STATE OF MAINE  
COUNTY OF YORK  
CITY OF SACO

I. CALL TO ORDER – On Monday, August 25, 2014 at 7:00 p.m. a joint meeting of the City Council and Board of Education was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Donald Pilon conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Bette Brunswick, Kevin Roche, Arthur Tardif, Eric Cote and Nathan Johnston. Councilor Leslie Smith was excused this evening. City Administrator Rick Michaud was also present. Board of Education present: Margarita Zavala, Edna Ben-Ami, Kevin Lafontune, Michel Ohayon, Stanley Mozden and Elizabeth Johnston. Cynthia Chadwick-Granger was excused this evening. Superintendent of Schools Mike Pulsifer was also present.

III. PLEDGE OF ALLEGIANCE

IV. AGENDA:

A. CHARTER AMENDMENTS: MUNICIPAL SCHOOL ADMINISTRATIVE UNIT – (FIRST READING)

On November 6, 2013, the Saco citizens voted (2,996 yes - 977 no) in favor of the City of Saco withdrawing from the Regional School Unit No. 23 (RSU 23). The approved Withdrawal Agreement dated August 1, 2013 was certified by the Department of Education on November 18, 2013. The Withdrawal Agreement describes the process for School Board member elections and budget adoption. The City Council and School Board support a Charter amendment that will create a School Department.

Subsequent to the formation of Regional School Unit 23, approved by voters on November 4, 2008, the citizens voted on November 2, 2010, to approve and ratify the Charter Amendments to Article VI Board of Education, Article VI Financial Procedures $6.02-6.04, and Article VII Elections §7.02, dated February 16, 2010, and Article VII, Elections §7.02, dated August 16, 2010, removing all Board of Education references in the Charter.

In summary, the proposed charter amendments remove the Regional School Unit 23 from the charter and replace it with a School Department; create a School Board; and describe how members are elected as well as their duties and powers. The budget adoption process is added to the Charter as well.

If the Charter is not amended; what is the process for adopting the School Budget? The Withdrawal Agreement between the City of Saco Withdrawal Committee and the RSU 23 dated August 1, 2013, describes these processes. The document can be found at this web site: http://www.sacomaine.org/departments/administration/RSU/FinalSacoWithdrawalAgreement.pdf

On August 13, 2014, the School Board met to discuss the ‘Charter Amendments Board of Education Dated June 10, 2014’, and included comments to the document identified as (8/13/2014 - School Board comments:) All other strikethrough and deletes to the document are those of the City Council from March 2014.

Charter amendments; procedure

The City Council may determine that amendments to the municipal charter should be considered and, by order, provide for notice and hearing on them and shall provide for a public hearing on the proposed amendments. At least 7 days before the hearing, they shall publish a notice of the hearing in a newspaper having general circulation in the municipality. The notice must contain the text of the proposed amendments and a brief explanation. The hearing shall be conducted by the municipal officers.

Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election held at least 30 days after the order is passed; or they may order a special
election to be held at least 30 days from the date of the order for the purpose of voting on the proposed amendments.

Mayor Pilon moved with the unanimous consent of the Council “Be it ordered that the City Council approve the (First Reading) of the document titled, Charter Amendments Board of Education dated June 10, 2014”, and the council further moves to set the Public Hearing for September 15, 2014.” Further move to approve the Order.

**Charter Amendments Board of Education Dated June 10, 2014**

(Note that strikethrough represents language to be deleted, while underline represents language to be added.)

