

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 303

S. P. 211

In Senate, Feb. 1, 1933.

Referred to Committee on Judiciary and 500 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator McLoon of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT to Grant a New Charter to the City of Rockland.

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

ARTICLE I

Grant of Powers to the City

Section 1. Grant of powers to the city. The inhabitants of the city of Rockland shall continue to be a municipal corporation under the name of the city of Rockland 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 vested in the council. All the powers granted to the city by this charter and by the laws of this state, except as otherwise provided by this charter, are hereby vested in the city council, which shall exercise its powers in the manner hereinafter provided; except that the general

management, care and conduct of the schools shall be vested in a school committee. The members of the city council shall be the municipal officers of the city of Rockland for all purposes required by statute or ordinance. The city council is hereby constituted overseers of the poor of the city of Rockland. As such they may authorize a clerk or agent to sign and send the written notices and the written answers referred to in sections 35 and 36 of chapter 29 of the revised statutes; and such written notices and written answers shall have the same effect as if signed and sent by the members of the city council themselves.

Sec. 2. Composition and term of the council. The council shall be composed of the mayor and 7 other members. The members other than the mayor shall be elected one from each ward by and from the qualified voters thereof. The mayor shall be ex-officio president of the council. The members of the council shall hold office for a term of 2 years or until their successors are elected and qualified. Members of the council other than the mayor shall serve without compensation.

Sec. 3. Vacancies in the council. In case of the death, resignation, or removal from office of any member of the council, more than 6 months prior to the next regular city election, the vacancy shall be filled by a special election which shall be held in the ward from which the vacancy occurs, the warrants for which shall be issued by the mayor. Any member of the council who shall have been convicted of a crime while in office shall thereby forfeit his office.

Sec. 4. Organization; regular meetings. The council shall meet at the usual place for holding meetings at 10 o'clock A. M., on the first Monday in January following the regular city election, 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 twice each month.

Sec. 5. Special meetings. Special meetings may be called by the mayor, or by a majority of all the members of the council. Notice of such meeting shall be served in person upon, or left at the usual dwelling place of, each member of the council and the city manager.

Sec. 6. Quorum. A majority of the members of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time or compel attendance of absent members.

Sec. 7. Rules and 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 four-fifths vote of the voting members of the council. The yeas and nays shall be taken upon 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 taken 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 shall be published in full within 10 days after its final passage, and shall take effect and be in force after its approval by some justice of the supreme judicial court.

ARTICLE III

The Mayor

Section 1. Election and term. 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 more than 6 months prior to the next regular election, the vacancy for the unexpired term shall be filled by a special election, the warrants for which shall be issued by the council. Whenever the office of mayor becomes vacant within 6 months prior to a regular city election, whenever the office of mayor is vacant pending an election, or whenever the mayor, for any reason, is unable to attend to the duties of his office the council shall appoint one of its members to perform the duties of mayor.

Sec. 3. Duties of the mayor. The mayor shall preside at all meetings of the council and shall perform such other duties, consistent 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 for ceremonial purposes, and for all purposes of military law. The title of mayor shall not be considered as conferring upon him any functions of a mayor under the general laws of the state inconsistent with the provisions of this charter.

ARTICLE IV

Superintending School Committee

Section 1. Composition and term of the superintending school committee. The superintending school committee shall consist of the mayor, ex-officio, and 7 other members elected 1 from each ward by and from the inhabitants thereof. No person shall be ineligible to membership on the superintending school committee on account of sex. They shall hold office for a term of 4 years or until their successors are elected and qualified.

Sec. 2. Organization. The superintending school committee shall meet for organization on the first Monday in January following the regular city election. The members elect shall be sworn by a justice of the peace to the faithful discharge of their duties. A majority of the whole number to be elected shall be a quorum.

Sec. 3. Powers and duties of the superintending school committee. The superintending school committee shall have all the powers, and shall perform all the duties in regard to the care and management of the public schools of this city which are now conferred and imposed upon the superintending school committee by the laws of this state, except as otherwise provided in this charter.

Sec. 4. Vacancies. Whenever from any cause a vacancy in the superintending school committee shall occur, the city council by a majority vote of all the members shall appoint, for the unexpired term, a resident of the ward where the vacancy exists.

ARTICLE V

Nominations and Elections

Section 1. Elections. On the 2nd Wednesday in December in the year 1933 and biennially thereafter the qualified voters of each ward shall ballot for a mayor, a councilman, a member of the superintending school committee, a warden, and a ward clerk; all the votes cast for the several officers shall be sorted, counted, declared and registered in open ward meeting by causing the names of the persons voted for, and the number of votes given for each to be written on the ward record at length. The ward clerk shall forthwith deliver to the persons elected warden and ward clerk certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election.

