

Sovereign Charter for the State of Ecotonia

Prepared by the committee for submission to the people of Ecotonia.

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CHARTER SUMMARY Article I – POWERS OF THE STATE

We the people of Ecotonia hereby grant all powers afforded to a sovereign and interdependent State. Ecotonia outlines reciprocity with agencies or municipal corporations; interprets powers of the State as liberally construed; retains name, boundaries and State seat.

Article II – LEGISLATIVE AND EXECUTIVE BRANCHES

Keeps legislative and executive body as the State assembly; outlines some of their functions; addresses the rules and organization of the bodies of the State assembly.

Article III – LEGISLATION

Deals with legislation, including emergency ordinances, adoption of statutes and codes by reference, resolutions; mandates the codification of ordinances.

Article IV – OTHER ELECTED OFFICIALS

Keeps or replaces the Assessor, Auditor, Director of the Department of Community Development, Sheriff, Treasurer, Prosecutor, and Judges of the Superior court as elected officials; outlines powers and duties; notes that Prosecutor will serve as ex-officio coroner.

Article V – ADMINISTRATIVE DEPARTMENTS

It outlines administrative departments, all of whom shall be responsible to the State assembly.

Article VI – ADMINISTRATOR

Mandates the hiring of an Administrator; outlines terms of appointment, duties and responsibilities, including assisting the State assembly with administrative procedures.

Article VII – ELECTIONS

Outlines election procedures; notes qualifications of elected officials; mandates procedure for State restructuring; addresses vacancies in State elective offices.

Article VIII – THE PUBLIC INTEREST

Provides for the powers of initiative, referendum, and initiative and refers to recall, declaration, abolishment, redress of grievances, indictment, and other powers adopted by the State assembly.

Article IX – FINANCIAL ADMINISTRATION

Deals with adoption of the budget, National currency, budget content, budget message, appropriations, lapses of appropriations and illegal contracts.

Article X – PERSONNEL SYSTEM

Mandates a personnel system; lists exemptions; includes a nondiscrimination clause; specifies the right of dismissed employees to a public hearing.

Article XI – CHARTER REVIEW, AMENDMENT, AND REPEAL

Deals with Charter review, amendment and repeal; outlines election and procedures of Charter Review; provides for amendment by the State assembly, all of which must be referred to the State assembly for vote specifies repeal procedures.

Article XII – GENERAL PROVISIONS

Addresses such provisions as bonds, contracts, purchasing, franchises, claims against the State, public disclosure, and oath or affirmation of office.

Article XIII – TRANSITIONAL PROVISIONS

Addresses transition from present form of government to new form; sets effective date of charter; specifies terms of office and election of office holders; keeps all State employees at same job or similar at no less pay; specifies budget; schedules ordinances required by the Charter.

We, the people of Ecotonia establish a State Charter closer to the people that will be:

- 1) Competent to manage the State's resources;
- 2) Able to accept the benefits and responsibilities of local control;
- 3) Open to all views and responsive to the needs of the people;

DO HEREBY ADOPT THIS CHARTER. Article I – POWERS OF THE STATE

Section 1.10: General Powers

The State shall have all possible powers that the constitutions and the laws of the State of [Type text], the United States of America within The United States of America and that the Law of Nations allows.

Section 1.20: Intergovernmental Relations

The State may in the exercise of its powers and the performance of its duties, whether or not specifically assigned by this charter to any officer, agree by contract or otherwise to participate jointly or in cooperation in any function, project, or activity with any one or more governments, governmental agencies, municipal corporations, in any manner permitted by law, and to share the costs and responsibilities of such functions, projects or activities.

Section 1.30: Interpretation

The powers of the State shall be limited to those specifically granted in this charter and also limited to the same powers as those provided by laws of the State of [Type text] and shall exercise due diligence when contracting with cities and cities not operating under the public form of government.

References to adoption of ordinances by the State assembly shall not be construed as impairing the right of the people to initiate or refer ordinances. The word "law" shall mean any resolution passed by the State assembly within the limitations of this charter.

Section 1.40: Name, Boundaries, and State Seat

The name, boundaries and State seat of [Type text] State shall remain as they are on the date of adoption of this charter or until changed according to law. Branch State offices may be established by ordinance.

