

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1357

H. P. 1062

House of Representatives, March 19, 1979

Referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. McMahon of Kennebunk.

Cosponsors: Mrs. Masterton of Cape Elizabeth, Mr. Davies of Orono and Mr. LaPlante of Sabattus.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Allow for the Implementation of an Optional County-manager Form of County Government.**

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1.** 30 MRSA § 2, sub-§ 1, as last amended by PL 1977, c. 657, §§ 2 and 15, is further amended by adding at the end a new paragraph to read:

**This subsection shall not apply to counties adopting the county-manager form of county government.**

**Sec. 2.** 30 MRSA § 101, as last amended by PL 1975, c. 771, § 308, is further amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

**Sec. 3.** 30 MRSA § 102, as amended by PL 1975, c. 332, § 2, is further amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 4. 30 MRSA § 103, as amended by PL 1975, c. 771, § 309, is further amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 5. 30 MRSA § 105-V is enacted to read:

**§ 105-V. Application**

**Sections 105-A and 105-U shall not apply to counties adopting the county-manager form of county government.**

Sec. 6. 30 MRSA § 106, as last amended by PL 1977, c. 121, is further amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 7. 30 MRSA § 151, as amended by PL 1969, c. 99, is further amended by adding at the end a new paragraph to read:

**This section shall not apply to counties adopting the county-manager form of government.**

Sec. 8. 30 MRSA § 152 is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 9. 30 MRSA § 201, as amended by PL 1975, c. 736, § 2, is further amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 10. 30 MRSA § 202, as enacted by PL 1975, c. 736, § 3, is amended by adding at the end a new paragraph to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 11. 30 MRSA § 251 is amended by adding at the end a new sentence to read:

**In counties adopting the county-manager form of county government the county manager shall perform the duties provided for by this section.**

Sec. 12. 30 MRSA § 252, as last amended by PL 1977, c. 148, §§ 1-3, is further amended by adding at the end a new paragraph to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 13. 30 MRSA § 254, as last amended by PL 1977, c. 698, § 3, is further amended by adding at the end a new paragraph to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 14. 30 MRSA § 301, as last amended by PL 1975, c. 430, §§ 63 and 64, is further amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 15. 30 MRSA § 303, as enacted by PL 1969, c. 219, is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 16. 30 MRSA § 401, as amended by PL 1973, c. 567, § 20, is further amended by adding at the end a new paragraph to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 17. 30 MRSA § 401-A, as enacted by PL 1975, c. 5, is amended by adding at the end a new paragraph to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 18. 30 MRSA § 403, as last amended by PL 1973, c. 625, § 198, is further amended by adding at the end a new paragraph to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 19. 30 MRSA § 404 is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 20. 30 MRSA § 405 is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 21. 30 MRSA § 406 is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 22. 30 MRSA § 407, as amended by PL 1969, c. 590, § 57, is further amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 23. 30 MRSA § 409 is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 24. 30 MRSA § 410 is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 25. 30 MRSA § 601, as amended by PL 1975, c. 771, § 315, is further amended by adding at the end a new paragraph to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 26. 30 MRSA § 602, as amended by PL 1975, c. 771, § 316, is further amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 27. 30 MRSA § 603 is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 28. 30 MRSA § 604, as repealed and replaced by PL 1977, c. 67, § 6, is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

Sec. 29. 30 MRSA § 605, is enacted by PL 1977, c. 657, § 16, is amended by adding at the end a new paragraph to read:

**This section shall not apply to Androscoggin County if its adopts the county-manager form of county government.**

Sec. 30. 30 MRSA § 651, as amended by PL 1967, c. 227, is further amended by adding at the end a new sentence to read:

**In counties adopting the county-manager form of county government the deputy treasurer shall act as treasurer in event of a vacancy until a treasurer is appointed in accordance with section 1705.**

**Sec. 31. 30 MRSA § 755** is amended by adding at the end a new sentence to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

**Sec. 32. 30 MRSA § 801**, as amended by PL 1973, c. 302, is further amended by adding at the end a new paragraph to read:

**This section shall not apply to counties adopting the county-manager form of county government.**

**Sec. 33. 30 MRSA § 1131**, as enacted by PL 1977, c. 431, § 16, is amended by adding at the end a new sentence to read:

**In those counties adopting the county-manager form of county government the members of the county personnel board shall be appointed by the county manager subject to confirmation by the county councilors.**

**Sec. 34. 30 MRSA c. 13** is enacted to read:

## **CHAPTER 13**

### **OPTIONAL COUNTY MANAGER FORM OF COUNTY GOVERNMENT**

#### **SUBCHAPTER I**

#### **GENERAL PROVISIONS**

##### **§ 1701. General authorization**

**Any county may adopt the county-manager form of county government provided in this chapter. Until adoption of this county-manager form of government, each county shall continue to operate under the form of county government then in effect for that county as of the effective date of this chapter. The county-manager form of county government may be adopted by a county pursuant to section 1703 or abandoned by the county pursuant to the provisions of subchapter V.**

##### **§ 1702. County-manager form of county government**

**Any county adopting the county-manager form of county government shall be governed by the county council, a county manager and such other officers and employees as are authorized.**

**1. County council. Any county adopting the county-manager form of county government shall be governed by a governing body known as the county council, which governing body shall be elected and shall execute the duties and powers outlined and authorized in subchapter II.**

**2. County manager. The county manager shall be the administrative head of the county government and shall have the powers and duties set forth in subchapter IV. The county manager shall be appointed by the county council.**

**§ 1703. Method of adoption of the county-manager form of county government**

The county-manager form of county government provided by this chapter shall be adopted in the manner and at the times specified in this section.

1. Initiative procedure. The county-manager form of county government provided for by this chapter shall be implemented in any county only after an affirmative vote by the voters of the county on the question of the adoption of the plan proposed by the study commission pursuant to this chapter. A referendum on the question of whether to adopt the county-manager form of county government may be initiated by the following methods:

A. By a resolution of the county governing body; or

B. By a petition signed by voters equal in number to 10% of the electorate of the county voting in the last election for Governor, which petition shall be submitted upon obtaining the required number of signatures to the county governing body.

2. Proposed plan. Following the initiation of the referendum procedures on whether to adopt the county-manager form of county government, a study commission shall be appointed pursuant to section 1704 to consider the feasibility of adopting the county-manager form of government. The study commission shall submit to the county governing body within one year a public report on the feasibility of the adoption of the county-manager form of county government. If the report is favorable to that adoption, the commission shall include in that report a proposed county-manager plan.

If the study commission's report on the feasibility of the adoption of the county-manager form of county government is unfavorable to adopting that form of county government, then the procedures for holding a referendum provided in this section shall be terminated. The initiative procedures provided for in subsection 1 may not be reinstated for a period of one year following the date of issuance of the study commission's unfavorable report.

3. Date of the referendum on the proposed county-manager form of county government. After the study commission has submitted the proposed county-manager plan to the county governing body, the county governing body shall set the date of the county referendum on whether to adopt the proposed plan. The referendum shall be held not less than 30 days nor more than 90 days after the proposed plan has been submitted to the county governing body.

4. Publication of the proposed plan. The complete text of the proposed plan drawn up by the study commission shall be published at county expense in a newspaper of general circulation within the county at least once during 2 different calendar weeks, within the 30-day period immediately preceding the date of the referendum. If the majority of those voting approve the proposed plan then the county-manager form of government shall be instituted in accordance with the terms of the plan.

5. Form of ballot. In the submission of the proposed county-manager plan to the voters pursuant to this section the ballot shall be substantially in the following form:

“Shall \_\_\_\_\_ County adopt a county-manager form of government as set forth in the proposed plan issued by the county government study commission on \_\_\_\_\_, 19 \_\_\_\_\_?”

§ 1704. County Government Study Commission

1. Appointment of the study commission. The County Government Study Commission shall be an appointive body. The commission shall consist of one representative from each municipality within the county. The municipal officers in each municipality shall appoint a resident from their municipality within 30 days after the county governing body has received the petitions as provided in section 1703, subsection 1, paragraph B, or within 30 days of adoption of a resolution as provided for in section 1703, subsection 2, paragraph A. The municipal officers shall fill any vacancies in the commission membership.

2. Organization. The county clerk shall, immediately after receiving notice of the appointment of the members of the study commission by the municipal officers of the county, notify the members of the study commission of the date, time and place of the organizational meeting of the study commission. This date, time and place shall be fixed by the clerk and 7 days' notice thereof shall be given.