In the year 1933, the board of alderman, and thereafter the city council, shall, as soon as conveniently may be, examine the copies of the records of the several wards certified as aforesaid and shall cause the persons who

shall have been elected mayor, councilmen, and members of the superintending school committee to be notified in writing of their election; but if it shall appear that no person shall have been elected to any office, or if the person elected shall refuse to accept the office, warrants for another election shall be issued forthwith. At any election the person receiving the highest number of votes for an office shall be deemed and declared elected to such office.

Sec. 2. Warden and ward clerk. The warden and the ward clerk chosen as provided in the preceding section shall be residents of the wards for which they are elected, and shall hold their offices for 2 years from the 1st Monday in January following the regular city election, 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 person presiding in the ward meeting, or by the clerk thereof, and a certificate of such oath shall be entered by the clerk on the records of said ward. The warden shall preside at all ward meetings with the powers of moderators of town meetings and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. If neither the warden nor the clerk shall be present, any legal voter in the ward shall preside until a clerk pro tempore shall be chosen and qualified. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals together with all documents and papers held by him in the capacity of clerk. All ward meetings shall be notified and called by the city council in the manner provided in the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

Sec. 3. Nomination by petition. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of candidates for mayor shall be signed by not less than 100 qualified voters of the city. The petitions of candidates for councilmen, for the superintending school committee, for warden and for ward clerk shall be signed by at least 25 qualified voters of the ward wherein the candidates are to be elected. No voter shall sign petitions for more than 1 candidate for each office to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed.

Sec. 4. Signature to the forms of nomination papers. The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made 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 or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

We, the undersigned electors of the city of Rockland, hereby nominatewhose residence is....., for the office of....., to be voted for at the election to be held in the city of Rockland 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 persons to be elected thereto.

Name Street and Number

(Space for signatures)

....., being duly sworn, deposes and says that he is the circulator of the foregoing petition paper 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.)

This petition, if found insufficient by the election authorities, shall be returned to..... at No. Street

Sec. 5. Filing nomination papers. The nomination papers comprising a petition shall be assembled and filed with the city clerk, as one instrument, not earlier than 28 nor later than 14 days, exclusive of Sundays, before the day of the election. No nomination shall be valid unless the candidate shall file with the city clerk in writing his acceptance of the nomination, not later than 14 days before the day of the election.

Sec. 6. Certifying and publishing the list of candidates. The city clerk shall certify the list of candidates, and shall cause to be published in one or more newspapers, circulating in the city, the names and residence of the candidates who have duly filed the above-mentioned petitions.

Sec. 7. Preparation of the ballot. Specimen ballot and official ballots for use in all city elections shall be provided by the city clerk.

Sec. 8. Form of ballot. The names of the candidates nominated as provided in the preceding section shall be arranged according to lot under the title of the office to be filled. Lot shall be drawn by the city clerk, at

which drawing the candidates or their representatives shall be entitled to be present. The ballots shall be without party mark or designation. The full name and residence of each candidate shall be given. At the right of each name shall be a square within which the voter shall place a cross to designate his choice. Blank spaces shall be left at the end of the list of the candidates for each office, in which the voter may insert the name of any person not printed on the ballot, for whom he desires to vote.

The ballot shall be printed substantially as follows :

CITY OF ROCKLAND

Ward ()

Regular (or Special) City Election

(Date)

Official Ballot

Instructions to Voters

To vote for any candidate mark a cross (X) in the square at the right of the name.

If you wrongly mark, tear or deface the ballot return it and obtain another.

For MAYOR

John Doe(Res.)

Richard Roe(Res.)

.....(Res.)

For COUNCIL

John Smith(Res.)

William White(Res.)

.....(Res.)

For Superintending School Committee

Charles Brown(Res.)

Joe Jones(Res.)

.....(Res.)

For WARDEN

William Doe (Res.)

Charles Roe (Res.)

..... (Res.)

For WARD CLERK

John Jones (Res.)

Charles White (Res.)

..... (Res.)

Mark a cross (X) in the square at the right of your answer.