Article IV.
Board of Education

Section 4.01. Regional School Unit School Department and School Board.

a. (Reserved) The governance of the Saco School Department, and the Saco Municipal School Administration unit, approved by the voters shall be vested in its school committee, the Saco School Board (“School Board”).

b. (Reserved) The School Board shall consist of seven Board Members each serving a three year term, and -each ward of the City will be represented by a Member who must be a resident of that ward.

c. Powers and Duties. The School Board shall have such powers and duties as are conferred by law upon Municipal School Administrative Units-school committees in regard to the care, management and operation of the public schools, except as otherwise provided in this Charter, including the authority to create an annual School Budget as required under State law, including the appointment, removal and setting of compensation for the Superintendent of Schools. The School Board shall furnish (line by line) budget estimates in detail of the several sums required during the ensuing budget year for the support of the public schools and shall make such financial and activity reports in writing whenever and in such form to the City Administrator as he may require and to the Mayor and the City Council at their request.

d. Procedure. The School Board shall adopt rules and orders for its procedure, except in no event shall the School Board conduct a meeting without at least 4 members being present. It shall and maintain a journal and publically report therein its proceedings and decisions. The journal or authenticated copies thereof shall be on file at the office of the Superintendent of Schools and the City Clerk. It shall meet at least monthly.

e. Compensation. The members of the School Board shall receive the same salary and an annual compensation, payable in the same manner and amount quarterly, in the same amount as the City Council, as described in Section 2.01 of this Charter. The Mayor shall receive salary and compensation as other members of the School Board in addition to, and not lieu of, any salary and compensation described in Section 2.01 of this Charter. (8/13/2014 - School Board comment: The School Board does not think the Mayor should get additional compensation for serving on the School Board.)

c. (Reserved) One Board Member shall be elected from each ward of the City, and their election shall take place at the same time as the election for City Councilors, Ward Clerks and Wardens. The election shall be governed by Article VII of this Charter. Their terms of office shall commence the first Monday in December, and shall expire three years thereafter, except as set forth below to effect a staggered board. If a vacancy in the office of School Board Member arises prior to the normal expiration of term by virtue of resignation, death, forfeiture of
office as described in Section 2.06 (b) of this Charter, change of residence from the ward from which elected, or if a Member should miss three consecutive meetings without excuse, the vacancy in office shall be filled as follows:

1. If less than one year of the office holder’s term remains, the School Board shall appoint a resident from the affected Ward:

2. If more than 1 year of the office holder’s term remains, the City Clerk shall schedule and conduct a special election for residents of the affected Ward to select a new School Board Member.

d. (Reserved) The Mayor shall sit as an ex officio member of the Chair of the School Board but shall have no vote except in the case of a tie. The Mayor may not make motions, but may request matters be added to an agenda for School Board consideration. (8/13/14 - School Board comment: The School Board does not think the Mayor should make motions or add things to the agenda.)

e. (Reserved) Commencing with the 2014 – 2015 School Year Budget, the School Board shall adopt and submit to the City Council at not later than the second Council meeting in February or March (8/13/14 - School Board comment: The School Board would like to keep the month listed as March, not February.) of each year, a proposed annual School Budget for school operations, programming and anticipated capital expenses that conforms to the requirements of State law and this Charter. The School Budget shall detail anticipated costs, including existing and proposed debt service for capital projects, all surplus funds remaining from any prior year, all anticipated revenue for the coming year, and shall be reasonably detailed as described in Section 6.04 of the Charter and shall set forth those requirements and details as required by State law. The Council shall take action on the budget as set forth in Section 6.06 of the Charter, except the City Council may only increase or decrease a proposed line item by 4%. No such budget shall be submitted to the City Council for approval until the School Board has conducted at least one public hearing on its proposed budget. Such proposed budget shall be published by the School Board to the public not less than 14 days before its public hearing.

f. In respect and consideration of Public Law 2007, Chapter 240, as codified by the Legislature in 20-A MRS Section 1451 et seq., and with the creation of Regional School Unit 23, and following vote of the City on November 4, 2008 to join said Regional School Unit, the Saco Board of Education is hereafter dissolved. The City Council shall direct the City Administrator to negotiate and implement a Facilities Policy under which the School Board may manage and operate for educational purposes those existing school buildings owned by the City of Saco.

g. Sections a through e above are hereby repealed.

h. Nomination, Elections and Recalls. The election of Saco’s representative members to Regional School Unit 23 shall be governed by Article 7 and Article 9 of this Charter. The recall of any such representative member shall be governed by Article 8 of this Charter.

