

*Maine*  
Cumberland **County**

**CUMBERLAND COUNTY COMMISSIONERS**

**WORKSHOP MEETING**

**AGENDA**

**Peter J. Feeney Conference Room  
Cumberland County Courthouse  
142 Federal Street, Portland, Maine**

**Monday, March 9, 2020**

**(immediately following Cumberland County Commissioners' Meeting)**

- 1. Recodification of County governing documents**
- 2. Conversation on Fund Balance Policy**
- 3. Review of amendments to Surplus Property Admin Regulation**

**Next Commissioners' meeting: Monday, April 13, 2020, in the Peter J. Feeney Conference Room, Cumberland County Courthouse, 142 Federal Street, Portland, ME at 5:30 PM.**

*Maine*  
Cumberland **County**

**CUMBERLAND COUNTY COMMISSIONERS**

**POSITION PAPER OF THE COUNTY MANAGER**

**Date:** March 9, 2020

**Subject:** Charter – Recodification of County Governing Documents (WORKSHOP)

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Commissioner Gorden brought to the attention of the Commissioners and staff the County Charter dated 2010 requires the Commissioners to vote on the recodification of County governing documents every 10 years. 2020 represents ten years from the adoption of the County's first Charter. County Charter Section 7: General Provisions (7.3 Codification) states *"Every 10 years the governing documents shall be codified (i.e. Charter, ByLaws, administrative codes and policy documents)".* It should be noted that even though the Charter is mentioned in 7.3 as needing recodifying, Charter Section 7.4 Charter Review states *"The Charter shall be formally reviewed by a Charter Commission at least every twenty five years".*

The following documents I have found to need addressing:

**County Charter** – November 2010 (voted by citizens)

**County Commissioner By-Laws** – December 2011

**Regional Communication By-Laws** – Draft document February 2020 (for Board review)

**Recreation District Board of Trustees By-Laws** – Full re-write in November 2017

**Non-Union Personnel Policy** – Full re-write in February 2019

**County Administrative Regulations** – Full re-write in March 2019 (with amendments in January of 2020).

  
County Manager

# Cumberland County Charter

## PREAMBLE

We, the people of Cumberland County, Maine, in recognition of the dual role of the County as an agency of the State and a unit of local government, and in order to avail ourselves of self determination in County affairs to the full extent permissible under the Constitution and laws of the State of Maine and the United States of America, by this Charter confer upon the County the following powers, subject it to the following restrictions, and prescribe for it the following procedures and governmental structures except as otherwise proscribed by law:

## I: AUTHORITY

- 1.1 **Name:** The name of the County as it operates under this Charter shall continue to be Cumberland County, Maine, (hereafter "County").
- 1.2 **Nature and Legal Capacity:** From the time this Charter takes effect, the County shall continue to be an agency of the State and a body politic and corporate and shall be vested with all rights and powers of local self-government which are now, or hereafter may be, provided by the Constitution and laws of Maine and this Charter. In addition, it shall be vested with all the rights and programs from the Federal Government that are available either directly or through the State.
- 1.3 **Boundaries:** The external boundaries of the County are prescribed by state law
- 1.4 **Elected Positions:** Pursuant to the Constitution and laws of the State of Maine [Section 3, article 4 of Administration], the County shall have an elected Board of County Commissioners and the following elected official positions. If authorized by State law, any and/or all of following elected official positions may be permanently transferred to appointed, professional positions by a majority vote of the County electorate.
  - 1.4.1 Sheriff (listed in state constitution)
  - 1.4.2 Judge of Probate (listed in state constitution)
  - 1.4.3 Register of Probate (listed in state constitution)
  - 1.4.4 District Attorney (listed in state constitution)

## 2: POWERS AND DUTIES

- 2.1 **General Grant of Powers:** The County shall have those powers, duties and functions granted or allowed by the Constitution and laws of the United States of America or the State of Maine as fully as if each power were comprised in that general authority and were specifically granted by this Charter. The County shall have the necessary general police powers to assist its citizenry with their safety, health, education and general welfare and it shall avail itself of any and all powers invested by home rule to the advantage of its citizens. In addition, it may utilize all the laws, statutes and options available to private enterprise that are not in conflict with State Statues. All these powers are to be interpreted broadly.
- 2.2 **Transfer of Powers:** Whenever a governmental, public or non-profit entity requests a transfer of any or all privileges, powers, authority or functions to or from the County, the Board of County Commissioners (hereafter "Board") may in its sole discretion arrange for a cooperative transfer based upon a contractual or governmental agreement. This Charter recognizes that various Governmental Entities and Special Districts of the County also have rights, powers and functions within the County.

### Cumberland County Government

142 Federal St., Portland, ME 04101 • 207-871-8380 • [www.cumberlandcounty.org](http://www.cumberlandcounty.org)

- 2.3 Intergovernmental Cooperation:** The Board may, in the best interest of the County citizens, contract for one or more functions of the County to be performed in cooperation with or transferred to one or more governmental, public or private entities.
- 2.4 Division of Powers:** This Charter establishes the separation between legislative and administrative branches of the County government:
- 2.4.1 The Board by order** shall create and adopt Bylaws, administrative codes and policies and any other governance and procedural documents necessary for the County.
- 2.4.2 The County Manager** shall be responsible for the execution of those orders and the administration of all County entities, services and functions.
- 2.5 Construction of Services:** The powers granted by this Charter shall be construed broadly in favor of the Charter form of government enabling the County to implement programs and services for other governmental entities, non profit organizations and its citizens directly while avoiding the creation of special districts or other legal entities to accomplish these programs.
- 2.6 Procurement:** The Board shall have the authority to procure items and services from and contract with the most responsive, responsible vendor and may utilize a bias towards organizations located within the County per the bylaws, except as required by State law.

### **3: BOARD OF COUNTY COMMISSIONERS**

#### **3.1 Composition:**

**3.1.1 Number of County Districts:** There shall be five (5) districts, with a single Commissioner representing each district.

**3.1.2 Construction of Districts and Decennial Reapportionment:** Within forty five (45) days of receipt of each decennial US Census data, the County Commissioners shall request that the State Apportionment Commission prepare a description of each of the geographical districts to ensure the division of the County into contiguous and nearly equally populated areas. Each apportionment shall start as a new construct within the County's boundaries and with each District following existing municipal boundaries insofar as is possible. The creation or elimination of Districts shall not disqualify a standing Commissioner from serving out a term.

**3.2 Terms:** Each County Commissioner elected shall serve four (4) years, beginning on the First day of January after his or her election, and continuing after such term until his successor is elected and qualified. The terms shall be reasonably staggered. No Commissioner may serve more than three (3) consecutive terms.

#### **3.3 Qualifications:**

**3.3.1 Residence:** An individual is eligible to be nominated and elected to the Office of County Commissioner only when they are a resident of the District from which nominated and a registered voter of the County.

**3.3.2 Non-residence:** The office of any member of the Board shall become immediately vacant when the commissioner ceases to be any of the following: a resident of the district from which elected except as provided in Section 3.1.2; a registered voter of the County; any other cause as provided by this Charter or by the Constitution and laws of the State.

**3.3.3 Ineligible:** Upon election, a County Commissioner is immediately ineligible to serve in any other elected or appointed office as provided by this Charter or by the Constitution and laws of the State, except as follows:

**3.3.3.1 Dual Offices:** No one shall hold elective or appointive office in two governmental entities if money and/or resources are exchanged between them except where clearly authorized by the Bylaws or pursuant to an agreement under the Inter-local Cooperation Act.

**3.3.3.2 Time Restriction:** For a trailing period of 18 months, no former Commissioner shall hold any compensatory or appointed County position and must obtain written authorization from the County Manager approved by the Board to be employed by an organization having any business relationship with the County.

**3.4 Vacancies:** If a seat on the Board becomes vacant more than eight (8) months prior to the next November general election, the Board shall appoint a qualified person (as defined in Section 3 above) to fill the vacancy until the next November general election, at which time a qualified person will be elected to fill the remainder of the term.

**3.5 Exclusion:** After due process of formal charges and a hearing, and upon finding that a Commissioner-elect is not entitled to a seat because of a failure to meet the requirements in section 3.3.1 or 3.3.2., or if a Commissioner-elect was not "duly elected," the full Board, by a simple majority vote, may deny the Commissioner-elect a seat on the Board.

**3.6 Censure and Expulsion:** After due process of formal charges, a hearing and upon a formal vote on a resolution agreed to by a majority plus one of the full Board, Commissioners may be involuntarily removed from office before the normal expiration of their Charter terms by an "expulsion" from the Board of Cumberland County Commissioners. The Board may determine the Rules of its Proceedings and punish by immediate expulsion Commissioners for non-attendance, disorderly behavior and moral turpitude with the concurrence of a majority plus one of the full Board.

**3.7 Compensation:** Changes in salaries and available benefits of all commissioners shall be set by the Board and approved by a majority plus one vote of a full Finance Committee; said salary shall constitute full compensation for all services. Reimbursement for reasonable expenses incurred in performance of their duties may be allowed upon formal review and approval by the Board.

