

# **Bylaws of the**

## **Finance Committee of the Town of Waterboro**

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### Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for committee meetings and to promote the fair, orderly and efficient conduct of the committee's proceedings and affairs. These bylaws shall govern the committee's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

### Section 2. Members; Committee's duties

The committee shall consist of (7) members, appointed by the Board of Selectmen. Members must be a resident of the Town of Waterboro, a registered voter and will serve a (5) year term. Members will meet at the first opportunity after the beginning of the fiscal year to elect a chairman and secretary, if one is not provided by the Town of Waterboro, to serve for one year unless otherwise provided by law.

The Chairman shall preside at all committee meetings/workshops and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the committee to perform its duties and conduct its affairs. The chair also shall set the agenda for each meeting, provide the agenda to the administrative secretary for posting as required by law, act as a liaison between town administration and the committee and provide direction to the committee secretary. It will be expected that the chair or an appointed designee will attend the council meetings, annual town meeting, special town meetings and may submit a written report of activities to the municipal officers to be included in the Annual Town Report.

The finance committee has the option of electing a co-chairman of the committee. The co-chairman will share the responsibilities outlined above.

The Secretary shall maintain a permanent record of all committee meetings and all correspondence of the committee, which shall be a public record except as otherwise provided by law. The secretary shall be responsible for providing the administrative secretary a copy of all approved meeting minutes, attain and copy regular and special requested financial reports, file reports for historical reference, assemble the annual finance committee budget/capital books complete other secretarial duties as needed.

The committee is an advisory committee to the Board of Selectmen. The responsibilities of the committee are as follows:

- 1) Annual Operating budget - The committee will review and make recommendations to the Town and Board of Selectmen (per Charter Section 502 and Section 903 effective date 7/1/03).
- 2) Annual Capital budget - The committee will review and make recommendations to the Town and Board of Selectmen (per Charter Section 502 and Section 903 effective date 7/1/03).
- 3) Warrant Articles - The committee will make a recommendation on each concerning appropriation in the Warrant Articles (per Charter Section 207 effective date 7/1/03).
- 4) Reviews of revenue and expenditures - The committee will make periodic review of revenues & expenditures and present issues/questions to the Board of Selectmen (per Charter Section 502 effective date 7/1/03).
- 5) Other- The committee shall make recommendations to the Town and Board of Selectman on supplemental appropriations and expenditures (per Charter Section 502 and Section 903 effective date 7/1/03).

Authority & limitations - The State of Maine has instituted a Right to Know Law. The committee (as any taxpayer) has the authority to request any "public" information by the Maine Freedom of Access Act. The committee (as any taxpayer) must abide by the limitations of excluded records as defined by the Maine Freedom of Access Act.

### Section 3. Meetings

Budgetary and capital plan timelines, financial reporting availability, and in general, financial issues necessitate the frequency of the finance committee meetings. Generally speaking, the committee plans to meet twice a month (1<sup>st</sup> and 3<sup>rd</sup> Wednesday), but modifies the frequency to achieve responsibilities.

Special meetings may be called at the discretion of the Chairman or upon the request of a majority of the committee, provided, however, that notice thereof shall be given to each member and to administrative secretary at least 24 hours in advance.

Notice of all committee meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law.

No business may be conducted by the committee except at a duly called and noticed meeting or without a quorum consisting of a majority of the committee being present.

### Section 4. Hearings

Public hearings of the committee shall be called as required by law or on such other occasions, as a majority of the committee may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time and place of the hearing and a general description of the subject matter.

The Chairman shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The committee may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided, however, that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided, however, that the Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chair, provided however, that the Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

### Section 5. Participation and Voting

Any action of the committee shall require the affirmative vote of a majority of its membership unless otherwise provided by law. Majority is defined as a number of members constituting more than half of the total number of members present.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

No member may participate or vote in any adjudicatory proceeding or other approvals, unless the member was present during all hearings thereon.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chairman for good cause shown.

Attendance at the meetings of this committee is expected to be no less than 75%. If a committee member does not attend the minimum of 75% of the meetings, the chairman(s) of the Finance committee and/or the Town Administrator shall bring the matter to the Board of Selectmen for review and vote. The committee members are appointed by the Board of Selectmen; removal from the committee can only be by majority vote of the Board of Selectmen.

In the interest of promoting increased participation in town affairs and so that each member can focus on the important roll of the committee, the selectmen will attempt to appoint persons to no more than one standing town committee.

#### Section 6. Decisions

All decisions of the committee shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the committees permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefor. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits offered to the Board, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

Notice of any decision, if required, shall be given as prescribed by law.

The committee may reconsider any decision at the same meeting or at a subsequent meeting within 30 days of its original decision, provided, however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 30 days. Notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The committee may conduct additional hearings and receive additional evidence and testimony as provided herein.

#### Section 7. Conflict with Laws

Any conflict or inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

#### Section 8. Waivers; Amendments

These bylaws, or any provision thereof, may be waived on any occasion by a vote of the Board of Selectmen unless otherwise provided by law or the Waterboro Town Charter. These bylaws may be amended at any time in writing by majority vote of the committee after notice and public hearing on the proposed amendment and approval by the Board of Selectmen. These bylaws shall be reviewed by the committee on an annual basis.

Adopted by the Board on \_\_\_\_\_, 20\_\_\_\_\_.