ARTICLE VI

Financial Procedures

Section 6.01. Fiscal Year.

The fiscal year of the City shall begin on the first day of July and end on the last day of June the ensuing year.

Section 6.02. Submission of Budgets.

At the second City Council meeting in February or March (8/13/14- School Board comment: The School Board would like to keep the month listed as March, not February.) of each year, the City Administrator and School Board shall each submit to the City Council their respective sections of the Municipal budgets.
Department) for the ensuing fiscal year along with an accompanying budget message...

Section 6.03. Budget Messages.

The City Administrator’s and the School Board’s messages shall explain their respective budget in fiscal terms and in terms of work programs. They shall describe the important features of the budget, indicate any major changes from the current year in expenditures and revenues together with the reasons for such changes, summarize the City’s or School Department’s debt position, and include such other materials as the City Administrator and School Board may deem desirable or the Mayor and the City Council shall request.

Section 6.04. Municipal Budget.

The annual Municipal Budget shall be submitted to the City Council in two parts, one by the City Administrator and one by the School Board. The School Department Budget shall include—the School Board’s Administrators estimated cost for operations of the School Department public schools for the ensuing year, including capital expenditures, priorities, and debt costs. The City Budget shall include the City Administrator’s estimated costs for operations of the City for the ensuing year, including capital expenditures, priorities and debt costs. The combined Municipal Budget, including the section submitted by the School Board shall be in such form as the City Council may require, except as otherwise required by law or this Charter.

At the second regular meeting of the City Council in MarchApril of each year, the City Administrator shall submit to the City Council a summary of the two parts of the Municipal Budget previously submitted to the City Council by the School Board and the City Administrator, of the Municipal Budget which summary shall be itemized further by principal sources of anticipated revenue, and which shall state separately the amount to be raised by property tax. It shall be itemized also by departments and kinds of expenditures in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

The summary of the proposed Municipal Budget shall be published at least once in one or more newspapers of general circulation in the City within the two –week period following submission to the City Council. [Amended 11-6-1984; 11-5-1996]

Section 6.06 City Council Action on the Municipal Budget.

a. Notice and Hearing. The City Council shall publish at least once in one or more newspapers of general circulation in the City the following:

1. The time and place where copies of the messages and budgets are available for inspection by the public.

2. A copy of the proposed Municipal Budget prepared in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget. This publication shall take place fourteen (14) days prior to the date of each public hearing on the budget.

3. The time and place, not less than two weeks after such publication, for a public hearing on the Municipal Budget.

b. Amendment before Adoption. At the next regular or special City Council meeting, at least seven (7) days after the public hearing, the City Council may amend or adopt the Municipal Budget as set forth herein, with or without amendment. In amending the municipal City portion of the budget, the Council shall have the discretion to add or increase or decrease programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law, or for debt service or for estimated cash deficit. Prior to adoption of the School Department Budget, the City Council may only increase or decrease the total amount spent on any budget category.
established under law but it may not otherwise amend programs or programming, personnel or any other category, which authority is reserved to the School Board.

c. Adoption. **The City Council shall, by order, adopt the Municipal Budget at a Special Council Meeting the second week of May, on or before the first regular City Council meeting in June. This budget shall be subject to any applicable state law governing budget validation referenda. Until the Municipal Budget is finally adopted, and if applicable approved by the voters, the amounts appropriated for the previous year shall be deemed adopted for the current fiscal year on a month-to-month basis, except to the extent that sections 1487 and 2307 of Maine Title 20-A apply to the School Department Budget.** Adoption and approval of the Municipal Budget shall constitute appropriations of the amounts specified therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy.