**3.8 Powers of the Board:** The Board shall be the policy determining body of the County. The Board may exercise all the powers singularly and/or jointly granted to the County and by this Charter, by local governmental entities, public and nonprofit entities or by its voters.

**3.8.1 Specific Powers:** The Board shall appoint by a majority of a full Board and remove by a majority plus one vote of a full Board:

**3.8.1.1** The County Manager, Treasurer, Register of Deeds, Auditor and Commissioner's Attorney, as well as such of those offices set forth in Section 1.4 that may become appointive.

**3.8.1.2 Other Appointments:** The County Manager shall follow the process as prescribed in the Bylaws and may present his appointments to the Board for their confirmation.

**3.8.1.3 Finance:** In order to ensure transparency, the Board shall require the highest professional standards for its accounting and for the comprehensive annual financial report as prescribed in the Bylaws.

**3.8.1.3.1 Budgets:** The County Manager shall present to the Board the full annual County budget for their review, oversight, and endorsement prior to a public presentation. This shall include the review of all the budgetary requests including salaries and the final budgetary determinations and appropriations for all County governmental operations and functions. Ratification of the budget shall require a majority vote of a full Board.

**3.8.1.3.2 Revenues:** The Board shall apply for available public and private grants to assist the needs of citizens, to provide required services and to fund capital improvements; they shall establish and charge reasonable fees and assessments to

offset all expenditures; in addition and pursuant to State law, they shall appropriate funds as necessary to support their budget and pay debt service.

**3.8.1.3.3 Financial Instruments:** The Board is authorized to utilize any and all financial instruments that create an advantage for serving its citizens.

**3.8.1.3.4 Audit:** The Board shall cause independent audits by a certified public accountant of all government operations and functions of the County annually and as the Board deems necessary.

**3.8.2 Other:** The Board may investigate the affairs of County Government, and shall be the judge of the election and qualifications of its members.

**3.8.3 Committees:** The Board may create and abolish such committees as it deems necessary to assist in the performance of its duties, may appoint the membership necessary and may serve as ex officio committee members. A committee shall be a Standing Committee or an Ad Hoc Committee. All committees shall have a clearly written charge and have their budgets approved by the Board. At the Annual Meeting, the Board shall review and vote to authorize each Ad Hoc Committee or by default they shall be abolished.

**3.8.3.1. Standing Committees:** Standing Committees are named County committees that may have an ongoing operating and capital budgets; their governance is described and referenced in the Bylaws.

**3.8.3.2 Ad Hoc Committees:** Ad Hoc Committees are temporary committees developed for the County by its Board or Administration that perform limited, singular assignments generally of limited duration, less than 18 months. They have neither an ongoing operational nor a capital budget and are not part of the Bylaws.

**3.9 Board Organization:** At the annual Board meeting, determined by the Bylaws, the Board shall elect from among its members a chairman and a vice-chairman to serve as such at its pleasure and present its complete table of organization. The chairman shall preside over the meetings of the Board, have a vote on all questions before it, and have authority to preserve order at all Board meetings. The Rules of the Board shall be determined in the Bylaws.

**3.9.1 Bylaws:** The Board shall prepare Bylaws that sets forth the County's rules of governance, their procedures and rules for change. At least decennially, Bylaws shall be formally reviewed by an independent group of the electorate selected by the Commissioners, one per District.

**3.9.1.1 Bylaw Changes:** The adoption, amendment or repeal of a Bylaw shall require a reading at two (2) formal Commission meetings and the concurrence of the majority plus one vote of the full Board.

**3.9.2 Rules:** The Board shall adopt rules of parliamentary procedure and create Board sub-committees as is necessary for the orderly transaction of its business.

### **3.10 Meetings:**

**3.10.1 Regular Meetings.** The Board shall meet regularly and publicly in the County at least once each month and for eleven (11) of the twelve (12) months in the year. The Board shall provide for the manner, time and place for holding all regular Board meetings, except a regular meeting shall be scheduled and held in each Commissioner's district at least biennially.

**3.10.1.1 Quorum:** A majority of a full Board constitutes a quorum and the required number of votes to act upon a motion, except as set forth herein. A lesser number or the County Manager may only adjourn the meeting to another place and time.

**3.10.1.2 Special Meetings.** Special meetings may be held at the call of the chairman or three (3) or more members of the Board. Upon call for a special meeting, adequate public notice

shall be given of the time, place and purpose of the meeting in accordance with the procedures established by the Board's Bylaws.

Actions of the Board at special meetings on matters not included in the notice of the meetings shall not be effective until approved at a regular meeting or at a special meeting for which the action was included in the notice.

**3.10.1.3 Emergency Meetings:** An emergency meeting of the Board may be called at the Chair's discretion; if Commissioners are not able to physically attend, the communications and votes of such may be transmitted by any electronic device. A complete record of the meeting, the Chair's justification for such action, and a recorded roll call vote shall be expressed, vetted and read into the record of the next formal Board meeting.

**3.10.1.4 Non-meetings:** Chance meetings or planned social gatherings of the Board members, at which no discussion, action, vote, or poll of County business is taken, do not constitute public meetings; however a reasonable public calendar of such events must be presented at the following Board meeting.

**3.11 Bonding:** The Board shall designate which officers and employees shall be bonded and fix the amount and approve the form of the bond.

**3.12 Records.** The Board of County Commissioners shall cause a public record of its proceedings to be kept in accordance with the Bylaws; a written copy of such records shall be available to the public prior to the next formal meeting and maintained by the County Clerk. The individual votes on questions before the Board shall be recorded.

## **4: ADMINISTRATION**

**4.1 General Provisions:** All functions and duties required of the County or County officials (see 2.1) by this Charter shall be the responsibility of the Board of County Commissioners. Duties and functions shall be distributed among such committees, departments, offices and agencies as the law, the Board or this Charter may establish. All entities, services and functions are under the direction and the supervision of the County manager, subject to the approval and control of the Board of County Commissioners or through its committee structure except as provided by law. The Board has the obligation to use its powers to operate the County in an optimal businesslike manner and to provide services that are in the best interest of its citizenry.

**4.2 County Manager:** The County manager shall be appointed solely on the basis of his executive and administrative qualifications.

**4.2.1 Administration.** The County Manager shall carry out the Board's policies and be delegated with and responsible for the County's entire management functions, including planning, organizing, staffing, direction and control; in addition, the County Manager is responsible for the preparation of and enforcement of personnel policies, administrative codes and Bylaws as created by the County Commissioners. The County manager shall assume responsibility for all County elected, appointed and professional positions and their entities, services and functions and may delegate such by the agreement of the Board except as provided by law.

**4.2.2 Appointments:** All administrative officers and employees of the County other than elective administrative officers and those designated in Section 3.8.1.1 shall be appointed by the County Manager. The qualifications for such an appointment or position shall be on a professional basis and may be prescribed by the County Commissioners.

**4.2.3 Administrative Code.** The County Manager shall prepare an administrative code that shall set forth the committee and departmental organization of the government and the nature and scope of each together with all required rules and procedures for their operation and in addition the required personnel procedures and regulations. The administrative code shall be submitted to the Board for adoption, review, amendment and repeal. It may be formally amended or repealed by a vote of the majority plus one of a full Board. At least decennially, the administrative code shall be formally

reviewed by an independent group of the electorate selected by the Commissioners, one per District.

**4.3 Organizational Structure:** The Board and/or the County Manager may from time to time establish additional administrative departments, combine any two or more administrative departments into a single such department, separate departments thus combined, abolish any administrative department and prescribe the duties and functions of any administrative department. A function of the County prescribed by State law but not allocated to any County officer or agency shall be allocated to such department or committee of the County as the Board shall determine.

## 5: FINANCE

### General Provisions:

**5.1 Budget:** The Board of County Commissioners is responsible for the review of the County Manager's preliminary budget, its submittal to the County's Finance Committee (FC) and for the preparation and presentation of the final annual operating budget and capital program to their citizens prior to its adoption. The annual County budget process shall be transparent and as detailed as necessary to ensure a knowledgeable understanding by the electorate of the entire County's expenditures and revenues; it shall be described in the Bylaws and shall receive the oversight of the County's FC. A copy of the accepted final budget document shall be filed with the State in accordance with State law.

**5.2 Fiscal Year:** The fiscal year of the County shall be determined in the Bylaws.

**5.3 Appropriation Authority:** The County Commissioners shall have the authority to appropriate money according to their budgetary requirements; in addition, the County shall have all taxing authority prescribed by the State Constitution and the authority to present any and all tax information to its electorate.

### 5.4 Finance Committee (FC)

**5.4.1 Committee Membership:** Representatives to the FC shall be municipally elected officials from the Commissioner District in which their municipality resides.

Municipally elected officials of each Commissioner District may appoint two (2) representatives to serve on the FC for a three (3) year term; a representative shall not serve more than two consecutive terms. No municipality shall have more than one representative unless it serves more than one half (½) of a District's population. A District Commissioner may appoint representatives to fill FC vacancies occurring 120 calendar days prior to the commencement of the Board's fiscal year. A FC vacancy shall immediately occur when representatives no longer qualify for membership.