The study commission shall organize by electing from its members a chairman, vice-chairman and a secretary. Members shall serve without compensation, but shall be reimbursed by the county for travel, reasonable per diem and other reasonable expenses for meetings, hearings and other official business. Travel expenses shall be reimbursed at the rate of 13c per mile for miles actually traveled on official business.

3. Rules, regulations, staff. The study commission may adopt rules and regulations governing the conduct of its meetings and proceedings and may employ such legal, research, clerical or other employees and consultants as are deemed necessary within the limits of its budget.

4. Funding. A county shall provide its study commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to that commission and shall permit it to consult with and obtain advice and information from county officers, officials and employees during ordinary working hours. Within 10 days after the appointment of a study commission, the county governing body shall credit to the study commission's account the sum of \$500. A county shall from time to time appropriate additional funds as needed to the study commission account. These funds may be transferred from surplus or from other accounts in the county budget. The study commission shall file with the county clerk a complete account of all its receipts and expenditures for public inspection.



**5. Duration of the study commission.** Within one year after their initial appointment, the study commission shall submit to the county governing body a public report on the feasibility of the adoption of the county-manager form of county government and, if that report is favorable to the adoption, the study commission shall include in that report a proposed county-manager plan pursuant to subsection 7.

**A.** If the county adopts the county-manager form of county government, the study commission shall become a permanent body whose existing membership may be reappointed by the municipal officers every 3 years from the date of the appointment of the initial commission. The foregoing paragraph does not prohibit the appointment of a new member to the commission by the municipal officers of a particular municipality every 3rd year.

**B.** After adoption of the proposed county-manager plan by the voters of the county, the study commission shall meet at least once every 2nd year to determine the compensation of the county councilors pursuant to section 1724.

**C.** If the county-manager form of county government is abandoned pursuant to subchapter V, then the study commission's duties shall terminate within 30 days after the effective date of the abandonment. The 30-day period shall be used to end the affairs of the study commission. During that period, the commission shall make a final, complete accounting of all of its receipts and expenditures available for public inspection.

**6. Duties of the study commission.** The primary duties of the study commission are as follows:

**A.** To submit to the county governing body within one year a public report on the feasibility of the adoption of the county-manager form of county government. If the report is favorable to that form of county government, then the study commission shall include in that report a proposed county-manager plan;

**B.** To determine, every 2nd year, the compensation of the county councilors pursuant to section 1724;

**C.** To determine the number of county councilors needed to properly administer the county-manager form of government in the particular county. The commission shall base its decision on current population, growth expectancy and size of the county. The study commission may provide that the county councilors shall consist of 3, 5, 7, 9 or 11 members. This determination shall be made in conjunction with every federal census and at any time earlier as the study commission deems necessary; and

**D.** The study commission shall engage in a districting of the county following every change in the number of county councilors to insure that the districting be accomplished as nearly as possible on a single member district one man - one vote system. When a redistricting has occurred due to a change in the number of

county councilors, the study commission shall follow the following procedures specified in section 1722, including determining the one-year and 2-year terms first assigned to districts in order to provide as nearly as possible for an equal number of overlapping 2-year terms in the future. Even where no change in the number of councilors is made, a redistricting of the county shall be made, if necessary, following every federal census to reflect any population changes and to insure that the one man - one vote single member district principle is maintained.

7. Report of the study commission. The study commission shall submit to the county governing body within one year a public report on the feasibility of the adoption of the county-manager form of county government. If the report is favorable to this form of county government, then the study commission shall include in that report a proposed county-manager plan. The plan called for by this chapter shall establish proposed procedures for the election or appointment of new county officers; provide for any necessary transfer of powers, records, documents, properties, assets, funds and liabilities resulting from the changes in county structure; set proposed procedures for the amendment of the plan; and, where necessary provide proposals for the continuity of existing offices and officers, the abolition of officers or their change from elective to appointive status and the making of interim and temporary appointments.

#### § 1705. County offices made appointive

In a county adopting the county-manager form of government, the county offices of treasurer and register of deeds shall no longer be elective. Instead, the county manager shall appoint persons to these offices on the basis of training and experience and subject to confirmation by the county council.

