

'Town Manager' – Not Just a Job Title

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We've heard of several instances recently where a town's administrative assistant has asked the selectmen for a promotion to "town manager." Or where the selectmen have sought to demote a town manager to "administrative assistant." All without any authorization or approval by the municipal legislative body (town meeting in each of these cases).

These examples are concerning because they suggest the parties may not fully understand that "town manager" is not simply a job title – it's a particular form of local government known as the "town manager plan."

Under the town manager plan, the administrative functions of local government are split off from the selectmen and given over to the manager, who is generally responsible for the hiring and supervision of all employees and appointees (except for boards and assessors) and for the administration of all municipal departments and operations. The manager, of course, is hired by and is ultimately responsible to the selectmen, who may discipline or remove the manager, but they have no role in daily operations or in supervising the manager's subordinates. However, the selectmen do retain, along with the voters, the all-important policymaking prerogatives of local government.

The town manager plan represents a significant departure from the basic selectmen-town meeting form of government in which the selectmen are responsible for both the administrative and executive functions of local government, with perhaps the assistance of some office staff.

Towns can implement the town manager plan either by simply adopting the off-the-shelf statutory plan (see 30-A M.R.S. §§ 2631-2639) or by adopting charter or ordinance provisions spelling out their own plan in detail. Either way, the plan can be adopted (or revoked) only by the voters.

We should note here that, unlike the town manager plan, an "administrative assistant" is not a recognized form of local government. This position is nowhere mentioned in statute, there is no "model" definition or job description, and the powers and duties vary widely from town to town where there is one. For more on the differences between town manager and administrative assistant, see "Manager vs. Administrator," *Maine Townsman*, Legal Notes, November 2007.

For a detailed description of the town manager plan, the manager's powers and duties, and the respective roles of the manager and the selectmen, see MMA's "Information Packet" on the subject, free to members at www.memun.org.

And for an in-depth and enlightening history of the town manager plan in Maine, where professional management of municipalities both large and small got a comparatively early start over a century ago, see "The Manager Plan in Maine" (Second Edition) by James J. Haag, also free to members at www.memun.org. (By R.P.F.)