

CUMBERLAND COUNTY GOVERNMENT
BY-LAWS
DECEMBER 2011
Proposed Amendment October 2025

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 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.

3.8.1.3.5 The Board may annually designate, in writing, one member of the Board to act on behalf of the Board to review, approve, and sign County Treasurer's disbursement warrants outside of a public meeting of the Board. The authority delegated to one board member is in addition to, not in lieu of, majority power. A majority of the members of the Board may override the delegation of authority by requesting that the full Board review, approve, and sign a disbursement warrant at any time.

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 July 1st to June 30th.

The transition year is January 1, 2023. The creation of a 6-month budget for January 1, 2023 to June 30, 2023. Subsequently a 12-month budget will be created covering July 1, 2023 to June 30, 2024. The 6-month budget will be pro-rated over one to five years dependent upon the wishes of individual municipalities. The pro-rated budget will be included in the annual fiscal year Warrant until such time the 6-month budget is fully funded.

*(*Amended March 9, 2020; **Amended May 20, 2020;***Amended January 2022)*

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 ($\frac{1}{2}$) 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

Commissioner Vote: May 20, 2020 - Amended Fiscal Year - Section 5.2

Reformatting: May 28, 2020

Commissioner Vote: December 8, 2021 -Amended Fiscal Year - Section 5.2

Commissioner Vote: First Reading October 20, 2025- new disbursement warrant authority- Section 3.8.1.3.5; Public Participation Policy- Appendix 1.

Appendix 1-

County Commissioners
Public Participation Policy

September 15, 2025

Any person wishing to address the County Commissioners during a designated public comment period may do so in accordance with the following procedures:

1. Public Comment Periods; Regular Meetings

The County Commissioners may hold one or more public comment periods at regularly scheduled meetings, or as provided in this policy. Comment periods may be “general” public comment periods, at which time the public may comment on County business in general, or “specific” public comment periods, at which time the public may comment on specific items on the agenda. If a specific public comment period is designated for agenda items, no public comment related to those agenda items is allowed at a general public comment period.

A. Specific Public Comment (on Agenda Items): Individuals addressing the County Commissioners during a specific public comment period shall limit their comments to matters directly related to the agenda item(s) and shall limit their comments to three (3) minutes. Individuals shall only speak once, unless asked a question from a member of the Commissioners. No more than thirty (30) minutes shall be allocated for public comment on individual agenda item(s). The County Commissioners, through a majority vote, may authorize the Chair to extend the time for specific public comment for an additional, specified period of time.

B. General Public Comment: Individuals addressing the County Commissioners during a general public comment period shall limit their comments to three (3) minutes. Individuals shall only speak once during public comment. No more than one (1) hour of the Commissioner meeting will be allocated for general public comment. The County Commissioners, through a majority vote, may authorize the Chair to extend the time for general public comment for an additional, specified period of time.

2. County Commissioner Special Meetings: County Commissioner Special Meetings are non-regular meetings held by the Commissioners to address County business that generally must be addressed prior to a regularly scheduled meeting. Only specific public comment is allowed at a Special Meeting in accordance with Section 1 above. The County Commissioners, through a majority vote, may authorize the Chair to hold a general public comment period.

3. County Commissioner Workshops: County Commissioner Workshops are non-regular meetings held by the Commissioners to discuss County business in a working session. No public comment is allowed at workshops, unless a majority of the County Commissioners vote to authorize the Chair to allow public comment. If public comment is allowed, individuals shall only speak once and for no more than three (3) minutes. The Commissioners shall define the length of the public comment period.

4. Consent Calendar Agenda Items: No public comment is allowed on items that fall on the Consent Calendar. A member of the public or a Commissioner may request an item to be removed from the Consent Calendar and placed within New Business so that a discussion can occur. By a positive vote of the Commissioners, Consent Calendar items may be moved.

5. Written Comments: Written comments may be submitted to the County Commissioners for consideration at any time, including prior to, after, or during a public comment period.

5. Decorum: Individuals attending County Commissioner meetings shall abide by the following rules of decorum:

- A. Individuals interested in speaking at a designated public comment period should state their name and municipality of residence prior to addressing the Commission.
- B. Individuals shall direct their remarks exclusively to the Chair, unless the Chair allows otherwise.
- C. Individuals will strive to be accurate in their statements and avoid making comments that are obscene, threatening, or disruptive.
- D. Individuals, are requested not to applaud or otherwise express approval or disapproval of any statements made or action taken at such meeting outside of a designated public comment period.
- E. All statements should respect the dignity and seriousness of the proceeding.

The Chair is responsible for administering the expectations of this policy and may ask any person violating the expectations set forth in this policy to cease such action or risk being removed.