

Proposed Amendments to the “Charter of the Town of Eliot, Maine, Article 3: Town Manager”

Annual Town Referendum Election, June 11, 2024

Warrant Article 16

Ballot Question 14

Shall the Town Charter “Proposed Amendments to Article 3 Town Manager, Sections 3.1 Appointment; Qualification; Compensation” be enacted?

Select Board so recommend (5-0)

Rationale: The intent of the amendments is to clarify and simplify the Eliot Town Charter as called for in the Charter itself and is common practice.

New text underlined in bold

~~Deleted text in strikethrough~~

ARTICLE 3 TOWN MANAGER

Section 3.1 Appointment; Qualifications; Compensation

The Select Board shall choose the Town Manager solely on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, the duties of office under State law.

He/she should possess the following ~~knowledge, skills and abilities:~~

Thorough **A working** knowledge of public administration, including personnel management, financial management involving direct experience with Municipal Fund Accounting **and project management.** ~~or the equivalent experience, and public sector management principles, policies, and practices; the ability to interpret and apply municipal policies and procedures, Town ordinances and Federal and State statutes; ability to plan, organize, supervise, and inspect the work of professional, technical, and support personnel; ability to delegate responsibility; ability to prepare and present technical and statistical reports; ability to negotiate and resolve disputes effectively; ability to exercise creativity in resolving Town problems and in carrying out administrative responsibilities; ability to establish and maintain effective working relationships with employees, Town officials, the business community, the general public, and the County, State, Regional and Federal officials. The Town Manager must **should** be knowledgeable and practiced in up-to-date information technology, methods, and skills.~~

The Select Board shall determine appropriate requirements for Eliot Town Manager candidate searches. It should include but not be limited to education, experience, and training. The Select Board, when developing

criteria, may consider market conditions and organizational needs and seek input from staff, as well as the public.

The Select Board may create and implement a succession plan for a present employee who has the appropriate experience and training. All employees must be afforded a reasonable opportunity to participate in a succession plan and the plan must be discussed publicly before a final conditional offer is made to the employee for promotion to Town Manager.

He/she should possess the following minimum qualifications:

~~Bachelor's degree in Public Administration or related field, with a Master's degree preferred; five (5) years senior management experience preferably in municipal government using fund accounting; OR any equivalent combination of education and experience that demonstrates possession of the required knowledge, skills, and abilities.~~

~~The Select Board shall appoint a Town Manager for a specific term, as specified by contract, the first six (6) months of which shall be probationary. The Select Board shall, by contract, fix the compensation, benefits, holidays, vacation, and other terms, and provide for the reimbursement of the actual and necessary expenses incurred in the performance of the Town Manager's duties.~~

~~The Select Board shall consult with the Maine Municipal Association to determine the salary range and benefits provided to:~~

- ~~A. Town Managers of towns similar in administrative size and population to Eliot~~
- ~~B. Town Managers of various experience, education and training.~~

~~The Town Manager need not be a resident of the Town at the time of appointment and may reside outside the Town while in office, provided that the Select Board allows it. Approval for the Town Manager to live outside Eliot may not be rescinded during the Town Manager's term of office.~~

The Town Manager shall not serve as a member of the Select Board, as Assessor, a member of the School Board, or any other Town Board, Committee or Commission, but may attend all such meetings ex officio.

State Law Reference: Title 30-A, MRS, Section 2632

Former members of the Select Board may be appointed Town Manager **whenever (1) it is in the best interests of the Town, (2) and the appointment is compliant with all applicable ethical and conflict of interest laws, guidelines and best practices.** even if the Town Manager's compensation was increased during his or her term of office. (see Article 2.2)

3.2. Appointment Process

The procedure leading to the appointment of a Town Manager shall be as follows:

A. The Select Board may consult with the Maine Municipal Association regarding recruiting procedures and make such information available to the Search Committee.

B. A Search Committee of not less than five (5) and not more than seven (7) town residents shall be appointed by the Select Board within thirty (30) calendar days of the office of Town Manager becoming vacant or within thirty (30) calendar days' of notice to the Select Board that the office of Town Manager will become vacant. In addition, one member of the Select Board shall serve as an ex-officio member of the search committee with voice but no vote.

1. All meetings of the Search Committee that deal with personal and privileged information shall be conducted in Executive Session and all information and discussions are confidential to the extent allowed by law. (1 MRS 405 (6) (A))

2. The Search Committee shall choose from its members a Chair, who is responsible for preparing the agendas, conducting the meetings and conveying to the Select Board the progress of the search.

3. The Search Committee shall also choose from its members a vice-Chair who shall act in the event the Chair is absent or unable to carry out the duties of the Chair.

4. The Search Committee shall choose a Secretary from its members to record the minutes of the meetings.

5. The Select Board shall present the Search Committee with a proposed job description and job advertisement for the position of Town Manager for review. The Search Committee will review, edit and return the job description and job advertisement and make recommendations of how to post the advertisement to the Select Board for approval.

6. After the close of the application period, the Search Committee shall review all applications received for the Town Manager position, assuring that the standards set out in this Charter and state law are met and that the applications meet the requirements of the job description.

7. The Search Committee shall present to the Select Board a final list of

candidates for the position of Town Manager.

8. The Select Board shall interview in person, in executive session, each of the finalists for the position of Town Manager.