Shall Yes

.....? No

Shall Yes

.....? No

Sec. 9. Specimen ballots. The city clerk shall cause specimen ballots to be posted in public places and advertised in the newspapers not later than 10 days prior to the city election. Such specimen ballots shall be printed on colored paper and marked specimen ballot, and shall contain the names of the certified candidates with the resident of each, instructions to voters, and such measures as may be submitted to the voters. Such ballots shall be without party mark or designation.

Sec. 10. State election laws. The provisions of the laws of the state of Maine relating to the qualification of electors, registration, the manner of voting, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable shall govern all municipal elections except as otherwise provided in this charter.

ARTICLE VI

Administrative Officers

Section 1. Titles and appointments. There shall be the following administrative officers and boards.

(a) The following officers and boards shall be appointed by ballot by a majority vote of the voting members of the council: city manager, clerk, city solicitor, treasurer and tax collector, disbursing agent who shall also be clerk to overseers of the poor, assessors of taxes, planning board, and board of health.

(b) The following officers and boards shall be appointed by the city manager, subject to confirmation by the city council: city engineer, superintendent of streets, wire inspector, plumbing inspector, inspector of buildings, city physician, city marshal, chief of the fire department, all other department heads whose positions may be from time to time created by ordinance, and upon recommendation of heads of departments, all minor officers and employees.

Sec. 2. Power of the council with regard to appointive officers and boards. The council shall have power by ordinance or resolve:

- (a) To create any new appointive office.
- (b) To assign or authorize the city manager to assign the duties of 2 or more offices to 1 officer.
- (c) To divide the duties of any office between 2 or more offices.
- (d) To authorize the appointment of assistants or deputies in any office.

Sec. 3. Civil service rules for police and fire departments. The city council shall provide by ordinance for a system of civil service rules for the appointment, promotion, lay-off, reinstatement, suspension, and removal of the members of the police department and the fire department except that the chief of the fire department and the city marshal shall be appointed or removed as herein-before provided.

Sec. 4. Terms of service. 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 proceed to remove him, after 6 months 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 removed by the council upon written charges and after a public hearing on the same.

Sec. 5. Compensation of officials. The council shall fix by order the salary of the mayor and the salaries of the appointees of the council. Salaries of the appointees of the city manager shall be fixed by the city manager subject to the approval of the council.

Sec. 6. Appointment and qualifications of the city manager. The city manager shall be chosen by the council solely on the basis of his executive

and administrative qualifications, and need not be a resident of the city of Rockland or the state of Maine at the time of his appointment.

Sec. 7. Powers and duties of the city manager. The city manager shall be administrative head of the city government, and shall be responsible to the council for the administration of all departments. The powers and duties of the city manager shall be as follows:

- (a) To see that the laws and ordinances are enforced.
- (b) To exercise control over all departments and divisions created herein, or that may hereafter be created.
- (c) To make appointments and removals as provided in this charter.
- (d) To attend meetings of the council, except when his removal is being considered, and recommend for adoption such measures as he may deem expedient.
- (e) To keep the council fully advised as to the business, financial condition, and future needs of the city.
- (f) To perform such other duties as may be prescribed by this charter or required by ordinance of the council.

Sec. 8. Substitute. During the vacancy in the city manager's office, and during the absence or disability of the manager, the council may designate a properly qualified person to perform the duties of manager and fix his compensation.

Sec. 9. Duties of administrative officers other than the manager. Duties of administrative officers other than the manager may be prescribed by the council. Such duties shall not be inconsistent with the provisions of this charter.

Sec. 10. Assessors of taxes. At its first meeting in January, 1934, or as soon thereafter as may be, the city council shall appoint 3 assessors of taxes, one for a term of 1 year, one for a term of 2 years, and one for a term of 3 years; and annually thereafter there shall be appointed by the city council one assessor for a term of 3 years. The assessors shall hold office until their successors are appointed and qualified. If for any reason, a vacancy occurs in the membership of the board of assessors, the vacancy shall be filled forthwith by the council, for the unexpired term. The assessors thus appointed 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 are subject to, under the laws of the state.

Sec. 11. Composition and term of city planning board. The city planning board shall consist of 3 members, each to serve 3 years, except that at the first appointment under this charter one shall be appointed for 1 year,

one for 2 years, and one for 3 years, and thereafter one shall be appointed each year.