### SUBCHAPTER II

#### COUNTY COUNCIL PLAN

##### § 1721. Districts

Each county adopting a county-manager form of government shall be divided into 3, 5, 7, 9 or 11 districts according to section 1704. The districts shall be numbered consecutively by the County Government Study Commission.

##### § 1722. Method of selecting the county council

1. Elections and qualifications. The county council shall consist of one member elected by each district within the county. The member shall be no less than 21 years of age and a resident of the district which he represents for at least 3 months prior to filing nomination papers.

2. Elective terms. Each councilor shall serve a 2-year term. The County Government Study Commission shall provide for staggered terms by designating which districts shall elect councilors in odd-numbered years and which shall elect councilors in even-numbered years. The study commission shall also designate which districts shall elect, in the first year of the county-manager form of government, representatives for only one year.

3. **Vacancies.** When a vacancy occurs in the office of county councilor by death, resignation, removal from office or for any other reason, the Governor shall appoint a person to fill the vacancy. Any appointee shall meet the age and residency requirements of subsection 1. The appointee shall hold the office until January 1st after another has been elected to fill the vacancy.

**§ 1723. Meetings; chairman; quorum; rules**

The council shall meet on the first business day of January and thereafter at least once a month on such day as the council shall provide and at such other times as it may decide. The council shall elect a chairman from among its members at the first annual meeting. A majority of the council members shall be present to constitute a quorum. The council shall keep a written record of each meeting and may adopt its own rules of order.

**§ 1724. Compensation**

The County Government Study Commission shall determine and set forth in its initial proposed plan the initial compensation for each councilor. Thereafter, beginning with the 2nd year of the county-manager form of county government, the study commission may revise the compensation paid to the councilors every 2 years. Each councilor shall receive equal compensation, except the chairman shall receive additional compensation as determined by the study commission. Each councilor shall also be entitled to reimbursement for reasonable expenses of travel to and from each council meeting, the reimbursement not to exceed \$25.

**§ 1725. Powers and duties**

The county council shall have all of the legislative and policy-making powers which the governing body of a county may possess and which are not expressly denied by the Constitution of Maine or by specific restriction contained in this chapter. All actions by the council shall be taken only after majority vote and after 7 days' notice to the public. Where not otherwise specified, the county council shall have the powers and duties:

1. **Administrative laws and ordinances.** To enact police power and administrative laws and ordinances which do not conflict with the legislative powers granted to the State and to municipalities;

2. **Appoint county manager.** To appoint the county manager pursuant to section 1751;

3. **County manager compensation.** To determine the compensation to be paid annually to the county manager;

4. **Powers and duties of departments, boards and offices.** To define the powers and duties of executive and administrative departments, boards and offices as it may deem necessary to the proper and efficient conduct of the affairs of the county. The council may create by ordinance, or continue, departments, boards and offices. Any department, board or office so created or continued may at any time be abolished by the council;

5. **County budget.** To adopt the county budget in accordance with the procedures established in section 1731 and to assess the county tax pursuant to sections 251, 253, 1731 and 1732;

6. **Borrowing of money.** To borrow money in anticipation of taxes to be repaid within one year and to borrow money for capital expenditures by general obligation or revenue bonds, all borrowing subject to approval by the county electorate pursuant to section 1833;

7. **Federal funds.** To seek and expend federal funds and state funds for purposes of county government; and

8. **County buildings.** To provide through the county manager for building or repairing and maintaining courthouses, county jails and other county buildings, as well as providing and maintaining grounds and parking lots adjacent thereto.

### SUBCHAPTER III

### COUNTY BUDGET AND TAXES

#### § 1731. Creation of the county budget

1. **Estimates.** In order to assess a county tax, the county manager, prior to November 7th in each year, shall prepare estimates of the debts owed by the county and the sums necessary to defray the expenses which have accrued or may probably accrue for the upcoming year, including the building and repairing of jails, courthouses and appurtenances thereof.

These estimates shall be drawn so as to authorize the appropriations to be made to each department or agency of the county government for the year. These estimates shall provide specific amounts for personal services, contractual services, commodities, debt service and capital expenditures. Estimates shall be made on such forms and in such manner as shall be approved by the Department of Audit.

Copies of these forms shall be transmitted to the county council of each county by the office of the Secretary of State no later than September 19th of each year.