**5.4.2 Finance Committee Meetings:** On the call of the County Commissioners or at least 90 calendar days prior to the commencement of the fiscal year, the FC shall meet. The FC shall select a chairman from its full membership. It shall also appoint such other officers as it may deem necessary and create such sub-committees as may be necessary to perform its duties.

**5.5 General Budget Procedures:** The County Commissioners shall present their preliminary budget to the FC with dispatch and at least fifty five (55) business days prior to the end of their fiscal year. The budget shall also present a 3 year estimated revenue projection. The County, through the Board, shall provide the Committee with all the reasonable resources necessary to scrutinize the budget, transparency being the imperative. The FC shall act on the budget with dispatch and take action no later than thirty (30) business days prior to the end of the County's fiscal year or the Board's preliminary budget shall be considered FC endorsed. Upon receipt of the FC's provisional Budget and at least ten (10) business days prior to the end of the County's fiscal year, the Commission shall adopt their final budget. The Board may modify and reinstate any and all of the proposed FC's changes by a recorded majority vote of a full Board; the Board shall provide written definitive reasons to the public for their revisions.

**5.6 Operating and Capital Budget Process:** Annually each County entity shall submit a detailed budget including revenues as may be required by the County Manager.

**5.6.1 Preparation:** The County Manager shall compile all operational and capital budget requests, prepare a preliminary budget, including revenue estimates therein and submit the same to the Board of Commissioners for their review and approval. The operating budget shall include a three (3) projection of total revenues based upon expressed assumptions; the capital program shall include a five (5) year projection of capital programs and bonding.

**5.6.2 Notification:** Prior to the Commissioners adopting their preliminary budget, they shall notify the Finance Committee (FC) and hold one or more public hearings throughout the County and present the Manager's preliminary budget.

**5.6.3 Budget Modifications:** After said hearing(s), the Commissioners shall review the preliminary budget as submitted by the County Manager, together with the Manager's recommendations, and make such additions, deletions or modifications as they deem necessary to insure the proper fiscal performance of County government and submit the preliminary budget to the FC.

**5.6.4 Provisional Budget:** After deliberation of the Board's preliminary budget, the FC may accept or amend it by a majority vote of a full Committee; the changes shall be limited to gross department amounts and shall relate solely to the proposed appropriations paid by County taxes. Once the review is completed it shall be presented to the Board of Commissioners at a public meeting.

**5.6.5 Annual Budget Acceptance:** The Board shall meet to accept and/or modify the provisional budget. They may reinstate any or all of the proposed FC's changes to the preliminary budget by a recorded majority vote of a full Board; the Board shall provide written definitive reasons to the public for each of their revisions and decisions.

**5.6.6 Unauthorized Budget:** In the event the budget is not authorized before the start of a fiscal year, the County shall, until a final budget is adopted, operate on an interim budget which shall be no more than 80% of the previous year's budget.

**5.7 Emergency Appropriations:** Emergency appropriations may be made by the Board of County Commissioners; it requires ratification by a majority of the full FC. The chairman of the FC shall call a special meeting within seven (7) business days of the Board's action to formally ratify the emergency appropriation; non-action by the FC is ratification. If FC ratification is not obtained, then the Commission must go through the formal process per Section 5.6.5.

## **5.8 Borrowing**

**5.8.1 Revenue Securities:** The Board shall have the authority to issue revenue bonds, notes or other securities and financial instruments that are totally project remunerated and shall not negatively affect the County's tax rate; each project shall be run as a profit center. The Board of County Commissioners may issue any form of tax, grant or bond anticipation certificate or note as authorized by 30 M.R.S.A. §401-A, or by the Constitution or general laws of the State.

**5.8.2 Tax Securities:** The Board of County Commissioners may issue any form of tax, grant or bond anticipation certificate or note as authorized by 30 M.R.S.A. §401-A, or by the Constitution or general laws of the State. Annually, the Board of County Commissioners shall have the authority to issue tax supported bonds, notes or other securities and financial instruments of the County up to 1/10 of one mil based upon the County's property valuation, or greater upon approval of the electorate in a County-wide referendum.

**5.9 Transfer of Appropriations:** To the extent permitted by its appropriation and within the last three months of each fiscal year, on request of the manager, the Board of Commissioners may transfer any unencumbered balance of an appropriation or portion thereof to another account, department, office, or agency of the County unless such funds were derived from income restricted to the specific purpose for which they were originally appropriated. Year end balances may be used to pay down debt if authorized by the Board of County Commissioners.

## 6: ELECTIONS

**6.1 Nominations and Elections of County Officers:** Except as this Charter provides to the contrary, the manner of nominating and electing County officers and the filling of vacancies shall be the manner now or hereafter prescribed by the laws of the State for nomination and election of County officers in general.

**6.2 Partisan Elections:** No provision of this Charter or orders adopted under its authority shall alter the partisan nature of the nomination and election of the elected Officers except as they may be amended by the laws of the State.

**6.3 Nomination and Election of County Commissioners:** The manner of nominating and electing candidates for County Commissioner shall be the manner now or hereafter prescribed by the laws of the State for the conduct of partisan nominations and elections.

**6.4 Elections on County Referenda:** Except as this Charter or State law provides to the contrary, the manner of conducting an election on referendum questions concerning the County shall be as prescribed by the laws of the State for an election in the County on any proposition.

## 7: GENERAL PROVISIONS

**7.1 Effective Date:** This Charter will become law thirty (30) days after the Governor has proclaimed that the charter adoption was approved by a majority of the legal voters in the County.

**7.2 Amendments:** This Charter may be amended by a majority of the County voters during the November General Election pursuant to the laws of the State of Maine.

**7.3 Codification:** Every 10 years the governing documents shall be codified (i.e. Charter, Bylaws, administrative codes and policy documents).

**7.4 Charter Review:** The Charter shall be formally reviewed by a Charter Commission at least every twenty five years.

**7.5 Severability:** If any part of this Charter is finally determined by a court of competent jurisdiction to be unconstitutional or invalid the remainder thereof shall remain in full force and effect.

## 8: TRANSITION PROVISIONS

**8.1 Validity:** Article 8, Transition Provisions shall be omitted in the final printed copies of this Charter after adoption, but this shall not impair the validity of acts under these sections.

**8.2 Board:** The County Commissioners in office at the time this Charter becomes effective shall remain in office for the remainder of their terms as members of the Board prescribed by the Charter; provided, however, that the powers, duties and compensation of said members shall be as set forth in this Charter.

**8.3 Other Elected County Officers:** Except for the Offices of District Attorney, Sheriff, Judge of Probate, and Register of Probate on the expiration of any other elected County Officer's term or the vacancy of said office, those offices shall become appointed.

**8.4 First Election:** At the November general election November 8, 2011, additional commissioners from those districts created by this Charter and unrepresented by the current membership of the Board shall be elected. The nomination and election of said new commissioners shall be in accordance with the provisions of State law relating to the election of County Commissioners except that candidates shall be nominated only by petition and all those so nominated shall appear on the ballot without party designation.

**8.5 First Meeting:** On January 9, 2012 at 7:30 p.m., the Board of County Commissioners shall meet at the County Courthouse. The newly elected Commissioners from Districts shall draw lots to determine the length of their initial terms, one of whom shall serve for only three (3) years and one of whom shall serve only one (1) year. Thereafter the Board shall elect a Chairman and Vice-Chairman, appoint a Temporary County Manager pending a permanent appointment, adopt such orders or resolution necessary to effect the transition of Government under this Charter and take such other action as may be deemed necessary by the Board or required by this Charter.

**8.6 First Budget:** The budget process detailed herein shall be followed for the fiscal year

#### **8.7 Transition to New Charter Governance.**

**8.7.1 Effect on County Regulations:** All existing orders, regulations, rules and resolutions of the County shall remain operative except where inconsistent or in direct conflict with this Charter or repealed or amended by the newly expanded Board of County Commissioners.

**8.7.2 Existing Contracts and Bonds:** All rights, actions, proceedings, prosecutions and contracts of the County or any of its departments, pending or unexecuted when this Charter goes into effect and not inconsistent herewith, shall be enforced, continued or completed in all respects as though begun or executed hereunder. All outstanding bonds issued by former governments including the Board of County Commissioners of Cumberland County and all special districts or authorities abolished or altered under this Charter are obligations of the County government; however, payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not become effective.

**8.7.3 Existing Legislation:** All legislation affecting the County consistent with this Charter and in force when it takes effect shall continue to be effective within the County until amended or repealed.

#### **8.7.4 Bylaw Requirements:**

**8.7.4.1 Fiscal Year:** The annual fiscal year is established as January 1<sup>st</sup> through December 31<sup>st</sup>, (See Section 5.2).

**8.7.4.2 Revenue Security Requirements:** The County shall maintain organizational control and shall not be in a subordinated financial position as long as they have majority owner interest, (See Section 5.8.1).

**8.7.4.3 Procurement Requirements:** The procurement of long term items shall be based upon a total life cycle analysis; the bias shall be based upon a reasonable and diminishing sliding scale of 2% to ¼ % of the total price, \$1,000 to greater than \$20,000,000 respectively. At least 50% of all contractor employees shall reside within the County (See Section 2.6).