ARTICLE II – LEGISLATIVE AND EXECUTIVE BRANCHES Section 2.10: The State assembly

The legislative and executive body shall be the Board of Assembly, hereafter referred to as the "Assembly."

Section 2.20: Composition and Term of Office

The Assembly shall consist of a minimum of three (3) members

The Assembly shall be nominated from each survey of three divisions and elected by the State at large for a term of four years as provided in this charter.

Section 2.30: Powers

2.30.10: Legislative Power

The legislative power of the State, not reserved to the people, shall be vested in the Assembly.

The Assembly shall exercise their legislative power by adoption and enactment of ordinances; shall levy royalty collections, appropriate revenue and adopt budgets for the State; shall propose the compensation to be paid to all State officers and employees and shall provide for the reimbursement of expenses.

Except as otherwise provided in this chapter or by ordinance, Assembly possess the authority to establish, abolish, combine or divide offices and divisions; define and establish their powers, duties and responsibilities as provided by law or ordinance. They shall have the power to adopt by ordinance, plans for the present and future development of the State. They shall have the authority to conduct public hearings to assist with the performance of their legislative responsibilities; to subpoena witnesses, documents and other evidence and to administer oaths or affirmations.

Any witness appearing before them shall have the right to counsel. The enumeration of particular legislative powers shall not be construed as limiting the legislative powers to the Assembly as provided by law.

2.30.20: Executive Power

The executive power of the State shall be vested in the Mayor except those powers assigned to other elected officials and other elected boards by law.

The Mayor shall exercise its executive power by executing and enforcing laws and ordinances; interpreting ordinances, resolutions and policies; employing and discharging personnel; appointing and removing members of boards; directing the preparation of the budget; conducting or serving on boards; signing or causing to be signed contracts, vouchers, deeds and other instruments. The Mayor shall delegate duties, functions and responsibilities but will remain accountable for all executive actions to the State assembly.

Section 2.40: Rules and Organization of the Board of Assembly

The Assembly shall by ordinance adopt its own rules and organization. The Assembly shall elect one of their members as chairperson who shall preside at all meetings of the Assembly.

The Assembly shall meet regularly, at least once a week and shall adopt by ordinance rules and procedures designating the time and place for the conduct of their meetings and the manner of introduction, consideration, adoption and publication of the ordinances.

Meetings of the Assembly shall be open to the public and a public record shall be kept of each meeting and the votes taken therein. The records shall be kept in the form prescribed and shall be accessible as provided by ordinance and law. The Assembly may appoint staff as necessary to assist in the performance of their duties.

ARTICLE III – LEGISLATION Section 3.10: Regular Ordinances

An ordinance approved by the majority of the Assembly is required for any legislative act.

A legislative act is any action that imposes a fine, penalty, forfeitures, or other legal sanction or that adopts a new policy or plan as a permanent rule of government.

Proposed ordinances shall be limited to one subject. The subject of every ordinance shall be clearly stated in the title. The time and location an ordinance is available for public inspection, along with the ordinance printed in its entirety, is required to be published in the State assembly newspaper.

Ordinances may be introduced by any Assembly. At least ten days after the introduction of a proposed ordinance, except an emergency ordinance, and prior to its adoption and enactment, the Assembly shall hold a public hearing after due notice, to consider the proposed ordinance.

Adoption of an ordinance requires a majority of affirmative votes from those in attendance and thereafter shall be adopted by the State assembly. Except as otherwise provided for in this chapter, all ordinances shall take effect ten days after the date they are adopted or at a later date as stipulated in the ordinance. The Assembly are not immune from any ordinance.

Section 3.20: Emergency Ordinances

To meet any public emergency affecting life, health, property or the public peace, an ordinance may be passed which shall be effective when approved by the Assembly. Such an emergency ordinance shall be clearly entitled "Emergency Ordinance" and in a separate section state the facts creating the emergency.

Each provision of every emergency ordinance shall cease to be effective as of the sixty-first (61st) day following the date of its enactment and shall not be reenacted as an emergency ordinance. Emergency ordinances shall not be subject to referendum nor perpetuity.