2. **Submission of budget to budget committee.** The manager shall also submit a proposed budget by December 1st to the budget committee created pursuant to subsection 6. The budget committee shall review the budget and finally determine the gross amount allocable to the county government for the ensuing year. The budget committee shall then present the budget and gross amount to the county council at its regular January meeting.

3. **Public hearing; notice.** The county council shall hold a public hearing in the county on the estimates, the budget and the gross amount prior to February 1st. Written notice and a summary of the county estimates shall be sent to the municipal officers. Notice of the hearing shall be given at least 10 days prior to the hearing in a newspaper of general circulation in the county. Written notice and a copy of the estimates shall be sent by registered or certified mail with return

receipt requested, or delivered by hand in person, with proof received of the delivery, to the clerk of each municipality in the county and to each member of the Legislature from the county at least 10 days prior to the hearing. The municipal clerk shall notify the municipal officers of the receipt of the estimates. At its February meeting, the county council shall adopt the budget and the gross amount set by the budget committee and presented at the public hearing. Thereafter, the council may allocate budget funds in any fashion necessary to meet the needs of the county.

4. Reallocation of funds. Whenever any specific appropriation of a department or agency of county government shall prove insufficient to pay the required expenditures for the statutory purposes for which that appropriation was made, the county council may, upon written request of that department or agency, transfer from any other specific line of appropriation of the same department or agency an amount as required to meet that expenditure, provided that the request shall bear the written approval of the majority of the county council.

5. Contingent emergency account. The council shall establish a contingent account in an amount not to exceed \$50,000. This fund shall be used for emergency purposes only at the discretion of the county council. At the end of each fiscal year, the council shall transfer from unencumbered county funds an amount sufficient to restore the contingent account.

6. County budget committee. Each county shall have a budget committee. The committee shall consist of one representative from each municipality within the county. The representative shall be appointed by the municipal officers to a 3-year term and shall be a resident, real property owner in a municipality represented.

#### § 1732. Collection of county taxes

When the county budget is finally adopted by the council, it shall be recorded by the county manager. An attested copy shall be sent by him to the Secretary of State with a copy of the apportionment of the county tax on the municipality in the county. When the county tax is authorized, the county council shall apportion the tax upon the towns and other places in the county, in March of the year for which the tax is granted, according to the last state valuation, and fix the time for payment of the same, which shall not be earlier than the following September 1st.

The council may add to the sum so authorized an amount not exceeding 2% of the authorized sum and certify both amounts in the record of apportionment.

Before March 1st, the council shall issue the warrant of the council to the municipal assessors requiring them forthwith to assess the sum apportioned to their town or place and to commit their assessment to the tax collector for collection. The county treasurer shall immediately certify the millage rate to the State Tax Assessor.

The county tax shall be payable by the municipalities to the county manager on October 1st. A copy of the budget shall be transmitted by registered mail by the

county council to the chairman of the governing body of each municipality in the county and to the State Auditor on or before January 1st of the year following the adoption of the budget.

§ 1733. Authorized expenditures

The county council may raise or appropriate money:

1. Operating expenses. The following operating expenses:
  - A. Providing for the operation of county government;
  - B. Establishing a contributory pension system for its officials or participating in an existing system, including the Maine State Retirement System;
  - C. Providing for the operation of various departments of county government, including provision for police and fire protection;
  - D. Insuring officials, employees and volunteer workers against public liability and property damage resulting from their negligent operation of any vehicle owned or leased by the county or being used for county purposes or business; and
  - E. Obtaining the services of county advisory organizations;
2. Public works. The following public works purposes:
  - A. Providing for buildings, parks, parking places, water or sewage facilities, ways and bridges, except for ways and bridges in organized townships and plantations;
  - B. Providing for public solid waste disposal areas, either within or without its boundaries;
  - C. Providing for cemeteries; and
  - D. Providing for flood projects;
3. Health and welfare. The following health and welfare purposes:
  - A. Supporting a hospital serving county residents;
  - B. Conducting a public health program, including employing the necessary help and assistance;
  - C. Providing for extermination and control of pests;
  - D. Providing for a public ambulance and facilities for it; and
  - E. Providing for a food stamp or donated food program in conformity with regulations promulgated by the United States Department of Health, Education and Welfare.
4. Development. The following development purposes:

- A. Supporting a chamber of commerce or board of trade;
  - B. Advertising resources and attractions;
  - C. Purchasing real estate and property for county purposes, including purchases from the Federal Government;
  - D. Providing real estate and personal property for a recreational program;
  - E. Assisting a local historical society in writing and publishing its history;
  - F. Planning for the purpose of development, including the employment of a director of industrial development; and
  - G. Assisting conventions;
5. Celebrations and commemorations. The following celebrations and commemoration purposes:
- A. Celebrating any anniversary of settlement of the county or funding and publishing the proceedings of the celebration;
  - B. Observing and decorating for holidays; and
  - C. Supporting an organization to provide music for functions in public celebration and providing for monuments and memorials and real estate suitable for their erection to honor the veterans of the Armed Forces who sacrificed their lives in the defense of the United States of America; and
6. Transportation. The following transportation purposes:
- A. Providing for the planning, construction, equipping, improvement, extension and operation of airports and including the provision of ground transportation equipment and facilities; and
  - B. Providing for any operations authorized by law which by their nature require the expenditure of money.

Prior to the appropriation of any money, the council shall arrange a county-wide vote to accept or reject the proposed appropriations. At least 30 days before the vote, the council shall publish in a newspaper circulated within the county, the amount and purpose of the proposed appropriation.

#### SUBCHAPTER IV COUNTY MANAGER

##### § 1751. County manager

Each county selecting the county-manager form of government shall have as the chief executive of the county a county manager.

1. **Qualifications.** The manager shall be appointed for an indefinite period by the county council solely on the basis of his training, experience and

**administrative qualifications. The manager need not be a resident of the county at the time of his appointment, but during his tenure of office he may reside outside the county only with approval of county councilors. A county manager may not hold any other elective or appointed county office.**

**2. Removal. The manager may be removed by the county council at any time. After he has served in his position for one year he may demand written charges and a public hearing on the charges before the county council prior to the effective date of his removal. Pending the hearing and removal, the county council may suspend him from office. The county council may designate a properly qualified person to perform the duties of the manager during his absence or disability.**

**3. Salary. The county council shall set the salary of the manager and may provide for a termination allowance. The manager shall be appointed by the council as soon as practicable after the adoption of the county-manager form of county government.**

#### **§ 1752. Powers and duties of the manager**

**The manager shall be responsible for the proper administration of the affairs of the county that are placed in his charge. In addition, where the powers and duties of the manager are not otherwise provided, the manager shall:**

**1. Chief executive and administrative official. Be the chief executive and administrative official of the county;**

**2. Responsibility for administration. Be responsible to the council for the administration of all departments, boards and offices over which the council has control;**

**3. Execution of laws and ordinances. Execute all laws and ordinances of the county;**

**4. Appoint, supervise and remove department heads, board members and officers. Appoint, subject to the confirmation of the council, supervise, control and remove the heads of departments, members of boards and officers and, subject to the confirmation of the council, determine their compensation;**

**5. Appoint, supervise and remove subordinate. Appoint, supervise, control and remove all other officials, subordinates and assistants, except that he may delegate this authority to a head of a department, chairman of a board or head of an office and report all appointments and removals to the council;**

**6. Act as purchasing agent. Act as purchasing agent for all departments, boards and offices, provided that the council may require that all purchases greater than a designated amount shall be submitted to sealed bid;**

**7. Attend all meetings of the council. Take part in council discussions and recommend measures for adoption;**



8. Make recommendations for more efficient operation of government. Make recommendations to the council for the more efficient operation of county government;

9. Preparation and submission of administrative code. Prepare and submit to the county council for approval an administrative code incorporating the details of administrative procedure for the operation of the county and review that code and suggest revisions periodically or as requested by the council;

10. Preparation and submission of certain financial matters. Prepare and submit to the county council an annual budget in accordance with subchapter III and a long range expenditure program, along with a financial plan for raising revenue, covering a period of not less than the 2 ensuing years, and administer the provisions of the budget adopted by the county council;

11. Inform council of county financial condition. Keep the council informed as to the financial condition of the county;

12. Make annual statement of county financial condition. Make, at the end of each year, in connection with the council, a statement of the financial condition of the county showing in detail all moneys received into and paid out of the treasury of the county and other facts and statistics necessary to exhibit the true state of its finances and publish in pamphlet form a reasonable number of copies for distribution among its citizens;