#### **8.8 Continuance of Officers, Employees**

**8.8.1 Rights and Privileges Preserved.** Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are County officers or employees at the time of its adoption.

**8.8.2 Continuance of Office or Employment.** Except as specifically provided by this Charter, if at the time this Charter takes full effect a County administrative officer or employee holds any office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he or she vacate the office or position.

**8.9 Construction of Districts:** Within 15 business days of the passage of the charter, the Board shall re-convene the charter commission to determine the geographical boundaries of the five (5) Commissioner Districts. The new districts shall be constructed within 45 business days or the County Commissioners shall determine such.

**CUMBERLAND COUNTY GOVERNMENT  
BY-LAWS  
DECEMBER 2011**

The by-laws for the County of Cumberland shall be as defined as follows, with excerpts from the County Charter, where applicable, as well as additions and revisions as defined over the course of time, as recommended by the County Manager, and approved the Board of Commissioners.

**I: AUTHORITY**

**1.1 Name:** The name of the County as it operates shall be Cumberland County, Maine, (hereafter “County”).

**1.2 Nature and Legal Capacity:** The County is an agency of the State and a body politic and corporate and shall be vested with all rights and powers of local self-government which are now, or hereafter may be, provided by the Constitution and laws of Maine and the County Charter. In addition, it shall be vested with all the rights and programs from the Federal Government that are available either directly or through the State.

**1.3 Boundaries:** The external boundaries of the County are prescribed by state law

**1.4 Elected Positions:** Pursuant to the Constitution and laws of the State of Maine [Section 3, Article 4 of Administration], the County shall have an elected Board of County Commissioners and the following elected official positions. If authorized by State law, any and/or all of following elected official positions may be permanently transferred to appointed, professional positions by a majority vote of the County electorate:

**1.4.1 Sheriff** (listed in state constitution)

**1.4.2 Judge of Probate** (listed in state constitution)

**1.4.3 Register of Probate** (listed in state constitution)

**1.4.4 District Attorney** (listed in state constitution)

**2: POWERS AND DUTIES**

**2.1 General Grant of Powers:** The County shall have those powers, duties and functions granted or allowed by the Constitution and laws of the United States of America or the State of Maine as fully as if each power were comprised in that general authority and were specifically granted by the Charter. The County shall have the necessary general police powers to assist its citizenry with their safety, health, education and general welfare and it shall avail itself of any and all powers invested by home rule to the advantage of its citizens. In addition, it may utilize all the laws, statutes and options available to private enterprise that are not in conflict with State Statues. All these powers are to be interpreted broadly.

**2.2 Transfer of Powers:** Whenever a governmental, public or non-profit entity requests a transfer of any or all privileges, powers, authority or functions to or from the County, the Board of County Commissioners (hereafter “Board”) may in its sole discretion arrange for a cooperative transfer based upon a contractual or governmental agreement.

**2.3 Intergovernmental Cooperation:** The Board may, in the best interest of the County citizens, contract for one or more functions of the County to be performed in cooperation with or transferred to one or more governmental, public or private entities.

**2.4 The County Manager** shall be responsible for the execution of those orders and the administration of all County entities, services and functions.

**2.5 Construction of Services:** The powers granted by the Charter and by-laws shall be construed broadly in favor of the Charter form of government enabling the County to implement programs and services for other governmental entities, non profit organizations and its citizens directly while avoiding the creation of special districts or other legal entities to accomplish these programs.

**2.6 Procurement:** The Board shall have the authority to procure items and services from and contract with the most responsive, responsible vendor and may utilize a bias towards organizations located within the County per the bylaws, except as required by State law.

### **3: BOARD OF COUNTY COMMISSIONERS**

**3.1.1 Number of County Districts:** There shall be five (5) districts, with a single Commissioner representing each district.

**3.2 Terms:** Each County Commissioner elected shall serve four (4) years, beginning on the First day of January after his or her election, and continuing after such term until his successor is elected and qualified. The terms shall be reasonably staggered. No Commissioner may serve more than three (3) consecutive terms.

#### **3.3 Qualifications:**

**3.3.1 Residence:** An individual is eligible to be nominated and elected to the Office of County Commissioner only when they are a resident of the District from which nominated and a registered voter of the County.

**3.3.2 Non-residence:** The office of any member of the Board shall become immediately vacant when the commissioner ceases to be any of the following: a resident of the district from which elected except as provided in Section 3.1.2; a registered voter of the County; any other cause as provided by the Charter, by-laws or by the Constitution and laws of the State.

**3.3.3 Ineligible:** Upon election, a County Commissioner is immediately ineligible to serve in any other elected or appointed office as provided by the Charter, by-laws or by the Constitution and laws of the State, except as follows:

**3.3.3.1 Dual Offices:** No one shall hold elective or appointive office in two governmental entities if money and/or resources are exchanged between them except where clearly authorized by the Bylaws or pursuant to an agreement under the Inter-local Cooperation Act.

**3.3.3.2 Time Restriction:** For a trailing period of 18 months, no former Commissioner shall hold any compensatory or appointed County position and must obtain written authorization from the County Manager approved by the Board to be employed by an organization having any business relationship with the County.

**3.4 Vacancies:** If a seat on the Board becomes vacant more than eight (8) months prior to the next November general election, the Board shall appoint a qualified person (as defined above) to fill the vacancy until the next November general election, at which time a qualified person will be elected to fill the remainder of the term.

**3.5 Exclusion:** After due process of formal charges and a hearing, and upon finding that a Commissioner-elect is not entitled to a seat because of a failure to meet the requirements in section 3.3.1 or 3.3.2., or if a Commissioner-elect was not “duly elected,”

the full Board, by a simple majority vote, may deny the Commissioner-elect a seat on the Board.

**3.6 Censure and Expulsion:** After due process of formal charges, a hearing and upon a formal vote on a resolution agreed to by a majority plus one of the full Board, Commissioners may be involuntarily removed from office before the normal expiration of their Charter terms by an "expulsion" from the Board of Cumberland County Commissioners. The Board may determine the Rules of its Proceedings and punish by immediate expulsion Commissioners for nonattendance, disorderly behavior and moral turpitude with the concurrence of a majority plus one of the full Board.

**3.7 Compensation:** Changes in salaries and available benefits of all commissioners shall be set by the Board and approved by a majority plus one vote of a full Finance Committee; said salary shall constitute full compensation for all services. Reimbursement for reasonable expenses incurred in performance of their duties may be allowed upon formal review and approval by the Board.

**3.8 Powers of the Board:** The Board shall be the policy determining body of the County. The Board may exercise all the powers singularly and/or jointly granted to the County, the Charter, these by-laws and by local governmental entities, public and nonprofit entities or its voters.

**3.8.1 Specific Powers:** The Board shall appoint by a majority of a full Board and remove by a majority plus one vote of a full Board:

**3.8.1.1** The County Manager, Auditor and Commissioner's Attorney, as well as such of those elected offices that may become appointive.

**3.8.1.2 Other Appointments:** The County Manager shall follow the process as prescribed in these Bylaws and may present his appointments to the Board for their confirmation.

**3.8.1.3 Finance:** In order to ensure transparency, the Board shall require the highest professional standards for its accounting and for the comprehensive annual financial report as prescribed in these Bylaws.

**3.8.1.3.1 Budgets:** The County Manager shall present to the Board the full annual County budget for their review, oversight, and endorsement prior to a public presentation. This shall include the review of all the budgetary requests including salaries and the final budgetary determinations and appropriations for all County governmental operations and functions. Ratification of the budget shall require a majority vote of a full Board.

**3.8.1.3.2 Revenues:** The Board shall apply for available public and private grants to assist the needs of citizens, to provide required services and to fund capital improvements; they shall establish and charge reasonable fees and assessments to offset all expenditures; in addition and pursuant to State law, they shall appropriate funds as necessary to support their budget and pay debt service.

**3.8.1.3.3 Financial Instruments:** The Board is authorized to utilize any and all financial instruments that create an advantage for serving its citizens.

**3.8.1.3.4 Audit:** The Board shall cause independent audits by a certified public accountant of all government operations and functions of the County annually and as the Board deems necessary.

**3.8.2 Other:** The Board may investigate the affairs of County Government, and shall be the judge of the election and qualifications of its members.

**3.8.3 Committees:** The Board may create and abolish such committees as it deems necessary to assist in the performance of its duties, may appoint the membership necessary and may serve as ex officio committee members. A committee shall be a Standing Committee or an Ad Hoc Committee.

All committees shall have a clearly written charge and have their budgets approved by the Board.

At the Annual Meeting, the Board shall review and vote to authorize each Ad Hoc Committee or by default they shall be abolished.

**3.8.3.2 Ad Hoc Committees:** Ad Hoc Committees are temporary committees developed for the County by its Board or Administration that perform limited, singular assignments generally of limited duration, less than 18 months. They have neither an ongoing operational nor a capital budget and are not part of the Bylaws.