Sec. 12. Duties and powers of the city planning board. It shall be the duty of the city planning board to keep itself informed of the progress of city planning in this and other countries, to make studies and recommendations for the improvement of the plan of the city with a view to the present and future movement of traffic, the convenience, health, recreation, general welfare, and other needs of the city dependent on the city plan; to consider and report upon the designs and their relations to the city plan, of all new public ways, lands, buildings, bridges, and all other public places and structures, of additions to and alterations in those already existing, and of the layout or plotting of new sub-divisions of the city. All acts of the council or of any other branch of the city government affecting the city plans shall be submitted to the board for report and recommendations. The council may at any time call upon the board to report with recommendations and the board of its own volition may also report to the council with recommendations on any matter which, in the opinion of either body, effects the plan of the city.

Any matter referred by the council to the board shall be acted upon by the board within 30 days of the date of reference, unless a longer or shorter period is specified by the council.

The board shall submit to the council an annual report summarizing the activities of the board for the fiscal year, the recommendations made by it to the council during the year and the action of the council during the year on any and all recommendations made by the board in that year.

The city engineer shall serve as chief engineer of the city planning board. The board of health of the city shall advise the planning board from time to time of any municipal improvements within the scope of the planning board which, in the opinion of the board of health, would improve the healthfulness of the city.

Sec. 13. City planning to be a park commission. The planning board shall be a board of park commissioners and as such shall have the powers and duties of park commissioners provided for by section 84 of chapter 4 of the revised statutes.

Sec. 14. Board of health. At its first meeting in 1934, or as soon thereafter as may be, the city council shall appoint a board of health of 3 members, one for a term of 1 year, one for a term of 2 years, and one for a term of 3 years, and annually thereafter there shall be appointed by the city council one member of the board of health for a term of 3 years.

The members of the board of health shall hold office until their successors are appointed and qualified. If for any reason a vacancy occurs in the

membership of the board of health, the vacancy shall be filled forthwith by the council for the unexpired term.

ARTICLE VII

Business and Financial Provisions

Section 1. Accounts and records. Accounts shall be kept by the auditor showing the financial transactions of all departments of the city. Forms of 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 manager, prior to the first regular meeting of the 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.

Sec. 2. Auditing of accounts. All the accounts of the city shall be audited annually by a qualified accountant to be chosen by the council.

Sec. 3. 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 a date as may be fixed by the council, render to the manager a full report of the transactions of his department for the year. On the basis of these reports, the manager shall prepare and publish an annual report. In addition to a summary of the services rendered by the various departments the report shall show :

1. Receipts classified according to sources.
2. Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the auditor's books.
3. Balance sheets.
4. Such other financial information as may be required by the council.

Sec. 4. Annual budget. Not later than one month before the end of the fiscal year the city manager shall submit to the 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 of 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. An increase or decrease in any item 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 the next preceding year.

(d) Such other information as may be required by the council.

The budget shall be published not later than 2 weeks after its submission to the council. The council shall fix a time and place for holding a public hearing upon the budget, and shall give the public notice of such hearing, which shall be at least 10 days before the final passage of the appropriation resolve.

Sec. 5. Appropriation resolve. Not later than 1 month after the beginning of the fiscal year the council shall pass an annual appropriation resolve, which shall be based on the budget submitted by the city manager.

The total amount appropriated shall not exceed the estimated revenue of the city.

Before the annual appropriation resolve has been passed the council may make appropriations for current departmental expenses, chargeable to the appropriations of 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.

Sec. 6. Transfers. The council in the appropriation resolve shall provide for a reserve fund from which transfers may be made only by vote of the council, and no transfer of any money shall be made from any fund other than this reserve fund until the end of the fiscal year, at which time, after all warrants have been paid out of the various funds, the auditor shall transfer to this reserve fund any remaining balance of balances in these various funds, except balances in the school fund; the council may then authorize a transfer from the reserve fund to any other fund in which there is an overdraft created by any actual emergency.

Sec. 7. Borrowing. The borrowing of money by and for the city shall be limited as to form and purpose according to provisions 8 and 9 of Article VII of this charter. The credit of the city shall not in any manner be loaned to, or in aid of, any individual, association, or corporation except that suitable provisions may be made for the aid and support of the poor of the city.

Sec. 8. Bond issues. Money may be borrowed by the issue and sale of bonds or notes, pledged on the credit of the city, 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 by posting a notice of the same in 2 public places in the city of Rockland and advertising same in a newspaper of general circulation, published in the county of Knox at least 2 weeks before final action by the council, and the approval of four-fifths of all the members of the council. Every issue of bonds shall be payable within a term of years, not to exceed the period of the useful life of the improvement for which they are issued, and in no case to exceed 30 years. Bonds issued after the adoption of this charter shall be payable in equal annual serial instalments, including principal and interest. Every order for the issue of bonds shall provide for a tax levy for each year to meet 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.

