



**TOWN OF FALMOUTH RESOLUTION  
2018 Charter Revision Proposal – Question 2**

- Whereas,** the Charter Review Commission was duly elected in June 2018;
- Whereas,** the Charter Review Commission conducted a thorough review process that culminated in a final report dated September 18, 2018 which was presented to the Town Council at its September 24, 2018 meeting;
- Whereas,** the final report included a letter from the Town Attorney, dated September 18, 2018, certifying that the proposed Charter revision did not contain any provision prohibited by the United States Constitution, the Constitution of Maine or the general laws;
- Whereas,** the Charter Review Commission split the proposed Charter revision into two referendum ballot questions, labeled Question 2 that included a comprehensive package of amendments to multiple Charter sections and Question 3 that set limits on spending prior to requiring voter approval in one section of the Charter (Section 903);
- Whereas,** the Charter Review Commission voted unanimously on September 11, 2018 to support all Charter amendments included in Question 2;
- Whereas,** the Town Attorney submitted a revised opinion on the proposed Charter revision on October 18, 2018, a copy of which is attached hereto, raising a concern about the constitutionality of one proposed amendment to Section 402 of the Charter, which proposed amendment is found in Question 2;
- Whereas,** in the revised opinion letter, the Town Attorney further states that the concerning language in Section 402 could be corrected if the Town Council put the correction on the ballot at the next regular municipal election on June 11, 2019; and
- Whereas,** the concerning language proposed in Section 402 will not have any adverse effect on any other amendment to other sections of the Charter to be voted on in Question 2.

**NOW, THEREFORE BE IT RESOLVED BY THE FALMOUTH TOWN COUNCIL  
ASSEMBLED THIS 22<sup>ND</sup> DAY OF OCTOBER 2018, THAT:**

1. The Town Council believes that voting against Question 2 because of the concerning language identified in a single section of the Charter (Section 402) is not advisable because there exists a procedure for removing this language from the Charter prior to the entire Charter revision taking effect in July of 2019, the concerning language may not be enforceable in any event, and the remaining amendments to multiple sections of the Charter included in Question 1 are unaffected by the correction.

2. The Town Council believes that voting no on Question 2 because of the concerning language identified in Section 402 will cause delays in the implementation of important changes to other sections of the Charter, which. delays will cost the Town significant time and resources to conduct a new Charter Review process.
3. The Town Council believes that voting no on Question 2 because of the concerning language identified in Section 402 will cause delays in the implementation of language in other proposed Charter amendments in Question 2; such delay will result in higher costs to borrow money for a sewer infrastructure project.
4. The Town Council supports the passage of Question 2 on the November 6, 2018 ballot and agrees to submit to the voters a charter amendment specifically removing the language identified in Section 402 as concerning at the June 11, 2019 regular municipal election.

Attest: \_\_\_\_\_  
Ellen Planer, Town Clerk

Date: \_\_\_\_\_