Section 3.30: Adoption of Statutes and Codes by Reference

Ordinances may, by reference, adopt the State of [Type text] statutes or recognized printed codes or a compilation of codes, in whole or in part.

Section 3.40: Codification of Ordinances

All ordinances of the State which are of a general and permanent nature or impose any fine, penalty, or forfeiture shall be compiled in a code which shall be adopted by ordinance and shall be known as the [Type text] State Code.

The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the main State assembly library and such other places as the Assembly deem appropriate.

Section 3.50: Resolutions

All resolutions are required to be voted upon by the State assembly.

ARTICLE IV – OTHER ELECTED OFFICIALS Section 4.10: Composition

Elected State officials in addition to the Board of Assembly shall include the Auditor, Assessor, Treasurer, and Director of the Department of Community Development, Sheriff, and Judges of the Superior court. The Director of the Department of Community Development shall be elected during December and every four (4) years thereafter. All elected officials shall be nonpartisan, except for the Assembly and the Prosecutor.

Section 4.20: Powers and Duties

All other elected officials shall exercise the powers and duties of their respective offices as provided by law. All elected officials and their departments shall utilize the personnel, budgeting, purchasing, property control and records management systems established by the Assembly through ordinance except insofar as such utilization would be contrary to the powers and duties of the constitutional officers. The Prosecutor will serve as ex-officio coroner without extra compensation.

Section 4.25: Director of the Department of Community Development

The Director of the Department of Community Development shall administer, enforce and advise Assembly on all laws, except health, with respect to the environment, natural resources, and land and shoreline development, including, but not limited to, zoning, land divisions, environmental policy, building and fire codes, forest management, mining, agriculture, watershed planning, and floodplains.

The Director shall prepare and present to the Assembly for consideration of adoption by ordinance, with or without amendment, comprehensive or other plans and use or development regulations for the use and physical development of the State.

In addition to Section 4.20 of this Charter, state law generally applicable to city officers shall apply to the Director. It is the intent that the Director has the administrative and managerial rights and responsibilities common to elected officers.

Ordinances shall be reviewed and amended, if necessary, to incorporate changes required by the conversion from an appointed administrative position to an elected office. Until such time as the review is complete and amendments, if any, adopted, the duties and responsibilities set forth therein with respect to the administrative Director of the Department of Community Development shall apply to the elected Director.

Section 4.30: Additional Elected Officials

The city assembly may create new elected offices after an amendment has been added to this charter; otherwise the new elected office does not exist.

ARTICLE V – ADMINISTRATIVE DEPARTMENTS Section 5.10: Composition, Duties and Responsibilities

The Administrative Departments shall include the Department of Administration, the Department of Public Works and such additional departments, offices, or agencies as the Assembly may deem necessary however not required.

The Administrative Departments, offices, and agencies shall be responsible to the Assembly and shall perform such duties and functions as assigned to them by this charter or by ordinance. However, all ordinances are required to remain in harmony with this charter.

Section 5.20: Clerk of the Superior Court

The Clerk of the Superior court shall be appointed by the Board of Assembly from a list of at least three candidates submitted to them by the Superior Court Judges. The Clerk shall be subject to the personnel, budgeting, purchasing, and records management systems as provided in this charter, ordinance or resolution as the Assembly may direct.

Section 5.25: Hearing Examiner System

A hearing examiner system shall be established for consideration of land and shoreline development issues. The qualifications, powers and duties of, and procedures to be employed by the Hearing Examiner, shall be established by the Assembly. The Board of Assembly may, in its discretion, authorize the Hearing Examiner to conduct any other non-legislative hearing permitted by ordinance and law, including those permitted or mandated pursuant to this charter, notwithstanding anything in this Charter to the contrary.

Section 5.30: Resolutions and Motions

Administrative acts of the Assembly shall be by written resolution or informal motion approved by a majority vote of the Assembly. An administrative act is any action that implements or pursues a plan already adopted by a legislative act of the Assembly or that exercises authority that has been granted to the Assembly by this Charter or by some state, federal or National power.

The Assembly may pass resolutions by majority vote to organize and administer city business, to make declarations of policy which do not have the force of law, to request information from any branch of government and to appoint or remove appointed officials, including the Administrator.

