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“TOWN ADMINISTRATOR”: WHAT’S IN A TITLE?

Last month we addressed an increased use of the title “town manager” among municipalities. See ’Town Manager:’ Not Just A Job Title,” December 2023 Legal Notes. We reminded readers that renaming a position as “town manager” does not, by itself, confer the formal responsibilities and authorities of a manager. This can only be accomplished via legislative body (town meeting or council) action to establish a manager form of government.

This month we want to address a similar trend: We have recently noticed that many former “administrative assistants,” “select board secretaries” and “AAs” now have the title of “town administrator.” Here too, a job title is not always the end of the story.

Although a model set of responsibilities for managers is set out in statute, the positions of “administrative assistant,” “town administrator,” or “AA” are nowhere mentioned in Maine law and there is no “model” definition or job description.

As a result, the powers and duties of an AA or administrator vary widely among municipalities that have one. In some communities, the AA is a clerical position; in others the position assists the select board with office management but final authority for appointments, hiring employees, discipline, purchasing, and similar functions remains with the select board. In other communities, an AA or administrator exercises some powers traditionally given to a town manager.

Although the title of “town administrator” implies that the incumbent exercises significant authority, a newly minted “town administrator” should not assume the individual exercises the same powers as administrators in neighboring towns or cities because each position is unique and, as with managers, adding the title alone does not grant the position any particular authority under state law.

Moreover, if an administrative assistant or administrator will exercise formal administrative responsibilities, such as hiring or supervising employment positions, acting as purchasing agent or will have other duties similar to those of a town manager, the municipal legislative body generally must approve those types of responsibilities (a municipal charter may be required in some cases). Some powers may not be delegated through a job description alone.

An AA or administrator position may be established in a variety of ways, for example through a budget appropriation and job description adopted by the municipal officers, through a warrant article, or by ordinance or charter. Which of these methods might be necessary depends on the specific duties assigned to the position. Because it is not always apparent which authorities may be assigned via simple job description or instead require authorization via an ordinance or charter, we strongly encourage consultation with legal counsel to ensure that any new relationships are clearly defined and legally established.