

Report from the Governance Committee on going to a Town Manager style of government.

I. Introduction

The governance committee has been in existence for a long while. The select board has called upon it numerous times over the years to research governance issues and either make recommendations or provide guidance to the board. Concerning the question of town manager, the current 2023-204 effort is not the 1st time the committee has researched this. The governance committee has researched this matter in the past and looked at job descriptions for town managers, select board administrative assistants, and town administrators. In 2019, the governance committee recommended increasing the hours of the administrative assistant to 25 hours per week to align with the hours the town office was open, changing the job description to align with increased responsibilities, changing the title of town administrator to town office coordinator, and increasing the salary. See Appendix A. The select board elected to stay with the title of administrative assistant to the select board, adopted the job description language, and increased the hourly rate of pay as recommended by the committee.

Over the past several years, the various select boards have felt the increasing complexity and time-consuming nature of their executive tasks. This has led to a discussion, particularly among some recently retired members, about the potential benefits of transitioning to a town manager system. The committee was tasked with conducting a comprehensive review of this potential transition, weighing the pros and cons to provide the Select Board with a well-informed recommendation.

The makeup of the governance committee included citizens with these skills and experiences:

- Several former select board members.
- Several current or former budget committee members.
- Past RSU-38 (and predecessor School Union 42) board members.
- Mount Vernon CPC board member.
- All members have served on multiple committees by appointment over the years.
- A retired town manager from a nearby town.
- Members with significant experience in both public and private sectors with responsibility for managing large budgets, personnel, and complex projects.

The committee met numerous times, developed a process for gathering information, including the preparation of a list of uniform questions that would be asked of each selected town manager and of each select board chair. These questions are noted in Appendix B. Based on census size and geographic proximity to Mont Vernon, the committee selected the following towns for study: Belgrade, Fayette, Manchester, Readfield, and Wayne. Each of these municipalities has a town manager form of government and a 5-member select board, making them suitable for comparison.

II. Fact-Finding Relating to Advantages/Disadvantages of Transitioning to a Town Manager Form of Government.

The following chart summarizes the Pros and Cons of changing to a town manager style of government, based upon the interviews, and committee consensus. See Responses to Questions, Appendix C.

PROS	CONS
<ul style="list-style-type: none"> • Increased professionalism <ul style="list-style-type: none"> *Government run like a business * Town manager can procure bids, do RFP writing and negotiate for things like fuel • Knowledge of municipal government, including the current and new legal obligations and state and federal mandates • Managing of town employees • Create an organized system of record-keeping • Knows aspects of all town departments and committees, which improves communication and collaboration between departments as well as citizens. • Keeps citizens informed • Collects data from all departments for annual budget needs • Town manager can hold multiple roles such as treasurer, road commissioner, tax collector, clerk • Citizen’s issues/problems can be addressed in a timely manner as a town manager addresses problems as they arise. Messages can be answered by Town Manager • Town manager looks for and writes grants • Provides day-to-day support and guidance to all department heads • Has day-to-day oversight of Town expenditures • Continuity of leadership as Select Board could change every year 	<ul style="list-style-type: none"> • Cost will increase property taxes • May not be consistent with the town’s values • May not be a clear understanding of the roles of the Town Manager and the Select Board • Current employees/positions may be impacted

The committee noted during the interviews that there was general support amongst all interviewed for the town manager form of government. There was also universal support for a five-

member Select Board because it provided more stability, diversity, and broader representation of town residents. In all municipalities surveyed, the Select Board was the only elected town official (not including the school board or sanitary district). Unlike in Mount Vernon, the tax collector and town clerk positions were not elected. In some towns, the town manager served multiple roles, including positions such as town clerk, road commissioner and tax collector (all currently elected in Mount Vernon). The consensus amongst interviewees and the governance committee, is that if a town manager form of government is adopted, it would not make sense to continue to elect the town clerk, tax collector, and road commissioner. This is because one of the main advantages of a town manager is to create one person who oversees and manages all town employees and officers (other than the select board) and to whom employees (or department heads) report. Retention of the town clerk, tax collector and road commissioners as elected positions, would defeat the primary advantage of having one person (the town manager) manage all town employees and officers (other than the select board).

The general consensus amongst those interviewed was that the Town Manager served the role of managing the town day to day, including supervision of town employees, putting together meeting packets in advance of meetings. It was felt that the Town Manager keeps the town out of trouble and provides a more professional approach with better communication and more opportunities for town grants. It was recognized by some that today's political climate is difficult, and the Town Manager provides neutral fact-based information to the Select Board, which information assists the Select Board in setting policies and goals in the best interest of the town. Interviewees also generally stressed that it was important that the community buy into the idea of a Town Manager. Education and the opportunity for public discussion is critical to a successful transition to a Town Manager form of government. See Summary of Trends, Appendix D.

A copy of Maine Municipal Association's job description for town manager is attached, Appendix E. The salary range for Town Manager in the towns interviewed was between 64K and 90K, not including benefits for a full-time position. There was a split of opinion among the interviewees as to whether a part-time Town Manager was a good idea. See MMA Salary Study, Appendix F.