[Amended 11-5-1996]

**Article VII**

**Elections**

Section 7.01. City Elections.

<table>
<thead>
<tr>
<th>a. Regular City Elections. Regular City elections shall be held annually on the first Tuesday after the first Monday in November.</th>
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<tbody>
<tr>
<td>b. Qualified Voters. All citizens qualified by the Constitution and the laws of the State of Maine to vote in the City and who satisfied requirements for registration prescribed by the law shall be qualified voters of the City within the meaning of the Charter.</td>
</tr>
<tr>
<td>c. Conduct of Elections. Except as otherwise provided by this Charter, the provisions of the general election laws of the State of Maine shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by election authorities as established by law.</td>
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**Section 7.02. Candidates.**

<table>
<thead>
<tr>
<th>a. Elective Offices. The following officers shall be elected for the City:</th>
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<tbody>
<tr>
<td>1. A Mayor</td>
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<td>2. Seven Ward Councilors</td>
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<td>3. Seven Wardens</td>
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<td>4. Seven Ward Clerks</td>
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<tr>
<td>5. Four <strong>Seven Ward Members of Regional School Unit No. 23 or its successor the Saco School Board.</strong> [Added 11-2-2010]</td>
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<td>b. Nomination by Petition. The nomination of candidates for Mayor shall be made by nomination petition. A candidate for Mayor shall become qualified by filing a nomination petition signed by 200 qualified voters in the City. The nomination of candidates for the elective offices of councilor, School Board Member, warden, and ward clerk shall be made by nomination petition.</td>
</tr>
<tr>
<td>A candidate for nomination to the elective office of councilor, warden, ward clerk and School Board Member shall become qualified by filing a nomination petition signed by 35 qualified voters from his/her respective ward. Signatures of City residents living outside the applicable ward of the candidate shall not be counted towards the required total of 35. Nomination petition shall be filed in the office of the City Clerk at least sixty (60) days prior to the date of the municipal election. The nomination and election of these offices</td>
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1 Editor's Note: Former Subsection 3, which provided for seven members of the Board of Education, as amended 11-5-2002, was repealed 11-2-2010. This amendment also redesignated former Subsections 4 and 5 as Subsections 3 and 4, respectively.
shall be non-partisan.

c. The City Clerk shall cause specimen ballots to be posted in public places in each ward and at City Hall. These ballots shall contain the names of certified candidates with residence of each and office for which they are a candidate. Such ballots shall be without party mark or designation.

d. Wardens and Ward Clerks. The Wardens and Ward Clerks shall serve for two (2) year terms concurrent with the terms of the members of the City Council.

e. Members of the Regional School Unit 23. The nomination of a candidate for the Regional School Unit 23, shall become qualified by filing a nomination petition signed by at least thirty five (35) qualified voters in the City of Saco, filed in accordance with the provision of sections (b) or (c) above. [Amended 11-2-2004; 11-2-2010]

Saco School Board. The seven members of the Saco School Board shall serve three (3) year terms to run concurrently with the term of members of the City Council, and the election for this office shall be non-partisan. One person from each Ward of the City shall be elected by ballot, but no name may be placed upon the ballot until a nomination petition is completed as provided in Section b above.

f. For the sole purpose of creating a staggered composition to the School Board, the first municipal election to be held hereafter shall be for all seven wards, but the even numbered wards shall elect candidates for terms of only two (2) years notwithstanding any other provisions of this Charter, and the odd numbered wards shall elect candidates for terms of three (3) years. At the expiration of all such terms, including those of the even numbered wards, each election for office of School Board Member thereafter shall be for a term of three (3) years.

g. The nomination of all candidates for the Members of the Regional School Unit 23, or its successor Board of Education shall be by petition as provided in e above. All qualifying candidates will be listed in the ballot in alphabetical order, in the general municipal election. The nomination and election for this office shall be non-partisan. [Amended 11-3-1981; 11-5-2002; 11-2-2004; 11-2-2010] For the sole purpose of creating a staggered School Board, the For

Section 7.03. Determination of Results.

a. Plurality. The candidate receiving the greatest number of votes shall be deemed elected provided he qualifies as required herein.

b. Certified by City Council As required by law, the City Council shall certify the results of the City election.

c. Appeals. Appeals from the action of the City Council in certifying City elections may be made to the courts in the manner provided by law.