9. Appointment of a Town Manager requires a majority vote of the full Select Board.

10. In the event the Select Board is unable to reach a majority for appointing a Town Manager, the position shall be advertised again and the search re-started.

11. If the office of Town Manager becomes vacant within 90 calendar days of appointment, the Select Board may choose a new Town Manager from the list of finalists in the previous search.

3.3. Powers and Duties

Except where specifically exempted, the Town Manager shall:

- A. Be the chief executive and administrative official of the municipality;
- B. Be responsible to the Select Board for the administration of all Town Departments and employees;
- C. Ensure proper execution and adherence to all ordinances, Town procedures and policies of the municipality;
- D. Serve in any legal office or as the head of any department not prohibited by this Charter or State Statute when so directed by the Select Board;
- E. Appoint, subject to confirmation by the Select Board, and supervise Department Heads;
- F. Appoint, supervise and control all Town employees and other officials pursuant to ordinances, policies and procedures of the Town and State law;
- G. Act as purchasing agent by establishing purchasing procedures in accordance with Town policies or ordinances;
- H. Attend all meetings of the Select Board, unless excused, and such other meetings as the Select Board may designate; the Town Manager shall have the right to participate in discussions;
- I. Make recommendations to the Select Board for the more efficient, legal and appropriate operation of the municipality;

J. Keep the Select Board and the residents of the municipality informed regarding the financial condition of the Town, as well as maintain contact with the public by handling suggestions, complaints, and information requests, and act as a resource, in so far as possible, for residents and taxpayers who have problems and concerns regarding community/municipal issues;

K. Prepare a draft of the annual budget, present it to the Select Board and the Budget Committee as outlined in Article 6, Financial Procedures, of this Charter, and be responsible for its administration after adoption;

L. Assist, insofar as possible, residents and taxpayers with matters involving inquiries or complaints regarding governmental practices;

M. Have exclusive authority to remove, in accordance with the Town Personnel Policy and applicable union and employment contracts, all persons whom he or she is authorized to appoint, and report all the removals to the Select Board;

N. Not interfere with the operation of the various departments of the Town except through the department head and shall not independently direct employees except in the absence of a person in authority;

O. Shall perform such duties as may be prescribed by this Charter or required by the Select Board, not inconsistent with this Charter; and

P. Prepare an annual Town Report pursuant to Title 30-A, MRS, Section 2801.

State Law Reference: Title 30-A, MRS, Section 2636

3.4. Removal from Office

The Town Manager may be removed or suspended for cause by the Select Board in accordance with the following procedure: procedures set forth in 30-A M.R.S. sec. 2633(3).

~~A. The Select Board shall file with the Town Clerk a written preliminary resolution setting forth the specific reasons for the proposed removal, a copy of which shall be delivered to the Town Manager within five (5) business days of filing.~~

~~B. The Town Manager may within twenty (20) business days of receiving the resolution, reply in writing and may request a hearing. The Town Manager shall specify whether that hearing is to be held in public or executive session.~~

~~C. Upon request for a hearing, the Select Board shall hold one not earlier than ten (10) business days after the request is filed and not later than twenty (20) business days.~~

~~D. After the hearing, or at the expiration of the time permitted the Town Manager to request the hearing, the Select Board may adopt or reject the resolution of removal.~~

~~E. Removal of a Town Manager requires a majority vote of the full Select Board that good cause to remove the Manager exists.~~

~~F. The Select Board may suspend the Town Manager from duty in the preliminary resolution, but in no event shall the Town Manager's salary be affected until the final resolution of removal has been adopted.~~

3.5. Absence or Disability

In the temporary absence or disability of the Town Manager, the Town Manager shall designate, subject to approval of the Select Board, a properly qualified person to perform the duties of the Town Manager and the Select Board shall fix his/her replacement's compensation. While so acting, he/she shall exercise the powers and perform the same duties of the Town Manager. During such absence or disability, the Select Board may revoke such designation at any time and appoint another qualified person to serve until the Town Manager shall return or his/her absence/disability shall cease. No member of the Select Board shall be appointed to serve as Town Manager during such absence or disability. For absences of 10 business days or less the Town Manager may designate an Acting Town Manager without Board approval.

Refer to Town Manager contract for compliance.

Temporary, for the purposes of this Section, is defined as not more than thirty (30) calendar days. After thirty (30) calendar days the Select Board by majority vote, must decide to continue the temporary situation or take steps to ensure a more permanent situation.

After (6) months of the Town Manager's uninterrupted inability to perform the duties of Town Manager, the position will be deemed vacant, unless otherwise required by law and the Select Board shall evaluate the performance and character qualifications of the Acting Town Manager for permanent position or begin the search for a new Town Manager. Refer to Article 3 sec 2, Town Manager Appointment Process.

State Law Reference: Title 30-A, MRS, Section 2634.

Municipal Officers' Certification of Official Text of a Proposed Charter Amendment

To the Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of the proposed amendments to **“Article 3 Town Manager of the Charter of the Town of Eliot, Maine”**, which is to be presented to the voters for their consideration on June 11, 2024.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the Charter Article as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 11, 2024

Richard Donhauser, Chairman

William Widi, Vice Chairman

Lauren Dow, Secretary

Stanley Shapleigh

B. Cabot Trott

**Select Board
Town of Eliot, Maine**