III. Process for Transitioning to a Town Manager Form of Government and Questions to Consider

The governance committee researched the steps that would need to be taken by the town in order transition to a town manager form of government. Maine Municipal Association ("MMA") has put together a Town Manager Plan Informational Packet that is attached to this summary. See Appendix E.. As cautioned by MMA in the packet, the town should consult with legal counsel for specific guidance. The packet describes in detail the two alternatives for a town to adopt a town manager form of government: 1) adopting the statutory town manager plan or 2) adopting a town manager form of government by adopting (or amending) a home rule charter. To the best of our knowledge, Mount Vernon does not have a home rule charter, so in Mount Vernon's case, a home rule charter would need to be adopted, if the town elects to utilize the charter option (which is not required). We have not studied the process for a charter, but it appears to be a longer, more formalized process with more steps, including the appointment of a charter commission. See Appendix G. If a charter were adopted in Mount Vernon, any subsequent amendments or revisions must also follow a statutory process.

Assuming the town decides to adopt the statutory plan alternative, the town manager plan must be adopted at a referendum town meeting vote to occur at least 90 days before the annual town meeting.

30-A M.R.S. § 263. See Maine laws related to town manager plan, Appendix H, p. 1. Mount Vernon's annual town meeting is generally the second Saturday in June (June 14, 2024). A vote to adopt the town manager plan would have to occur no later than 90 days prior to that date, *i.e.*, in March, no later than 90 days prior to the annual town meeting.

Prior to the town manager plan vote in March, there would need to be public education, including public hearings and presentations relating to the pros and cons of changing to a town manager form of government, which would allow for input from the Mount Vernon community. In addition, if a "shared" town manager is going to be considered, discussions between the Select Board(s) of the town(s) involved should also occur during this same time frame. A shared town manager would allow Mount Vernon to benefit from the significant advantages of having a professional to handle the day-to-day management of the town, while sharing the not insignificant additional cost of a town manager position. The Board could consider conducting a non-binding straw poll asking voters whether they favor moving forward with the process of adopting a town manager form of government at the 2025 annual town meeting, which straw poll could also specify whether the town meeting favors exploring a "shared" town manager. This would gauge community support for the process. As stated above, In our town interviews, community support for the town manager form of government was a key element to a positive outcome.

Questions that will need to be further considered.

1. Elected vs. appointed Town Clerk, Tax Collector, and Road Commissioner. Mount Vernon currently elects the municipal offices of Town Clerk, Tax Collector, and Road Commissioner. It would appear that any town officials elected at the last annual town meeting prior to the adoption of the plan, would continue in their elected positions unless the town otherwise designates. 30-A M.R.S. § 2631(2). See Appendix H, p.1. In the interviews we conducted with other towns, it was universally recommended that in a town manager plan form of government, all positions other than the Select Board and school committee be appointed. The Governance Committee agrees with this recommendation. Guidance will be needed regarding how to best accomplish changing those positions to appointed positions if that is the desired outcome. It may be that a separate ordinance would need to be adopted in addition to the adoption of the statutory Town Manager Plan. The ordinance could specify which positions are elected, and which positions are appointed, and the appointing authority for each position. See Fayette Administrative Ordinance, Attachment 4. It is not clear whether the change should be made prior to the vote on the Town Manager Plan, at the same time, or after. The town will need guidance on this issue and how to coordinate with the expiration of currently elected officials' current terms. Mount Vernon recently changed the position of Treasurer from elected to appointed via an ordinance adopted at a special town meeting so that no change will be required for the treasurer.
2. Expansion of Select Board to 5 members. A universal consensus among the towns we interviewed was that expansion of the Select Board to 5 is preferred because it increases perspectives and diversity. The size of the Select Board does not appear to be addressed as part of the statutory town manager plan but could be accomplished via a separate ordinance.
3. Clarification of the time frame between the town manager plan vote and the effective date. It would be advisable to clarify whether it is permissible to have a longer period of time (*i.e.*, longer than 90 days) between the vote and the effective date of the town manager plan. A

longer period of transition time might be preferable to allow for the transition between elected and appointed positions as well as working out the details of a “shared manager,” if that is the option chosen.

IV. Final Recommendations

After all the research, meetings, and data collation, the committee voted 4-1 to recommend to the select board that it initiate the process of moving forward toward a Town Manager form of government, as well as implementing a 5 member Select Board. As discussed in Section III, this is a lengthy process as there are both legal and practical requirements to attend to. Additional work must be done by either/both the governance committee or select board and treasurer to educate themselves and the residents of Mount Vernon on the town manager form of government. This work would include, presentation of budget forecasts, organizational charts, and ordinances, and to seek guidance as necessary from Maine Municipal Association, and/or town counsel¹.

List of Appendix Items:

Appendix A. 2019 Report of Governance Committee

Appendix B. List of Questions

Appendix C. Notes of Responses

Appendix D Summary of Trends

Appendix E MMA Job Description of Town Manager

Appendix F MMA Salary Study

Appendix G MMA Charter Summary

Appendix H MMA Town Manager Informational Packet

Appendix I Maine statutes related to town manager statutory plan

¹ For the convenience of the Select Board, excerpts of Maine statutes related to the town manager statutory plan are in Appendix I.