

## Town of Windham

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### MEMORANDUM

To : Town Council  
From : Barry Tibbetts  
Date : August 13, 2024  
Re : Town Clerk Position and Charter Change

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Linda and I are writing to recommend that a charter amendment be placed on the November ballot concerning the elected position of the Town Clerk be changed to an Appointed position by the Council. This change is possible under Maine State Law, without a charter commission and will require a minimum number of voters for approval based on the total voters who participate in the Presidential November elections.

Windham has been extremely fortunate to have had Linda continuously elected to serve as Town Clerk for over 22 years. Having an elected Town Clerk today is rare in the profession for our size community. Linda has provided stability, continuity of services for licenses, ordinance deadlines, state mandated services and election services at the Federal and State level for many years. Maintaining this tradition is very important. For several years Windham has been working on succession planning with various positions. This position, since elected, makes it difficult for succession planning. Two or three years are needed to adequately prepare someone for the Town Clerk's position. Linda has indicated she is currently in her last 2-year term.

In this Council packet; you will find information regarding the comparison of an Elected, Council Appointed, and Town Manager Appointed Clerk, and what each category of services by that office represents, a spreadsheet of numerous Towns in Cumberland and York Counties that are larger and smaller which have already converted to an appointed position (27 of 30 communities have an appointed Town Clerk), a position description as an appointment by the Council and a brief listing of key items about the Town Clerk.

The updated appointed position description more clearly shows the diversity of responsibilities and the importance of having a broad understanding of State, Federal election law and the local requirements by ordinances and licenses.

One key difference between an elected and appointed position deals with the appointed deputies. In State Law a newly elected clerk chooses who to appoint for their staff. Should they choose not to appoint existing staff as deputy clerks (our long-term employees of 27 years, 3 years and PT status) may have their job in jeopardy since they would be unable to perform their clerk work duties without that appointment. The new Clerk could appoint their neighbor or friends to that deputy position. This scenario could occur every two years if a new clerk is elected. The ramifications of a high turnover are immense in maintaining continuity of services. As you can well understand this may also place a lot of stress onto those positions. This is just one example of potential challenges that may arise.

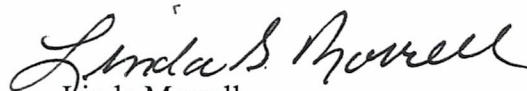
Linda and I have over 60 years of municipal service and we both agree that with a population of nearly 19,000, this community would be better suited with an appointed Clerk once Linda retires. We request that this charter change be decided by the voters. Leadership and staff support such an action for the continued smooth operation of the Town.

Finally, this change in the charter from elected to appointed would not affect Linda's current elected term expiring in 2025.

Thank you for your time and consideration.

A handwritten signature in blue ink, consisting of a stylized 'B' followed by a long horizontal stroke.

Barry Tibbetts  
Town Manager

A handwritten signature in blue ink, written in a cursive style that reads 'Linda B. Morrell'.

Linda Morrell  
Town Clerk