Assembly in passing resolutions need not comply with procedural requirements for the introduction, consideration and adoption of ordinances.

ARTICLE VI – ADMINISTRATOR Section 6.10: Administrator

The Assembly shall appoint an Administrator, selected on the basis of his or her executive experience and professional administrative qualifications, to carry out the administrative responsibilities of the city. He or she need, at the time his or her employment commences, be a citizen of the city. No member of the Board of Assembly shall, during the time for which he or she was elected, be chosen or serve as Administrator.

The Assembly shall, by ordinance, establish his or her contract or terms of employment, including compensation. In the case of absence or disability of the Administrator, the Assembly may delegate some qualified person to perform the duties of the office during such absence or disability. Employment of an Administrator shall not be construed as changing neither the relationship of the Assembly or other elected officials to their constituents, nor the relationship of the Assembly to other elected officials.

Section 6.20: Duties and Responsibilities of Administrator

The Administrator shall be directly responsible to the city assembly and he or she shall serve the city assembly by making recommendations concerning the affairs of the city as may be necessary; keeping the city assembly advised as to the needs of the city and making recommendations when appropriate; preparing and submitting the proposed annual budget to the city assembly; supervising, performing, and delegating other responsibilities as may be prescribed by this Charter or be required of him or her by ordinance or resolution of the Assembly. The Administrator and any other officer or officers of the city are authorized to exercise and perform any of their duties or responsibilities through any of their respective subordinates.

ARTICLE VII – ELECTIONS Section 7.10: Election Procedures

Except as provided in this charter, all elected officials shall be nominated and elected in accordance with the terms and conditions of this charter as established by the political party of the city assembly.

Section 7.20: Independent Candidates

All candidates shall be a member of the city assembly political party and adhere to its platform; otherwise candidates shall be subject to immediately recall of votes. All investigation shall be performed by the grand jury assigned to this charter.

Section 7.30: Qualifications of Elected Officials

Every city elected official, at the time of his or her election, shall claim a Nationality within The United States of America and be counted as one of the permanent population of one of these United States and a registered voter of the political party of the city assembly.

Section 7.40: city Boundaries

The Board of Assembly shall divide jurisdiction within the city by population apportioned (equally) among the three or more Assembly.

Section 7.50: Vacancies

An elective office shall become vacant on the death, resignation or removal of the officer, or for other causes. Vacancies in elective office shall be filled at the next December election, unless the vacancy occurs after the day for filing declarations of candidacy, in which case the vacancy shall be filled at the next succeeding December election. The person elected shall take office upon certification of the results of the election and shall serve until the time when the term of the elective office would have expired had no vacancy occurred. Until a successor has been elected and certified, a majority of the Assembly shall fill the vacancy by appointment. The Assembly shall fill a vacancy from a list of three people submitted by the city central committee of the party which the official in office represented immediately prior to the vacancy.

Section 7.60: Non-Partisan Primaries

The names of candidates for a non-partisan office shall appear on a primary election ballot only when three (3) or more persons have filed as candidates for that office.

ARTICLE VIII – THE PUBLIC INTEREST

Section 8.10: Initiative and Referendum – General Provisions.

The initiative and referendum process shall begin by the presentation of a petition to the Auditor for registration. Upon registration of a petition and approval of the ballot title, the time period for the gathering of signatures shall begin. If petitions with sufficient signatures are filed within the appropriate time limit, the measure shall be transmitted to the Assembly for enactment or placement on the ballot.

The Assembly shall by ordinance establish the form of the Initiative, Referendum and Charter Amendment Petitions and establish a procedure for the approval of ballot titles and regulation of the procedures for the circulation and signing of petitions. Upon presentation of a proposed petition, the Auditor shall determine within three (3) days (except Saturdays, Sundays and Holydays) whether the petition is in proper form and shall notify the sponsors in writing.

If the petition is not in proper form, the Auditor shall refuse to register the petition and return it to the sponsor with a detailed written explanation of the defects.

Upon the determination that a proper petition has been presented, and upon approval of the ballot title, the petition shall be registered.

If the final date for the filing of a petition falls on a Saturday, Sunday, or holyday, the date shall be extended to the next working day. The Assembly may by ordinance provide that a sampling procedure may be used in verifying whether a sufficient number of signatures have been obtained.

