the determination of the election of mayor. If a majority of the ballots deposited as aforesaid shall reject, this act shall not go into effect, but if a majority of the electors voting at said ward meetings shall approve, then this act shall take effect as herein provided. The result of said vote shall be determined as above provided and due certificate thereof filed by the city clerk with the secretary of state.

**Sec. 2. Date when effective.** So much of this act as authorized the submission of the acceptance of this charter to the voters of the city of Gardiner shall take effect as provided in the constitution of the state, but it shall not take further effect unless adopted by the voters of the city of Gardiner as hereinbefore provided. If adopted by the voters of the city, then this act for the purpose of nominating and electing officers hereunder shall take effect on the date of its adoption by the voters, and for all other purposes this act shall take effect on the first Monday of January immediately following the 1st election held under provisions of this charter.

**Sec. 3. Ordinances not inconsistent continued in force.** All ordinances in force at the time when this charter takes effect, not inconsistent with the provisions of this charter, shall continue in force until amended or repealed.

All rules and regulations of the municipal officers and offices of the city of Gardiner in force at the time when this charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

**Sec. 4. Existing contracts not invalidated, unless inconsistent.** All rights, actions, proceedings, prosecutions, and contracts of the city or any of its de-

partments, pending or unexecuted when this charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

**Sec. 5. Term of office, officers, boards.** All officials, officers, trustees, members of commissions or departments now in office holding positions hereafter to be filled under the provisions of this charter by the city council or the city manager shall not serve out their present terms but shall continue in office only until their successors are appointed or elected and qualified as provided in this act.

**Sec. 6. Repealing clause.** In event this act is approved in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.