Sec. 9. Temporary loans. Money may be borrowed in anticipation of receipts from taxes during any fiscal year, but the aggregate amount of such loan at any time shall not exceed 80% of the revenue from taxes received during the preceding fiscal year. All such loans shall be paid out of the receipts from taxes for the fiscal year in which they are issued. Money may also be borrowed in anticipation of revenue from bond issue in case such bond issue has been authorized.

Sec. 10. Sinking fund. Until the bonded indebtedness of the city of Rockland, in force at the time of the adoption of this charter, is paid, the city council shall raise and set apart each year for a sinking fund, a sum equivalent to 2% of the total appropriation for that year. The sinking fund shall be applied only to the payment of that bonded indebtedness of the city, the payment of which has not been provided for by serial installments.

The sinking fund shall be invested in the bonds of the city or in such other bonds as savings banks in this state may from time to time be authorized to hold for investment, or may be deposited in such savings banks.

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

The auditor may require any claimant to make oath to the validity of a 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 bonds, with sufficient sureties, from all persons trusted with the collection, custody, or disbursement of the public moneys.

Sec. 13. Collection and custody of city moneys. All moneys received by

any officer, employee, or agent of the city for, or in connection with, the business of the city shall forthwith be paid into the city treasury, and shall be deposited with such responsible banking institutions as the council may determine. All interest from such deposits shall accrue to the benefit of the city.

Sec. 14. Purchasing of supplies. The purchasing agent shall purchase all supplies for the city and for the several officers and boards thereof, except supplies for the schools which he shall purchase only upon requisition by the superintending school committee.

The purchasing agent shall see to the delivery of supplies to each department and take and file receipts therefor. He shall conduct all sales of property unfit or unnecessary for the city's use, after such sales have been authorized by the council.

The city manager shall act as purchasing agent until the council by ordinance shall provide for the appointment of a purchasing agent.

ARTIVLE VIII

Public Utilities

Section 1. Franchises. All public utility franchises, and all renewals, amendments, and extensions thereof shall be granted or made only by a four-fifths vote of the voting members of the council. No franchise and no renewals or amendments thereof shall be granted or made within 3 months after the application therefor is filed with the city clerk, nor within 30 days after the publication in full of the proposed franchise in its final form, nor until a public hearing has been held thereon. No public utility franchise shall be transferable except with the approval of the council.

Sec. 2. Right of regulation. All orders providing for grants, renewals, amendments or extensions of public utility franchises shall retain to the city the following rights:

(a) To repeal the same by order at any time for non-use, or for failure to begin construction within the time prescribed or otherwise to comply with the terms prescribed.

(b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency:

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates:

(d) To impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

ARTICLE IX**Miscellaneous Provisions**

Section 1. Members of city council ineligible for certain offices. No member of the city council shall during the term for which he was chosen be eligible for any other office the salary of which is payable by the city, or shall during such term hold any such office.

Sec. 2. No personal interest. No officer or employee of the city, elected or appointed, shall be interested directly or indirectly in any contract for work or materials, or the purchase thereof, to be furnished or performed for the city. No such officer or employee, except a policeman or fireman, shall accept or receive from any person, firm, or corporation acting under a franchise or license from the city, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any such person, firm, or corporation, any service upon terms more favorable than those granted to the public generally. This provision shall not apply however to any free service now or hereafter provided for by contract, franchise or ordinance.

Sec. 3. Submission of the act to the voters of Rockland. This act shall be submitted for approval or rejection to the qualified voters of the city of Rockland at an election to be held the 2nd Monday in September in the year 1933 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 for the approval or rejection of this act. The question proposed on said ballot shall be substantially in the following form :

“Shall an act passed by the legislature in the year nineteen hundred and thirty-three, approved (insert date) entitled ‘An Act to Grant a New Charter to the City of Rockland 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 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.”

Sec. 4. When the provisions of this act shall take effect. So much of this act as authorizes the submission of the acceptance of this charter to the

electors of the city of Rockland shall take effect as provided in the constitution of the state, but it shall not take further effect unless accepted by the electors of the city of Rockland as hereinbefore provided. If accepted by the electors 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 electors, and for all other purposes this act shall take effect on the 1st Monday in January in the year 1934.

Sec. 5. Ordinances 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.

Sec. 6. Present contracts, etc., continued. All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments, 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. 7. Acts repealed. In case this act is approved in the manner hereinbefore provided, all acts and parts of acts inconsistent herewith are hereby repealed.