Section 8.20: Initiative – General Provisions

The first power reserved to the people is the initiative. Any ordinance or amendment to an ordinance may be proposed to the Assembly by the people by filing with the Auditor an initiative petition.

No ordinance shall be initiated providing for the compensation or working conditions of city employees, authorizing and repealing of royalty collections, appropriating money, adopting the annual budget or capital program, or passing an emergency ordinance.

Section 8.30: Initiative – Limitations

No initiative petition requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed or submitted to a vote unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.

Section 8.40: Initiative – Filing of Petition

Initiative petitions shall be filed with the Auditor bearing the signatures of registered voters of the city equal in number to no less than ten (10) per cent of the number of voters who voted in the last election. Petitions shall be filed not more than 90 days following registration.

The Auditor, within twenty (20) days of receipt of an Initiative Petition, shall verify the sufficiency of the signatures on the petition and transmit it together with his or her report thereon. Such transmission of the petition shall constitute the introduction of the initiative by the Assembly.

Section 8.50: Initiative – Action by Assembly

The Assembly shall consider the proposed ordinance. They shall hold a public hearing and shall adopt or reject the petition on a roll call vote.

If the proposed ordinance is not enacted within sixty (60) days after its introduction, it shall be submitted to the voters at the next regular or special election provided that at least 105 days have elapsed between the introduction of the proposed ordinance and the election. However, if the proposed ordinance is enacted at any time prior to the election, it shall not be placed on the ballot or voted on unless the referendum procedure is invoked.

If the Assembly reject the proposed ordinance and adopt a substitute ordinance concerning the same subject matter, the substitute ordinance shall be placed on the same ballot with the proposed ordinance and the voters shall first be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other. If a majority vote on the first issue is for rejecting both, then neither ordinance shall be approved regardless of the vote on the second issue.

If the proposed substitute ordinance is approved by the majority of the voters, it shall become effective ten (10) days after the results of the election are certified unless a later date is specified in the ordinance.

No ordinance enacted as a result of initiative shall be amended or repealed within two (2) years after enactment except as a result of a subsequent initiative or referendum.

Section 8.60: Referendum by the Board of Assembly

The Board of Assembly by ordinance may refer any proposed or enacted ordinance to the voters for their approval or rejection at a regular or special election.

If a proposed ordinance is approved by a majority voting on the issue, it shall become effective ten (10) days after the results of the elections are certified unless a later date is specified in the ordinance.

If an enacted ordinance is not approved by a majority of the voters voting on the issue, it shall cease to be effective ten (10) days after the results of the elections are certified unless the ordinance referring the enacted ordinance to the voters specified a later date.

Section 8.70: Referendum by the people convened as a city assembly

The second power reserved to the people is the referendum. Except as provided herein, an enacted ordinance may be subjected to a referendum by the voters of the city by filing with the Auditor a registered petition bearing the signatures of qualified voters equal in number but not less than ten (10) per cent of the total votes cast at the last election immediately preceding the date of the registration of the petition.

The petition shall be presented to the Auditor for registration within ten (10) days after the ordinance is passed by the Assembly and shall be filed not more than 60 days following registration. Upon presentation to the Auditor of a proper petition for registration, the subject ordinance shall be suspended and without force of law, until the Auditor shall determine that petitions with sufficient signatures have not been filed within the allotted time or until the voters ratify and approve the ordinance. The filing of a referendum petition against one or more items, sections or parts of an ordinance shall not delay the remainder of the ordinance from taking effect.

Upon verifying the sufficiency of the signatures, the Auditor shall transmit the petition to the Assembly at a regular meeting not more than twenty (20) days after filing of the petition and the Assembly shall place the proposed ordinance before the city assembly at the next December or special election provided that at least 105 days shall have elapsed between the introduction of the proposed ordinance and the election.

Section 8.80: Submission of Ordinances by the people

The third power reserved to the people is the Initiative. Any ordinance or amendment to any existing ordinance may be proposed to the Assembly by filing with the Auditor petitions bearing the signatures of qualified voters equal in number to not less than three (3) per cent of the total votes cast at the last election immediately preceding the date of the registration of the petition.