**3.9 Board Organization:** At the annual Board meeting, on the first Monday after the First of January, except if that is an official holiday and if so, it shall be the following Monday, the Board shall, at the discretion of the board, elect from among its members a chairman and a vice-chairman to serve as such at its pleasure and present its complete table of organization. The time of subsequent annual meetings shall be as determined the board.

**3.9.1 The board** shall operate under the rules of Roberts Rules of Order

**3.9.2 The chairman** shall preside over the meetings of the Board, have a vote on all questions before it, and have authority to preserve order at all Board meetings.

**3.9.3 Public Meetings** shall be posted in two major print media outlets and sent to broadcast media, including internet sources online and posted inside the Courthouse and other places as deemed necessary by the Commissioners, at least three business days in advance. Special meetings must be posted electronically and in the courthouse at least 24 hours in advance, unless there is an urgent and pressing need to meet, which can be posted only in the Courthouse with 24 hours notice.

**3.9.4 Chair-** the Chair shall preside at all meetings and may call special meetings of the Commissioners whenever necessary. The Chair shall be responsible for establishing any and all committees for the Board and appointments to these committees, except as defined in the Charter or State Statute.

**3.9.4.1 Vice chair-** the vice chair shall perform the duties of the chair in the absence of the chair.

**3.9.4.2 Chair-** In the event of a vacancy, the vice-chair shall assume the duties of the chair's unexpired term as stated in the charter previously. Fulfillment of this term shall not be considered as part of term limitations if applicable

**3.9.5 Election of officers-** the Board shall elect officers at the annual meeting for a term of one year. The method of determining the officers shall be at the discretion of the Board.

**3.10 Bylaw Changes:** The adoption, amendment or repeal of a Bylaw shall require a reading at two (2) formal Commission meetings and the concurrence of the majority plus one vote of the full Board.

**3.10.1 Rules:** The Board shall adopt Roberts Rules of Order for parliamentary procedure and create Board subcommittees as is necessary for the orderly transaction of its business.

### **3.11 Meetings:**

**3.11.1 Regular Meetings.** The Board shall meet regularly and publicly in the County at least once each month and for eleven (11) of the twelve (12) months in the year. The Board shall provide for the manner, time and place for holding all regular Board meetings, except a regular meeting shall be scheduled and held in each Commissioner's district at least biennially.

**3.11.1.1 Quorum:** A majority of a full Board constitutes a quorum and the required number of votes to act upon a motion, except as set forth herein. A lesser number or the County Manager may only adjourn the meeting to another place and time.

**3.11.1.2 Special Meetings.** Special meetings may be held at the call of the chairman or three (3) or more members of the Board. Upon call for a special meeting, adequate public notice shall be given of the time, place and purpose of the meeting in accordance with the procedures established by the Board's Bylaws.

Actions of the Board at special meetings on matters not included in the notice of the meetings shall not be effective until approved at a regular meeting or at a special meeting for which the action was included in the notice.

**3.11.1.3 Emergency Meetings:** An emergency meeting of the Board may be called at the Chair's discretion; if Commissioners are not able to physically attend, the communications and votes of such may be transmitted by any electronic device. A complete record of the meeting, the Chair's justification for such action, and a recorded roll call vote shall be expressed, vetted and read into the record of the next formal Board meeting.

**3.11.1.4 Non-meetings:** Chance meetings or planned social gatherings of the Board members, at which no discussion, action, vote, or poll of County business is taken, do not constitute public meetings; however a reasonable public calendar of such events must be presented at the following Board meeting.

**3.12 Bonding:** The Board shall designate which officers and employees shall be bonded and fix the amount and approve the form of the bond.

**3.13 Records.** The Board of County Commissioners shall cause a public record of its proceedings to be kept in accordance with the Bylaws; a written copy of such records shall be available to the public prior to the next formal meeting and maintained by the County Clerk. The individual votes on questions before the Board shall be recorded.

## **4: ADMINISTRATION**

**4.1 General Provisions:** All functions and duties required of the County or County officials by this Charter shall be the responsibility of the Board of County Commissioners. Duties and functions shall be distributed among such committees, departments, offices and agencies as the law, the Board or the Charter may establish. All entities, services and functions are under the direction and the supervision of the County Manager, subject to the approval and control of the Board of County Commissioners or through its committee structure except as provided by law. The Board has the obligation

to use its powers to operate the County in an optimal businesslike manner and to provide services that are in the best interest of its citizenry.

**4.2 County Manager:** The County manager shall be appointed solely on the basis of his or her executive and administrative qualifications.

**4.2.1 Administration.** The County Manager shall carry out the Board's policies and be delegated with and responsible for the County's entire management functions, including planning, organizing, staffing, direction and control; in addition, the County Manager is responsible for the preparation of and enforcement of personnel policies, administrative codes and Bylaws as created by the County Commissioners. The County Manager shall assume responsibility for all County elected, appointed and professional positions and their entities, services and functions and may delegate such by the agreement of the Board except as provided by law.

**4.2.2 Appointments:** All administrative officers and employees of the County other than elective administrative officers shall be appointed by the County Manager. The qualifications for such an appointment or position shall be on a professional basis and may be prescribed by the County Commissioners.

**4.2.3 Administrative Code.** The County Manager shall maintain an administrative code that shall set forth the committee and departmental organization of the government and the nature and scope of each together with all required rules and procedures for their operation and in addition the required personnel procedures and regulations. The administrative code shall be submitted to the Board for adoption, review, amendment and repeal. It may be formally amended or repealed by a vote of the majority plus one of a full Board. At least decennially, the administrative code shall be formally reviewed by an independent group of the electorate selected by the Commissioners, one per District.

**4.3 Organizational Structure:** The Board and/or the County Manager may from time to time establish additional administrative departments, combine any two or more administrative departments into a single such department, separate departments thus combined, abolish any administrative department and prescribe the duties and functions of any administrative department. A function of the County prescribed by State law but not allocated to any County officer or agency shall be allocated to such department or committee of the County as the Board shall determine.

**4.4 The County Organizational Chart, Personnel Policy and Administrative Code** are attached to this document.

## **5: FINANCE**

### **General Provisions:**

**5.1 Budget:** The Board of County Commissioners is responsible for the review of the County Manager's draft budget, its submittal to the County's Finance Committee (FC) and for the preparation and presentation of the final annual operating budget and capital program to their citizens prior to its adoption. The annual County budget process shall be transparent and as detailed as necessary to ensure a knowledgeable understanding by the electorate of the entire County's expenditures and revenues. A copy of the accepted final budget document shall be filed with the State in accordance with State law.

**5.2 Fiscal Year:** The fiscal year of the County shall be January 1 to December 31.

**5.3 Appropriation Authority:** The County Commissioners shall have the authority to appropriate money according to their budgetary requirements; in addition, the County shall have all taxing authority prescribed by the State Constitution and the authority to present any and all tax information to its electorate.

**5.4 Finance Committee (FC)**

**5.4.1 Committee Membership:** Representatives to the FC shall be municipally elected officials from the Commissioner District in which their municipality resides.

Municipally elected officials of each Commissioner District may appoint two (2) representatives to serve on the FC for a three (3) year term; a representative shall not serve more than two consecutive terms. No municipality shall have more than one representative unless it serves more than one half (½) of a District's population. A District Commissioner may appoint representatives to fill FC vacancies occurring 120 calendar days prior to the commencement of the Board's fiscal year. A FC vacancy shall immediately occur when representatives no longer qualify for membership.

**5.4.2 Finance Committee Meetings:** On the call of the County Commissioners or at least 90 calendar days prior to the commencement of the fiscal year, the FC shall meet. The FC shall select a chairperson from its full membership. It shall also appoint such other officers as it may deem necessary and create such sub-committees as may be necessary to perform its duties.

**5.5 General Budget Procedures:** The County Commissioners shall present their preliminary budget to the FC with dispatch and at least fifty five (55) business days prior to the end of their fiscal year. The budget shall also present a 1 year estimated revenue projection. The County, through the Board, shall provide the Committee with all the reasonable resources necessary to scrutinize the budget, transparency being the imperative. The FC shall act on the budget with dispatch and take action no later than thirty (30) business days prior to the end of the County's fiscal year or the Board's preliminary budget shall be considered FC endorsed. Upon receipt of the FC's provisional Budget and at least ten (10) business days prior to the end of the County's fiscal year, the Commission shall adopt their final budget. The Board may modify and reinstate any and all of the proposed FC's changes by a recorded majority vote of a full Board; the Board shall provide written definitive reasons to the public for their revisions.

**5.6 Operating and Capital Budget Process:** Annually each County entity shall submit a detailed budget including revenues as may be required by the County Manager.

**5.6.1 Preparation:** The County Manager shall compile all operational and capital budget requests, prepare a draft budget, including revenue estimates therein and submit the same to the Board of Commissioners for their review and approval. The operating budget shall include a one (1) year projection of total revenues based upon expressed assumptions; the capital program shall include a five (5) year projection of capital programs and bonding.

**5.6.2 Notification:** Prior to the Commissioners adopting their proposed budget, they shall notify the Finance Committee (FC) and hold one or more public hearings throughout the County on the Manager's draft budget.

