To: Cape Elizabeth Town Council

From: Michael K. McGovern, Town Manager

Re: Library Administration

Date: June 22, 2016

In recent months, the town council has received a number of proposals from the trustees of the Thomas Memorial Library relating to issues such as pamphlet racks, procedures in the gaming room and activities in the community room. While they are labeled as “policies”, these proposed rules and regulations deal with the day to day administration of the library.

I recently reviewed the charter and our ordinances hoping to find some clarification on whether or not we are following the correct procedures by having these go directly to the town council. This was in part due to a concern I had that there was no consultation with me on any of the proposals and it seemed that the trustees were under the impression that they should be forwarded directly to the council chair for placement on the agenda. It also seemed to me that the council was dealing with administrative matters.

The town charter provides that the town manager is responsible for the administration of all departments.

*The town manager shall be the administrative head of the town and shall be responsible to the council for the administration of all departments assigned to him or her.*

The administrative code adopted by the council has the following language:

*Department heads may prescribe departmental regulations subject to the approval of the Town Manager not inconsistent with law, the Town Charter, and other ordinances and regulations of the Town Council, for the administration of their various departments, conduct of their employees, and the proper performance of the department's business.*

It is my recommendation that we should return the administration of the library to the intent of the charter and the administrative code and proposals involving departmental regulations and the proper performance of the department’s business should be considered as outlined in the administrative code. Specifically, the department head should have the ability to prescribe departmental regulations subject to the approval of the town manager. The library trustees’ advice should also be sought on any proposed amendments to the library procedures manual prior to the amendments being submitted to the town manager.