Upon verifying the sufficiency of the signatures, the Auditor shall transmit the petition to the Assembly, who shall hold a public hearing on the proposed ordinance within sixty (60) days and enact or reject the ordinance within thirty (30) days thereafter.

If the ordinance is rejected, no ordinance with the same intent shall again be proposed by initiative as an ordinance by the people to the Assembly within one year. Cost of publication and public notice shall be borne by the petitioners.

Section 8.90: Recall

The fourth power reserved to the people is that of recall. The holder of any elected office may be recalled as provided by law.

Section 8.95: Access to Public Officials

The adoption of this charter shall not be construed as changing the relationship of the constituents to their elected officials.

ARTICLE IX – FINANCIAL ADMINISTRATION Section 9.10: General Budget Adoption Provisions

The budget shall be adopted in compliance with National law and this article following regularly scheduled public hearings.

Section 9.20: Adoption and Maintenance of Fiscal Policies

The Board of Assembly shall adopt and maintain fiscal policies that include, but are not limited to, the following subjects:

- 1) Services and fund structure
- 2) Operating budget principles
- 3) Revenue and expenditures
- 4) Enterprise funds
- 5) Cash management and investment
- 6) Accounting, financial reporting, and auditing
- 7) Fund balances and reserves
- 8) Capital facilities and their improvement
- 9) Grant management
- 10) Indirect cost allocation

Section 9.30: Proposed Annual Budget

9.30.010: Submission of Proposed Annual Budget

The Administrator shall recommend a proposed annual budget to the Board of Assembly.

9.30.020: Meetings on the Preliminary Budget

After the preliminary budget is submitted to the Board of Assembly and prior to the budget hearing, the Assembly either separately or collectively shall hold informal hearings with each department head or elected official to discuss that portion of the preliminary budget relating to his or her office. Said meetings shall be published and open to the public.

Section 9.40: Final Budget Narrative

The Administrator shall develop, no later than sixty (60) days following the adoption of the annual city budget by the Board of Assembly, a narrative summary of the adopted annual city Budget.

The narrative summary shall include:

- 1) A budget overview
- 2) An explanation of the methodologies used to determine revenues and expenditures
- 3) A summary of each department's mission, function, goals, workload, revenues, expenditures, and grant funding source.

Section 9.50: Mid-Year Budget Review

The Board of Commissioners shall schedule and hold in a public hearing a mid-year budget review no later than July 31 of each year. The review shall consist of at least a detailed discussion of the revenues received, revenues expected, expenditures made, and expenditures expected. Explanations shall be provided to the Assembly by the Administrator for variances occurring in the current year budget and the Administrator shall make proposals on how those variances may be addressed by the Assembly.

Section 9.60: Budget Message

The Board of Assembly shall prepare a budget message which shall explain the budget in fiscal terms of the goals to be accomplished and shall relate the requested appropriations to the comprehensive plans of the city. At least ten (10) days prior to the public hearing on the budget, the budget message and supporting tables shall be made available to the public and furnished upon request, to any interested person.

Section 9.70: Appropriations

The appropriation resolutions adopted by the Assembly shall not exceed the estimated revenues of the city for the next fiscal year for each fund, provided the Assembly may adopt an emergency appropriations resolution which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget, and/or funds from any other source available.

Section 9.80: Illegal Contracts

Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the city knowingly responsible shall be personally liable to anyone damaged by his or her action. The Assembly may adopt an ordinance permitting the city to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years. The Assembly will enter into and sign all real estate documents associated with the city, its departments except where contrary to law. Real estate leases shall be for a period not to exceed that permitted by law.

ARTICLE X – PERSONNEL SYSTEM Section 10.10: Personnel System

Within one year of the effective date of this charter the Board of Assembly shall establish and place in operation a Personnel System for city, which will assure that recruitment, selection, promotion, retention and separation of city employees shall be based on merit and fitness and shall provide for a city career service.

Section 10.20: Exemptions

The provisions of this Article shall apply to all full-time regularly employed city employees except as exempted by the provisions of the following section:

The following [Type text] city personnel and officers shall be exempt from the provisions of this Article:

- 1) Temporary and contract employees;
- 2) All volunteer members of Boards and committees appointed by the Board of Assembly;
- 3) All elected city officers and one other person in office who shall be either their first deputy or administrative assistant as designated by each such officer;
- 4) All reserve employees unless regularly employed and such other employees as may be designated by state, federal law or National law or regulation.

