

Town of China

Budget Committee Ordinance

SECTION 1.0 ESTABLISHMENT

1.1 Authority

This Ordinance is adopted per Article VIII-A of the Constitution of the State of Maine and Title 30-A M.R.S.A. §3001: a Budget Committee is hereby established for the Town of China, Maine.

The Committee's authority shall be advisory only. Any recommendation on a matter requiring Town Meeting action shall be printed with the article in the warrant and on the ballot, if any, along with such other recommendations as may be included by the Select Board or required by law. The Select Board and Town Manager shall cooperate with and provide the Committee with such information as may be reasonably necessary and available to enable it to carry out its functions under this Ordinance.

1.2 Severability

If any section, clause, provision, or portion of this Ordinance is determined unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance is not affected thereby.

SECTION 2.0 THE BUDGET COMMITTEE

2.1 Composition

The Budget Committee shall consist of (7) regular members, each of whom shall be appointed by the Select Board.

2.2 Appointment of Budget Committee Members

Prior to the adoption of the November 2024 Ordinance, Budget Committee members were elected by district at the Annual Town Meeting. Following adoption of this Ordinance, members so elected shall continue to serve until individual terms expire. As individual terms expire starting in November 2025, the Select Board shall appoint new members on an at-large basis to two-year terms. Such terms may be extended at the discretion of the Select Board. Only qualified voters of the Town of China who reside in the Town shall be eligible to serve as a member of the Budget Committee.

All Board members must complete a Maine Municipal Association (MMA) approved training course within one year of appointment, or at the next scheduled MMA training session, whichever is earlier.

Budget Committee members shall not hold any elected municipal office. Spouses/domestic partners of any Select Board member are excluded from serving on the Budget Committee.

2.3 Vacancy

- A. When there is a permanent vacancy, the Select Board shall appoint a person to complete the unexpired term. Such selection shall be made within 45 days. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or for cause. Cause shall be deemed to exist if a member:
 - 1. Fails to attend 3 consecutive meetings without cause.
 - 2. Fails to attend at least 75% of all meetings during the preceding twelve (12) month period.
 - 3. Engages in conduct involving conflict of interest.
 - 4. Is convicted of a crime greater than a misdemeanor during the member's term of office.
- B. When a vacancy occurs, the Chair of the Board shall immediately so advise the Select Board in writing. The Board may recommend to the Select Board that the attendance provision be waived for cause, in which case no vacancy will then exist until the Select Board disapproves the recommendation.

2.4 Removal

The Select Board may remove members of the Budget Committee by majority vote, for cause, after notice and hearing.

SECTION 3.0 ORGANIZATION

3.1 Officers

Nomination of officers shall be made from among all members of the Board at the annual organizational meeting which shall be held on the first regular Budget Committee of the calendar year, and the election shall follow immediately thereafter.

3.2 Administrative Support

The Town Clerk shall provide an administrative support person for each meeting to take minutes and other such as professional duties as needed. The Budget Committee shall create other offices as it may deem necessary to perform within the authority of this Ordinance.

3.3 Meetings

- A. The Chair shall call the meetings in conjunction with the Town Manager as supported by the Town Clerk.
- B. The Chair shall preside at all meetings of the Budget Committee.
- C. Any question regarding whether a Budget Committee member shall be disqualified from voting on a particular matter because of a conflict of interest shall be decided by a majority vote of the members present except the member whose vote is in question.
- D. The quorum as used in this Ordinance shall be 4 of 7 members. The Board shall transact its business by parliamentary procedure in accordance with Roberts Rules of Order. A majority of 3 of 4, 3 of 5, 4 of 6, or 4 of 7 members present affirmative votes are needed to pass any motion. When a motion results in a tie vote, the motion fails. If there are only 4 members in attendance and one member must abstain due to a conflict, a 3 – 0 – 1 vote passes. If there are under 7 members present and a member or members must abstain, a vote still passes if the members in favor are greater than the members opposed.
- E. All records of its votes and recordings shall be deemed public and may be inspected as provided for Title 1 M.R.S. Section 402.

SECTION 4.0 RESPONSIBILITIES

4.1 Duties

- 1. To review and make recommendations on the annual municipal operating budget as proposed by the Select Board;
- 2. To review and make recommendations on annual municipal expenditures as proposed by the Select Board;
- 3. To review and make recommendations on supplemental appropriations and expenditures and other budgetary action whenever proposed by the Select Boards;
- 4. To make other recommendations on fiscal matters as it may from time to time deem advisable.

4.2 Activity Reports

The Board shall submit an activity report for inclusion in the annual Town Report.

SECTION 5.0 MEETING ORGANIZATION

5.1 Meetings

- A. Meetings shall be scheduled at a mutually agreed upon time except that meetings need not be scheduled should there be no business before the Board. The meeting shall be at the Town Office or another venue if the Town Office is not available or insufficient to accommodate expected attendance. The Chair may schedule special meetings on 24 hour notice to the members and the general public. Any such special meetings shall be deemed necessary to address an unexpected occurrence that requires immediate action to protect the public. Any action taken at an emergency meeting shall be confirmed at the next regular meeting.
- B. All meetings shall be open to the public.
- C. No official business may be conducted without a quorum present. A quorum shall consist of 3 members. It shall not include anyone who cannot participate due to a conflict of interest. "Conflict of interest" means direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family, to his or her employer, or the employer of any member of the person's immediate family. It shall also include a situation where the Board member by reason of his or her interest is placed in a situation of temptation to serve his or her own personal, occupational or organizational interest instead of the public's interest. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present except the member who is being challenged.
- D. In the event a quorum is not present the Board members are authorized to request that the Chair in cooperation with the Town Manager or Town Clerk reschedule the meeting to another date and to adjourn the meeting. If the date is other than a regular meeting date, the administrative support person shall have the responsibility of providing adequate notice to the Board members, municipal officials and the general public. Except in the case of emergency, adequate notice shall mean a minimum of three-day notice.
- F. All matters shall be decided by a vote. When a motion results in a tie vote the motion fails.