**5.6.3 Budget Modifications:** After said hearing(s), the Commissioners shall review the preliminary budget as submitted by the County Manager, together with the Manager's recommendations, and make such additions, deletions or modifications as they deem necessary to insure the proper fiscal performance of County government.

**5.6.4 Provisional Budget:** After deliberation of the Board's proposed budget, the FC may accept or amend it by a majority vote of a full Committee; the changes shall be limited to gross department amounts and shall relate solely to the proposed appropriations paid by County taxes. Once the review is completed it shall be presented to the Board of Commissioners at a public meeting.

**5.6.5 Annual Budget Acceptance:** The Board shall meet to accept and/or modify the proposed budget. They may reinstate any or all of the recommended FC's changes to the proposed budget by a recorded majority vote of a full Board; the Board shall provide written definitive reasons to the public for each of their revisions and decisions.

**5.6.6 Unauthorized Budget:** In the event the budget is not authorized before the start of a fiscal year, the County shall, until a final budget is adopted, operate on an interim budget which shall be no more than 80% of the previous year's budget.

**5.7 Emergency Appropriations:** Emergency appropriations may be made by the Board of County Commissioners; it requires ratification by a majority of the full FC. The chairman of the FC shall call a special meeting within seven (7) business days of the Board's action to formally ratify the emergency appropriation; non-action by the FC is ratification. If FC ratification is not obtained, then the Commission must go through the formal process per Section 5.6.5.

## **5.8 Borrowing**

**5.8.1 Revenue Securities:** The Board shall have the authority to issue revenue bonds, notes or other securities and financial instruments that are totally project remunerated and shall not negatively affect the County's tax rate; each project shall be run as a profit center. The Board of County Commissioners may issue any form of tax, grant or bond anticipation certificate or note as authorized by the County Charter, 30 M.R.S.A. §401-A, or by the Constitution or general laws of the State.

**5.8.2 Tax Securities:** The Board of County Commissioners may issue any form of tax, grant or bond anticipation certificate or note as authorized by the County Charter 30 M.R.S.A. §401-A, or by the Constitution or general laws of the State. Annually, the Board of County Commissioners shall have the authority to issue tax supported bonds, notes or other securities and financial instruments of the County up to 1/10 of one mil based upon the County's property valuation, or greater upon approval of the electorate in a County-wide referendum.

**5.9 Transfer of Appropriations:** To the extent permitted by its appropriation and within the last three months of each fiscal year, on request of the manager, the Board of Commissioners may transfer any unencumbered balance of an appropriation or portion thereof to another account, department, office, or agency of the County unless such funds were derived from income restricted to the specific purpose for which they were originally appropriated. Year end balances may be used to pay down debt if authorized by the Board of County Commissioners.

## **6.0 ADDENDUMS/ REVISIONS**

## Cumberland County Regional Communications Center

### BY-LAWS Revised 02/2020

1. **Name of organization, place of business, define fiscal year.**
  - Authorized by the statutes of the State of Maine, Title 30-A Sections 453 and 107.
  - Organized in the County of Cumberland.
  - Fiscal year shall be January 1 through December 31. (Should now be July 1-June 30)
  - Name of the organization shall be Cumberland County Regional Communications Center.
  
2. **Objectives of the Organization**
  - The County Communications Center shall provide(s) communications services for the Sheriff's Department, County or Civil Emergency Services, (\*) County or Municipal rescue or ambulance services, County or Municipal Fire Departments or Municipal Police Departments (who contract with the County for these services) .
  - Provide opportunity for member communities to express their views and develop consensus.
  - Consolidate existing discrete functions and take advantage of economies of scale or potential technologies identified by participants in the implementation process.
  - Minimize current and /or future costs to constituencies.
  - In matters of policy within a given jurisdiction, the role of the Regional Communication Center shall be to act in accordance with policies set forth by the public safety authority of that jurisdiction. This paragraph is intended to exclude the Board of Directors or any other body of this Regional Communications Agency from having policy-making authority over any jurisdiction.
  
3. **Role of the Commissioners.**
  - The Commissioners shall review Board of Director's recommendation and formally act on proposed By-Law changes.
  - Act as funding authority for the Cumberland County Regional Communications Center.
  - Consult with the Board of Directors on Policy Issues.
  - Commissioners', upon mutual consent with the Board of Directors, shall meet with the Board to address the needs of the Communications Center.

4. **Role and Responsibilities of the (Cumberland County Communications) Director. Shall:**

- Oversee the operations of the Communications Center, using funds designated by the oversight boards.
- Attend committee meetings as designated.
- Prepare reports as required.
- Develop proposed operating and capital budgets.
- Chair meetings as appropriate
- Committee membership as provided by BY-LAWS and committees.
- Serve as a liaison between the Board of Directors and the County Commissioners.

5. **Role of Regional Communications Center in an incident shall be to:**

- Have the ability to exercise complete authority and control of any incident until appropriate personnel are enroute to a scene.
- Have the expertise and authority to provide the appropriate multi-jurisdiction response.
- Be the home facility of all agreements and plans for emergency services and responses.
- Emergency communications center for all incidents.
- Data gathering center and the information disbursement center for all incidents.
- Provide an efficient means for providing services to the member agencies, primary and secondary, while preserving, to the greatest extent possible, taxpayer resources.
- Provide an efficient and expedient means for the dissemination of emergency information to all agencies and ultimately citizens when necessary, thereby fulfilling any and all statutorily required functions of Cumberland County Emergency Management Agency.
- **Tracking entity for all incidents**
- **Allocator for all incident resources**

6. **Board of Directors**

- The Board will consist of a voting representative from each of the agencies / communities contracting with the County of Cumberland for annual communications service, a representative of the County Emergency Management Agency and County Sheriff's Office, an "at-large" representative from the District of each County Commissioner and non voting representatives as listed.

Additional voting board members may be added as the County enters into Communications Agreements with other Public Safety agencies.

- August 24, 2012 The Board voted to approve the Immediate Past Chair as a voting member for one year after the Chair ceases to serve as the chair.
- August 24, 2012 The Board voted to add A Non-voting technical Committee member to the Board.
- August 24, 2012 The Board voted to approve 2 Ad-Hoc member positions to the Board. One County Commissioner and One CCRCC Supervisor. Shift
- A single representative from each public safety agency that the CCRCC currently provides PSAP service to will also be asked to participate on the board as non-voting members. (\*This has never been done. We don't have a room large enough)
- No two public safety representatives shall be employed within the same jurisdiction.
- At the first meeting of each year a chairperson will be elected by the Board.
- Any vacancy on the Board shall be filled within thirty (30) days by the Town Official(s) from the District where the vacancy exists. Vacancies involving board members appointed as a representative of a County Commissioners District shall be replaced by the Commissioner of the District. The Communications Director shall be responsible to notify the Town officials / Commissioners when the vacancy exist and request that the vacancy be filled.
- The Board shall recommend policy and procedures of the CCRCC.
- The Board shall act as the budget review panel for the CCRCC.
- The Board shall meet a minimum of four (4) times per year and a Board member must attend a minimum of two (2) meetings per year.
- Effective 09-01-19, Board members may “attend” a Board meeting by participating in the meeting via conference call.
- The CCRCC Director shall schedule one of the 4 annual meetings on a day other than a Monday and shall schedule one meeting in the evening.
- The Board shall meet with the County Commissioners as needed to determine the needs of the CCRCC.
- **A quorum shall consist of the majority of voting members present, but no less than 5 voting members. (This needs to be reworded)**
- The Board shall receive no compensation.
- Board members unable to attend a meeting may designate a proxy to vote in their place. Board members can authorize any person to serve as their proxy by notifying the Board Chair, Vice -Chair or Communications Director prior to the start of the meeting of the name of their proxy.

- Board members shall be notified of scheduled meetings at least 10 days in advance.
  - **In the event of a tie vote, the motion fails.**
  - **The Board may submit comments regarding the Director of Communications performance to the County Manager or his/her designee at the time of the Director's annual performance evaluation.**
  - **The Board shall be entitled to a representative on an interview panel that may consider candidates for the position of Director of Communications**
- \* Law Enforcement representatives of the Board shall have oversight authority and responsibilities on policies concerning collection, access to and dissemination of criminal justice records and information to include the State Criminal Justice Information Network.

**7. Amendments to this and other agreements.**

- The Board shall ~~adopt, propose~~ amendments and repeal to by-laws consistent with the laws of the State of Maine, which are necessary and reasonable for their own convenience and proper management of the affairs of the Center. Board shall recommend amendments for review and acceptance by the County Commissioners.
- Amendments to these by-laws and other agreements may be proposed by any member of the Board of Directors or the County Commissioners.
- Members must be notified 30 days in advance of a vote on a proposed amendment.
- **A quorum for by-law changes shall be one half of the voting membership plus one. (25 = 12.5 + 1 = 13.5)**
- Changes to the by laws will be voted on at the first scheduled meeting after the proposed amendment.
- All members must be notified of an approved change in 10 days, by mail. (email)

**8. Interpretation of these by-laws.**

- Final authority for the interpretation of these by-laws shall reside with the County Commissioners.