13. Keep books and accounts. Keep his books and accounts on such form and in such manner as shall be approved by the Department of Audit and shall apply all moneys received by him for the use of the county towards defraying its expenses;

14. Deposit of county moneys in certain financial institutions; investment in certain federal obligations. With the approval of the council, deposit the moneys received by him for county use in any of the banking institutions or trust companies or mutual savings banks organized under the laws of this State or in any national bank or banks located in this State. When in his judgment there is money in the treasury which is not needed to meet current obligations he may, with the advice and consent of the council, invest such amount as he deems advisable in bonds, notes, certificates of indebtedness or other obligations of the United States which mature not more than one year from the date of investment;

15. Enforce taxes. Enforce payment of taxes in the manner prescribed by the Treasurer of State;

16. Collection of jail moneys. Collect all moneys paid by the United States for the use and keeping of the county jail;

17. Charge off certain accounts receivable. Charge off the books of account of the county, in whole or in part, such accounts receivable, including taxes which are impracticable of realization, subject to the approval of the council;

18. Act as clerk of county. Act as clerk of the county and make a daily record of the doings of the council and shall copy those records when approved by the council, into the records of the council;

19. Make an annual inventory of county property. On or before January 1st of each year, make an inventory of all property belonging to the county and submit it to the council; and

20. Carry responsibility for maintenance of county property. Be responsible to the council for the maintenance of all county buildings and for all other county property.

§ 1753. Limitations on powers of the county council

Neither the county council nor any of its members shall dictate the appointment of any person to office or employment by the county-manager, interfere in any manner with the county-manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service.

Except for the purpose of inquiry, the county council and its members shall deal with and control the administrative service of the county solely through the county-manager and neither the county council nor any of its members shall give orders to any subordinate of the county-manager, either publicly or privately. Nothing in this section shall be construed as prohibiting the council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county.

Nothing in this section shall preclude the council from removing the manager because of its dissatisfaction with his powers under this section.

SUBCHAPTER V

ABANDONMENT OF COUNTY-MANAGER  
FORM OF COUNTY GOVERNMENT

§ 1761. Method of abandonment of the county-manager form of county government

The county-manager form of county government provided for by this chapter may be abandoned by the same procedures required for the adoption of the plan as provided in section 1703. The county-manager plan shall remain in effect until abandoned, but the plan shall remain in effect for not less than 4 years after its adoption before proceedings to abandon may be commenced.

SUBCHAPTER VI

APPLICATION OF OTHER STATUTORY PROVISIONS

§ 1771. Application of sections outside chapter 13.

**1. Title.** All sections of this Title generally applicable to counties may apply to counties adopting the county-manager form of county government unless specifically excluded.

**2. Amendatory clause.** For the purposes of any county-manager form of government adopted under this chapter, whenever in the Revised Statutes, except in any section which by its express terms does not apply to counties adopting the county-manager form of county government, the words "county commissioners," "commissioners" or "county commission" are used, they shall mean county councilors or county council. For the purposes of any county-manager form of government adopted under this chapter, whenever in the Revised Statutes, except in any section which by its express terms does not apply to counties adopting the county-manager form of county government, the words "clerk of the county commissioners" or "clerk" or "county administrator" are used with reference to a clerk of the county commission or county administrator, they shall mean county manager.

**Sec. 35. Effective date.** Section 34 of this Act shall take effect September 1, 1980.

#### STATEMENT OF FACT

The purpose of this bill is to authorize counties to adopt through public referendum a county-manager form of county government. The adoption of this form of county government establishes a modern organization under the control of an elected county council assisted by a professional county manager. The bill also authorizes the abolishment of county commissioners and the creation of a 3, 5, 7, 9 or 11 person council, depending upon the relative size of the particular county.

The council shall appoint the county manager to direct and oversee the business of the county. The county manager shall also set the budget, subject to modification and approval by a budget committee. The budget committee shall consist of one representative from each municipality within the county, appointed by the governing body of the municipality.

The bill also authorizes the creation of the County Government Study Commission to examine and report on the feasibility of adopting the county-manager form of county government in a particular county.