Section 7.04. Voting Devices.

The City Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with the law.

Article VIII.
General Meetings, Initiative and Referendum Recall

Section 8.01. General Meetings.
General meetings of the citizens qualified to vote in the City affairs may from time to time be held to consult upon the public good, to advise their representatives, and to request them to take all lawful measures to obtain redress of any grievances according to the rights secured to the people of the State by the Constitution of this State. Such meetings shall be duly warned as provided by law by the Mayor and the City Council upon request of fifty qualified voters. The City Clerk shall act as Clerk of such meetings and record the proceedings upon the City records.

Section 8.02. Initiative and Referendum.

The City Council shall within 12 months of the effective date of this Charter, in accordance with the provisions of the Constitution of the State of Maine, Article IV, Part 3, Section 21, enact an ordinance relating to initiative and referendum for the electors of the City in regard to its municipal affairs.

Section 8.03. Recall.

a. Power of Recall. Any elected official including Mayor, City Councilor, Ward Clerk, Warden, or School Board Member may be recalled and removed from office by the qualified electors of the City as herein provided.

b. Affidavit for Recall. Any fifty (50) voters of the City, or, in case of a Ward Councilor, School Board Member, Warden or Ward Clerk, any fifty (50) voters from the respective Ward, may make and file with the City Clerk an affidavit containing the name or names of the member or members whose removal is sought and a general statement of the reasons why such removal is desired.

c. Petition for Recall The City Clerk shall thereupon prepare petition blanks for such removal with a copy of said affidavit and general statement printed thereon or attached thereto, which shall contain the signature of said City Clerk, his official seal, shall be dated, addressed to the City Council, and contain the name or names of the person or persons whose removal is sought. The City Clerk shall file said petition blanks and shall, during office hours for twenty (20) business days thereafter, keep the same open for signatures by qualified voters of the City and no such petition blanks shall be signed or presented for signature at any place other than the City Clerk’s office.

d. Number of Signatures. To be effective in the case of the Mayor or members of the Regional School Unit 23, or its successor Saco School Board, the recall petition must be signed by not less than fifteen (15%) per cent of the number of registered voters, at the time of the last preceding, general municipal election, as determined by the City Clerk. In the case of a Ward Councilor, Warden or Ward Clerk, who has been elected as such by the registered voters of said Ward, the petition must be signed by not less than fifteen per cent (15%) of the number of registered voters in that ward at the time of the last preceding general municipal election as determined by the City Clerk. [Amended 11-2-2010]

e. Certification by Clerk. At the expiration of said twenty (20) days, the City Clerk shall declare the petition closed and shall within ten (10) days thereafter ascertain whether or not the petition has been signed by the requisite number of voters and shall attach thereto his certificate showing the result of such examination.

f. Calling of Election. If the petition shall be certified by the City Clerk to be sufficient, he shall submit the same with his certificate to the City Council at its next regular meeting and shall notify the member or members whose removal is sought of such action. The City Council shall thereupon, within ten (10) days of the receipt of the City Clerk’s certificate, order an election to be held not less than forty (40) nor more than sixty (60) days thereafter; provided that, if a regular municipal election is to occur within ninety (90) days after the receipt of said certificate, the City Council may in its discretion provide for the holding of the recall election on the date of such other municipal election. The recall election shall be called and held and nomination made as in other elections under the Charter, except for the specific limitations of this Section.