## CUMBERLAND COUNTY RECREATION BOARD OF TRUSTEES

The Cumberland County Recreation Board of Trustees, a standing committee formed by the Charter of Cumberland County, is created to encompass the County's recreational assets and advise the County Commissioners through an appointed board of trustees on enhancing its citizens' recreational quality-of-life opportunities across Cumberland County.

The Cumberland County Recreation Board of Trustees believe that recreation is important in individual's lives and enhances the well-being of the region. Cumberland County is fortunate to have such diverse recreational opportunities from the sea to the lakes to the mountains, providing diverse recreational opportunities.

Therefore, the Trustees recognizes and accepts its responsibility to explore, enhance and provide an infrastructure that promotes an enhanced quality of life through healthy living, while also understanding and supporting economic development in Cumberland County. With this in mind, the Trustees will advise Cumberland County on the development, operations and capital investments that provide and expand recreational opportunities to all residents and visitors of Cumberland County.

### **The Charge of the Trustees:**

1. Plan for the present and future recreational needs for Cumberland County's residents and visitors.
2. Cooperate and coordinate with State of Maine, municipalities, corporate and private partners to provide for recreational needs in facility use, upkeep and programming.
3. Develop and seek funding for indoor and outdoor recreation facilities on community, countywide and regional levels.
4. Explore a wide range of infrastructure that will contribute to the meaningful use of leisure time.
5. Understand the importance of the County's resources as they pertain to tourism and economic development within the many cities and towns of Cumberland County.
6. Provide leadership designed to show how the use of recreation could be a major force in the enrichment of personality, creativity and physical vitality.

ENACTING CLAUSE AND RULES.

The Trustees shall develop, recommend and implement policy for such purpose. The Trustees shall operate under the authority granted pursuant to 30-A MRSA §747 of the Maine Revised Statutes, the County Charter, and in accordance to these By-laws.

CUMBERLAND COUNTY RECREATION BOARD OF TRUSTEES  
BY-LAWS

ARTICLE I

Name

Section 1. The name of the County Standing Committee shall be the Cumberland County Recreation Board of Trustees. Cumberland County Recreation Board of Trustees shall operate as an Enterprise Fund Committee.

ARTICLE II

Transition

In accordance with H.P. 805, L.D. 1142 "An Act to Repeal the Laws Establishing the Cumberland County Recreation Center and To Transfer Authority to Cumberland County", it is hereby declared that under the auspices of the County of Cumberland the Cumberland County Recreation Board of Trustees is established as an Enterprise Fund having day-to-day oversight as a Standing Committee under the Charter of County of Cumberland.

ARTICLE III

Purposes

Section 1. To acquire property, operate and promote the purposes and objectives as setforth in the Committee's above-mentioned charge within the County of Cumberland, Maine for the enhancement of athletic, recreation and citizen's quality of life.

ARTICLE IV

County Charter

In accordance with the 2010 Adopted County Charter, the Cumberland County Recreation Board of Trustees is a County Commissioner designated Standing Committee as defined by 3.8.3.1 of the County Charter.

3.8.3 Committees: The Board may create and abolish such committees as it deems necessary to assist in the performance of its duties, may appoint the membership necessary and may

serve as ex officio committee members. A committee shall be a Standing Committee or an Ad Hoc Committee. All committees shall have a clearly written charge and have their budgets approved by the Board. At the Annual Meeting, the Board shall review and vote to authorize each Ad Hoc Committee or by default they shall be abolished.

3.8.3.1. Standing Committees: Standing Committees are named County committees that may have an ongoing operating and capital budgets; their governance is described and referenced in the Bylaws.

## ARTICLE V Board of Trustees

Section 1. The Board of Trustees shall consist of nine (9) members, residents of Cumberland County, who shall be appointed by Cumberland County Board of Commissioners as follows: two (2) Trustees appointed from the City of Portland; one (1) each from the following town combinations: South Portland and Cape Elizabeth; Scarborough, Westbrook and Falmouth; Gorham, Windham, Standish, Baldwin and Sebago; Brunswick, Freeport, Harpswell, Pownal and New Gloucester; Yarmouth, Cumberland, North Yarmouth, Gray, Raymond, Casco, Naples, Harrison and Bridgton; and the remaining two (2) at large.

Section 2. Trustees so appointed shall hold office as herein provided and until their respective successors are appointed and qualified.

Section 3. The Trustees of the Center shall serve as the initial members of the Cumberland County Recreation Board of Trustees established under Maine Statutes, Title 30-A, §747 until their term expires. Trustees shall be appointed for a term of three (3) years and may not serve more than two (2) consecutive terms.

Section 4. In case of a vacancy in the office of Trustee arising from death, removal from Cumberland County, Maine, or any other cause, the Cumberland County Commissioners shall appoint a new Trustee to fill the unexpired term within 90 days of the vacancy.

Section 5. No member of the Cumberland County Board of Commissioners shall serve as a voting member of the Board of Trustees. There shall be one non-voting Commissioner and the County Manager, Deputy Manager and Compliance Manager shall be non-voting liaisons to the Board of Trustees.

Section 6. The Board of Trustees shall propose and recommend policies and procedures. The Board shall develop, present and recommend the budgets. The Board shall prepare and present an annual budget for the Arena to the County Commissioners for approval and adoptions by the Commissioners.

Section 7. The County Commissioners shall review and may adopt the budgets of the Cumberland County Recreation Board of Trustees, an enterprise fund under the oversight of the County Commissioners, and shall act as funding authority for their operations. The County Commissioners may increase, decrease or accept the overall budgets that are presented by the

Board of Trustees, but the Commissioners may not otherwise alter or amend the budgets presented by the Trustees.

Section 8. A majority of the Trustees appointed shall constitute a quorum for the transaction of business and action taken by a majority of the trustees present at any meeting at which a quorum is in attendance shall be deemed to be the action of the full Board of Trustees.

Section 9. The Board of Trustees may appoint such subcommittees for such purposes, as they deem expedient.

Section 10. The Board of Trustees shall compile data and information for an annual report, including a report from the annual audit. The information shall be incorporated into the County's annual report.

Section 11. Bidding Procedures:

1. Any contract for construction, renovation or improvement of the Arena building involving a total estimated cost of \$5,000 or more, or any purchases of supplies, materials and equipment by the Arena involving a total estimated cost of \$3,500 or more, shall be awarded a system of competitive bidding, as described below.
2. The competitive bidding system to be used shall mean the transmission of a written or oral proposal or invitation to bid to at least three (3) responsible bidders to be replied to at a stated time. In obtaining competitive bids, if the General Manager of the Arena shall find that three (3) responsible bidders are not available, he/she may make such exceptions to this section as he may deem in the best interests of the Arena.
3. Public advertising of the request for bids in a Portland general circulation newspaper shall be used when the anticipated bid would exceed \$50,000; and below \$50,000 if the Trustees and/or Commissioners so direct. Bids received over \$50,000 or come in over the Commissioner approved budgeted amount, shall seek approval by the Commissioners.
4. The Arena reserves the right to reject any or all bids, in whole or in part, to waive any formality to technicality in any bid or to accept a bid in whole or in part. In awarding contracts, the Arena may take into consideration such factors as the Trustees and/or Commissioners deem relevant including, but not limited to, the quality of the service, supplies, materials or equipment; the skill and experience of the bidder; the conformity of the bid with the specifications; the date of delivery or completion and any other factor relevant to securing the greatest possible economy consistent with the grade or quality of the services, supplies, material or equipment that are needed. In the event that all other factors are of equal weight, the award shall be made to the most responsible responsive contractor.
5. The Trustees and/or Commissioners of the Arena may waive the requirement of competitive bidding:
  - a. In the event of an emergency or an immediate threat to life or property;

- b. In any case where it is determined that a specific supplier, purveyor or contractor has special knowledge, information or experience such that it is in the Arena's best interest to utilize such supplier, purveyor or contractor;
  - c. Where the cost of preparing competitive bids would exceed the monies to be saved by proceeding with the competitive bids, or
  - d. If particular supplies, materials or services are available only from a single company and no substitute would satisfy the Arena's needs (sole source).
6. Architectural, engineering and design services shall not be subject to competitive bidding procedures.

ARTICLE VI  
Officers and Employees

Section 1. The officers of the Board of Trustees shall be a Chairman, a Vice Chairman, and a Secretary, who shall be elected annually in the month of December by the Board of Trustees from their own members as recommended by a Nominating Committee (appointed by the Chairman) who will propose a slate of officers annually in November; such officers to serve for the ensuing year and until their successors are elected and qualified. Other officers may also be designated by the Trustees.

Section 2. The duties of the Chairman, and Secretary shall be such as are usually imposed upon such officials or required by law and also such as maybe assigned to them respectively by the Board of Trustees, and in his absence, the Vice Chairman.

Section 3. The Board of Trustees may recommend to the County Manager individuals for the position of Compliance Manager, who will oversee the day-to-day contractual activities of the Arena and perform such other duties as shall be designated by the Trustees.