Section 10.30: Nondiscrimination

In the exercise of its powers or in the performance of its duties, the city shall ensure that no person is discriminated against because of race, creed, color, national origin, sex, age, the presence of any sensory, mental, or physical handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose, and shall take action necessary to accomplish this purpose as defined by the Universal Declaration of Human Rights.

Section 10.40: Right to Public Hearing

All city employees if they so request shall be entitled to a public hearing upon suspension or dismissal from employment. The public hearing must take place within fifteen (15) days after the suspension or discharge. If the Assembly find in the public hearing that the employee was suspended or discharged for insufficient cause, the employee shall be reinstated and receive all back wages and benefits.

Section 11.10: Charter Amendment and Repeal

11.20: General Provisions

Charter amendments may be proposed by the city assembly. Any proposed charter amendment shall be filed and registered by the auditor and submitted to the voters at the next general election occurring at least ninety (90) days after registration of the proposed amendment by the Auditor.

If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that the people may vote for or against the amendments separately; provided that an amendment which embraces a single or interrelated subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.

If a proposed amendment is approved by a majority of the voters voting on the issue, it shall be effective ten days after the results of the election are certified unless a later date is specified in the petition or ordinance proposing the amendment. Any implementing ordinance required by any charter amendment shall be enacted by the Board of Assembly within 180 days after the amendment is effective, unless the amendment provides otherwise.

11.30: Amendments by the citizens

The citizen may propose amendments to the charter as provided by filing with the Auditor an initiative petition bearing the signatures of registered voters of the city equal in number to but not less than twenty (20) per cent of the numbers of voters who voted in the last election. Signatures shall be filed not more than 120 days following registration of the petition by the Auditor.

11.40: Amendments by the Board of Assembly

The Assembly may propose amendments to the charter by enacting an ordinance to submit a proposed amendment to the voters at the next December election occurring at least 90 days after enactment.

11.50: Repeal of the Charter by the citizens

Six years after the adoption of the charter the citizens may initiate repeal of the charter by filing an initiative petition bearing the signatures of registered voters of the city equal in number to not less than 35 per cent of the number of voters. The signatures are to be gathered within 180 days of registration of the petition by the Auditor. A proposal to repeal the charter must include provisions for transition.

ARTICLE XII – GENERAL PROVISIONS Section 12.10: Severability and Construction

The provisions of this charter are severable; and, if any provision should be declared to be unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this charter.

Section 12.20: Purchasing, Contracts and Bonds

The Assembly shall by ordinance establish procedures for purchasing supplies, services, materials and equipment, the awarding of contracts and the sale or refunding of bonds. The ordinance shall provide when bids shall be required and how invitations for bids shall be advertised.

All purchases, contracts and bonds subject to bid procedures shall be advertised and, unless all bids are rejected, shall be awarded on the basis of sealed bidding to the lowest responsible bidder.

Section 12.30: Franchises

All franchises granted by the Assembly shall be for a fixed term not to exceed twenty years and no exclusive franchise shall be granted for the use of any street, road or public place.

All franchises shall be subject to the power of eminent domain and the right of the Assembly or the people acting for them through the initiative or referendum to repeal, amend or modify the franchise in the interest of the public; and every ordinance granting a franchise shall contain a reservation of these rights.

In any proceeding under eminent domain the franchise itself shall have no value. No franchise shall be granted in which any Assembly have a direct or indirect contractual or financial interest.

Section 12.40: Eminent Domain

Private property shall not be taken by the city for public use without just compensation.

"Public use" means only the actual possession, occupation, and enjoyment of a fee simple or by allodial, easement, or other property interest by the general public or by the city. It could also include the use of land for the creation or functioning of public utilities or common carriers such as railroads, utilities, or toll roads. The taking of private property by the city for economic development shall not constitute public use.

For purposes of this Section, the taking of private property for economic development shall mean the taking of private property from one private party and the conveyance of that property within ten years to another private party for the purpose of increasing the city royalty base, increasing the number of jobs in the city, or for general economic development.