g. Form of Ballot. Unless the member or members whose removal is sought shall have resigned within ten (10) days after the receipt by the City Council of the City Clerk's certificate, the form of a ballot at such election shall, as
nearly as may, be "Shall A be recalled? Shall B be recalled?", etc. The name of the member or members whose recall is sought being inserted in place of A, B, etc. In case a majority of those voting for and against the recall of any official shall vote in favor of the recall, such official shall be thereby removed and the City Council shall order an election to be held within sixty (60) days thereafter.

h. Election of Successor. The election shall be called and held and nomination made as in other elections under Article VII, except for the specific limitations of this Section. Any candidate elected under the provisions of this Section shall serve for the balance of the unexpired terms of the official who such candidate succeeds.

i. Election May Be Ordered. Should the City Council fail or refuse to order an election as herein provided, judicial review may be sought, pursuant to the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Section 9.03. Judge of Qualifications.

The City Council shall be the judge of election and qualifications of the Mayor, the City Councilors, the members of the School Board, and Saco Representative Members of Regional School Unit 23, or its successor, and of the grounds for forfeiture of their offices. The City Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence in accordance with the provisions of Section 9.04. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing upon a written request made within ten (10) days of the filing of the charge with the City Clerk. Such hearing shall be held within thirty (30) days of the filing of the charge and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one (1) week in advance of the hearing. Decisions made by the City Council under this Section shall be subject to review by the Courts. The Saco School Board shall be the judge of election and qualifications for School Board Members. The School Board shall have and exercise the same standards, duties and powers described hereinabove in this section as are applicable to the City Council.

The Council and Board of Education discussed a couple of potential amendments they would like to see before the final document is approved. These amendments are listed below and highlighted in yellow.

1st Proposed Amendment – Section 4.01

e. Compensation. The members of the School Board shall receive the same salary and annual compensation salary, payable in the same manner and amount at the same amount as the City Council, as described in Section 2.01 of this Charter. The Mayor shall receive salary and compensation as other members of the School Board in addition to and not in lieu of any salary and compensation described in Section 2.01 of this Charter. (8/13/2014 - School Board comment: The School Board does not think the Mayor should get additional compensation for serving on the School Board.)

2nd Proposed Amendment- Section 4.01

(Reserved) The Mayor shall sit as an ex officio member of the School Board but shall have no vote except in the case of a tie. The Mayor may not make motions, but may request matters be added to an agenda for School Board consideration. (8/13/14 - School Board comment: The School Board does not think the Mayor should make motions or add things to the agenda.)

3rd Proposed Amendment – Section 6.06 (b)
Other Changes that weren't amendments – Basically keep the same info as it originally was with March dates.

Section 4.01

e. (Reserved) Commencing with the 2014 – 2015 School Year Budget, the School Board shall adopt and submit to the City Council on or before the second Council meeting in February or March. (8/13/14 - School Board comment: The School Board would like to keep the month listed as March, not February.) of each year, a proposed annual School Budget for school operations, programming and anticipated capital expenses that conforms to the requirements of State law and this Charter. The School Board shall detail anticipated costs, including existing and proposed debt service for capital projects, all surplus funds remaining from any prior year, all anticipated revenue for the coming year, and shall be reasonably detailed as described in Section 6.04 of the Charter and shall set forth those requirements and details as required by State law. The Council shall take action on the

Section 6.02. Submission of Budgets.

At the second City Council meeting in February or March. (8/13/14 - School Board comment: The School Board would like to keep the month listed as March, not February.) of each year, the City Administrator and School Board shall each submit to the City Council their respective sections of the Municipal Budget (City and School Department) for the ensuing fiscal year along with an accompanying budget message. The School Department Budget shall be broken into those categories or cost centers as required and described from time to time under State law.

V. ADJOURNMENT

Councilor Tardif moved, Councilor Precourt seconded to adjourn the meeting at 8:24 p.m.

Attest: ______________________________
Michele L. Hughes, City Clerk