Section 4. The Trustees shall be sworn to the faithful performance of their duties, which shall include the duties of any member who shall serve as the Secretary.

ARTICLE VII  
Meetings

Section 1. Regular meetings of the Board of Trustees shall be held each quarterly or as the Trustees deem necessary. Special meetings of the Board of Trustees may be called by the Chairman upon request directed to him/her.

Section 2. Notice of meetings shall be communicated by the Secretary to each Trustee and received not less than three (3) days before the date thereof.

Section 3. Executive sessions or working sessions may be held as permitted by law.

ARTICLE VIII  
Authority

Section 1. The Trustees obtain their authority through the State Statute 30-A MRSA §747, the County Charter and the By-Laws here within.

ARTICLE IX  
Amendments

Section 1. These By-Laws may be recommended for amendment or alteration by the Board of Trustees at any meeting, regular or special, provided that notice of the proposed change shall have been communicated by the Secretary to each Trustee, County Commissioner's designee and County Manager at least seven (7) calendar days before the date of the meeting. The Trustees shall make a recommendation on said By-Laws and seek approval from the County Commissioners. Amendments to these By-Laws and other agreements may be proposed by any member of the Board of Trustees or the County Commissioners.

ARTICLE X  
Cross Insurance Arena Trustees Policy with Respect to  
Attendance of Events

With respect to Trustees, Commissioners and County Liaisons attendance at the Arena events, as follows:

WHEREAS, the Arena is governed by a nine person Board of Trustees, who are appointed by a five person Board of Commissioners; and

WHEREAS, the Arena provides and maintains a variety of different events and entertainment for the public consistent with its public purpose; and

WHEREAS, the Arena believes that the education and experience of the Trustees, Commissioners and County Liaisons with respect to Arena activities in the building is of the paramount importance so that they may exercise prudent judgment in the exercise of said public interest;

NOW THEREFORE the Trustees and Commissioners hereby adopt the following policy with respect to Trustees, Commissioners and County Liaisons attendance at Arena events:

(1) It shall be the policy of the Arena to encourage Trustees, Commissioners and County Liaisons to attend events during their term.

(2) The Arena may make complimentary admission tickets available to all Trustees, Commissioners and County Liaisons (plus one guest) for any Arena event only if such

admission tickets are made available by the promoter to the Arena. In addition, Trustees, Commissioners and County Liaisons may purchase up to Two (2) additional tickets on a priority basis.

(3) Although Trustees, Commissioners and County Liaisons are not expected to attend every event, it is expected that they will attend events with enough frequency so that they are conversant with the nature and character of the act.

ARTICLE XI  
Transitional Provisions  
Effective November 1, 2017

**Transition provisions.** The following provisions govern the transition of the Cumberland County Recreation District, created by former Private and Special Law 1971, chapter 86, to Cumberland County:

1. Cumberland County is the successor in every way to the powers, duties, functions, property assets and liabilities of the Cumberland County Recreation District, referred to in this section as "the center."
2. All existing rules, regulations and procedures of the District continue in effect unless rescinded, revised or in conflict with Cumberland County laws, rules and regulations or amended by the county commissioners of Cumberland County.
3. All existing contracts, agreements and obligations of the District, including bonds or other debt instruments and management agreements, continue in effect, and the rights and obligations of the District become the rights and obligations of Cumberland County.
4. The trustees of the District shall serve as the initial members of the Board of Trustees of the District established in the Maine Revised Statutes, Title 30-A, section 747 until their current terms expire.
5. All real and personal property of the District, including but not limited to fixtures, records and equipment owned or leased by the District, is transferred to and becomes the property of Cumberland County. The transfer of real and personal property may not occur earlier than January 1, 2018 and must be approved by the County Commissioners of Cumberland County and the Board of Trustees of the Cross Insurance Arena (Cumberland County Recreational Board of Trustees).

*Maine*  
Cumberland **County**

**CUMBERLAND COUNTY COMMISSIONERS**  
**POSITION PAPER OF THE COUNTY MANAGER**

**Date:** March 9, 2020

**Subject:** Review of Fund Balance Policy (**WORKSHOP**)

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Commissioner Gorden has requested the County Commissioners review and determine whether the County's existing Fund Balance Policy is at appropriate levels for the County doing business today.



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County Manager

# COUNTY OF CUMBERLAND, MAINE

## FUND BALANCE POLICY

ADOPTED April 9, 2012

The County of Cumberland, Maine shall comply with the Governmental Accounting Standards Board Statement No. 54, which sets forth the reporting requirements for fund balances.

Fund Balance is reported in five categories defined as:

### Restricted Components

- 1) **Non-spendable** – Resources that cannot be spent because they are either illiquid or legally/contractually required to remain intact
- 2) **Restricted** – Resources with constraints imposed either externally or mandated by law to be reserved

### Unrestricted Components

- 1) **Committed** – Funds that are subject to limitations imposed by the Commissioners, and remain so unless removed in the same manner
- 2) **Assigned** – Funds that constrained by the Commissioners stated intended use, but are neither restricted or committed
- 3) **Unassigned** – The remaining funds not classified in one of the other categories

### POLICY

The General Fund shall endeavor to have an audited Unassigned Fund Balance of 8.33% of annual general fund operating revenues and expenditures.

If the Unassigned Fund Balance drops below the 8.33% level, the County will develop a plan, through the annual budget process, to restore the balance to the target level over a period of not more than two (2) fiscal years.

If the Unassigned Fund Balance exceeds the 8.33%, all or part of the excess may:

- 1) Be used to reduce the tax commitment in the next fiscal year,
- 2) Be committed or assigned for capital needs or one time expenditures

In no case may the Unassigned Fund Balance exceed 20% as per Title 30-A MRSA, Chapter 3, subsection 924, Surplus Funds

## **ADMINISTRATION**

The Finance director shall report Fund Balance in the appropriate classifications and make the disclosures in the County's financial statements.

Annually, during the presentation of the Comprehensive Annual Financial Report (CAFR), the Finance Director shall report on the status of the various components of the Fund Balance in accordance with this Policy.

Should audited Unassigned Fund Balance fall below the 8.33% level, the County Manager shall, at the annual reporting time above, propose to the Commissioners a plan to restore the balance to the target level as provided in the Policy

Should the audited Unassigned Fund Balance exceed the 8.33% level, the County Manger shall present to the Commissioners a recommendation for the utilization of the excess as provide in the Policy.

*Maine*  
Cumberland **County**

**CUMBERLAND COUNTY COMMISSIONERS**  
**POSITION PAPER OF THE COUNTY MANAGER**

**Date:** March 9, 2020

**Subject:** Amending Surplus Property Policy (**WORKSHOP**)

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This past January, the County Commissioners approved language outlining a new policy addressing the acquisition of local, state and federal surplus. During the budget process this past fall, County Commissioners inquired about the County's policy concerning the acquisition of assets off published surplus lists. At the time, no policy existed.

The County has obtained a number of items from these types of surplus lists. Some of the recent items include:

Scissor-lift	Haz-Mat Vehicle	Sand Bag Filler
Front-end Loader	All-Terrain Vehicle	Small Bucket Loader
Mobile Generator	Office Furniture	

Obtaining these items provides the County with an initial costs savings, as many times the acquisition costs are only the transportation to/from the site of storage. In some instances, the asset acquired needs rehabilitation or modification to transform the asset into the County's intended use. The Commissioners have expressed a desire to review items prior to acquisition. The approved policy outlines the process for this to happen, largely base on the estimated value of the surplus asset and a determination of costs associated in making it functional/lifespan.

At the January Commissioner meeting, the Commissioners asked staff to review and bring back a proposal that addresses increased thresholds for some departments whose assets tend to run higher in value than other departments. Two departments were identified, the Sheriff's Office and Facilities. The attached amended policy increases, slightly, the thresholds for these two departments.

  
\_\_\_\_\_  
County Manager

## **INSERT UNDER: Administrative Regulations #7 Surplus Material & Sale of County Property**

### **ACQUISITION OF SURPLUS PROPERTY**

The acquisition of new equipment falls under the County's annual bonding /non-debt Capital and operational/maintenance planning budgets.

Periodically, County departments may locate pieces of equipment that might serve their needs through Local, State or Federal surplus equipment lists. The decision to procure such equipment may be appropriate when it fulfills (1) a required function and (2) a total life-cycle cost savings. The investigation of both is required for the initial review and decision prior to the acquisition.

Acquisition of surplus equipment will be based upon the asset's life-cycle cost and shall abide by the following guidelines:

1. An estimated value of \$20,000 or less, Department Head authorization
2. An estimated value between \$20,001 - \$100,000 County Manager authorization; and
3. Any estimated value over \$100,000 shall seek the recommendation of the County Manager and the authorization of the County Commissioners

The Facilities and Sheriff's Office, based on their type of assets shall following the following guidelines:

1. An estimated value of \$50,000 or less, Department Head authorization
2. An estimated value between \$50,001 - \$125,000 County Manager authorization; and
3. Any estimated value over \$125,000 shall seek the recommendation of the County Manager and the authorization of the County Commissioners