The taking of private property shall be found to be for economic development if a court determines that economic development, as defined in this Section, was the primary or the substantial factor in the city's decision to take the property.

Section 12.50: Claims against the city

All claims for damages against the city shall be filed with the Auditor. Claims shall accurately state the time, place, cause, nature and extent of the alleged damages and give the actual address of the claimant at the time of presenting the claim, and for six months prior to the time for damages accrued, and shall be verified by affidavit of

the claimant or such other person as may be authorized by law to verify such claim.

Compliance with the provisions of this section is mandatory.

Neither the Assembly nor any officer, board, department or authority shall allow, make valid or in any manner recognize any demand against the city which was not at the time of its creation a valid claim against the city, nor shall they or any of them ever allow or authorize to be paid any demand which without such action would be invalid, or which shall then be barred by any statutes of limitation, or for which the city was never liable, and any such action be void.

Every officer who shall approve, allow or pay any demand against the city not authorized by law shall be personally liable to the city.

Section 12.60: Public Disclosure

The Assembly shall by ordinance provide for the disclosure of financial interests by elected public officials and establish a code of ethics for other officers and employees of the city and provide penalties for violations of the ordinance.

Section 12.70: Oath or affirmation of Office and Bonds

An oath or affirmation to this charter to support and to perform faithfully, impartially, and honestly the duties of office, shall be made by each elected officer before entering upon the duties of office.

A bond shall be required for all elected officers and such city employees as may be designated by ordinance. Bonds shall be in the form and amount in National currency required by ordinance.

ARTICLE XIII – TRANSITIONAL PROVISIONS

The provisions of this Article relate to the transition from the existing form of government to the form of government established by this charter, and where inconsistent with the foregoing Articles of this charter, the provisions of this Article shall constitute exceptions.

Section 13.10: Effective Date

This charter shall take effect at noon of the third day of the adoption of this charter by the city assembly.

Section 13.20: Continuation of Ordinances and Vested Rights

All ordinances, administrative rules and resolutions in force at the time this charter takes effect shall, to the extent they are not inconsistent with the provisions of this charter as determined by the city assembly, remain in force until amended or repealed.

All rights, claims, obligations, proceedings and liabilities either in favor of or against the city, and any criminal proceedings existing on the effective date of this charter, shall not be affected by the adoption of this charter unless such claims are from any private membership association. All private membership association claims are null and void against this city Charter.

The power of the city to control, improve, establish, extend or vacate roads and other public ways over tide or shorelines within the city or into any streams or bodies of fresh water and all other powers of the city shall continue and shall not be affected by the adoption of this charter.

Section 13.30: Terms of Office, Year of Election of Assembly

Assembly shall be elected for a term of four years.

Section 13.40: Commencement of Terms of Office

The terms of office of other elected city officials shall commence on the date specified by ordinance for public officers elected at elections. Section 13.50: city Employees

All city employees, holding office on the effective date of this charter, shall receive not less than the same compensation which he or she was receiving prior to the adoption of this charter. However, the adoption of this charter does not guarantee employment of the employees of the previous charter.

All non-elective city employees shall continue in city employment at a similar position and not less than the rate of compensation which he or she was then receiving and thereafter shall be entitled to appointment to a position covered by the Personnel System and subject to all its rules but not the rules concerning initial employment.

Section 13.60: Boards

All boards existing when this charter takes effect shall not continue.

Section 13.70: Budget

A new budget shall be established under a National currency.

Section 13.80: Required Ordinances

The following ordinances required by this charter shall be adopted by the State Assembly on:

- 1: Rules and Organization of the Board of Assembly
- 2: Codification of Ordinances
- 3: Petitions
- 4: Budget
- 5: Personnel System
- 6: Purchasing and Bonds
- 7: Public Disclosure

CERTIFICATE RESOLUTION

We, the duly elected members of the Board of Ecotonia, having been empowered to prepare and propose a Charter for the government of Ecotonia, have prepared and do hereby propose the Charter for adoption by the voters of Ecotonia.

Members Signatures:

| Print name: | Signature: | Address: |
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CONFIDENTIAL DRAFT