

CREDIT QUALITY IMPROVEMENT GRANT PROGRAM

Feasibility of a Certified Regional Code Enforcement/Local Plumbing Inspector Program

In Partnership with:

The Town of Limestone

The Maine Municipal Bond Bank

The Maine State Planning Office

The Aroostook Code Enforcement Organization



Northern Maine Development Commission

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Regional Code Enforcement Officer Program Feasibility Study

Introduction

Municipalities in northern Maine are finding it difficult to find qualified persons to act as their CEO/LPI. The problem is exacerbated by two issues. First, there are very few people currently certified to be CEOs or LPIs and secondly, there is the issue of compensation. A recent survey showed that part-time CEO/LPIs receive compensation in the range of \$300 to \$5000 per year with an average of approximately \$1500 per year.

In 2007, the Town of Limestone applied for and received funding from Maine Municipal Bond Bank's *Credit Quality Improvement Grant Program*, for the purpose of conducting a feasibility study that examines a wide range of issues relating to code enforcement in the region. The Town of Limestone contracted the services of Northern Maine Development Commission (NMDC) to undertake the project. The ultimate goal of the feasibility study is to determine how to best assist municipalities in providing cost effective, consistent, and on-going code enforcement and plumbing inspection. The intent of the study is not to replace existing CEO/LPI's that are currently working in municipalities throughout the region, but rather to augment those services as needed.

NMDC, working in cooperation with participating municipalities, the State Planning Office (SPO), the Aroostook Code Enforcement Organization (ACEO), and the Maine Department of Environmental Protection (MDEP), developed the following statement of work to accomplish the identified goal of how to best assist municipalities to provide cost effective, consistent, and on-going code enforcement and plumbing inspection:

1. Conduct a feasibility study that examines the creation of a Certified Regional Code enforcement officer (CEO) and Licensed Plumbing Inspector (LPI) program in northern Maine.
2. Survey Municipalities to determine current compliance with State regulations, fee schedules, ordinances, permit activity, and ability to find or attract candidates for the position.
3. Work with ACEO to develop and analyze models that could potentially work. This will include determining current availability of code enforcement officers in the region and the municipalities they are working with. Models could include the creation of a fulltime regional or sub-regional position; the creation of a resource bank of currently certified CEO/LPI's that could quickly step into a municipality; or assembly of training and resource services to the region.
4. Examine a variety of funding, fee structures, and employment options that would ensure consistent enforcement in underserved municipalities.
5. Develop steps for the implementation of the findings in the study.

As part of this project, a Steering Committee was formed with membership representing ACEO, municipal officials, SPO, MDEP, and regional planner. The Steering Committee helped develop the initial set of tasks, and met periodically to review and comment on all facets of the study. The steering committee also assisted in refining goals and objectives as they evolved over the project period, and provided guidance on how to best implement the strategies and tasks identified in the study.

Survey Results – September, 2007

In August of 2007, Northern Maine Development Commission (NMDC) mailed 68 “Regional Code Enforcement Officer Program” Surveys to organized municipalities in the region. The survey was intended to determine the present CEO/LPI structure, needs, and deficiencies. The responses would then be analyzed and used as a basis in determining feasibility of creating a Certified Regional Code Enforcement Officer (CEO) and Licensed Plumbing Inspector (LPI) program in northern Maine.

A total of 50 communities returned surveys for an overall response rate of 73.5%, which we considered exceptional. It should also be noted that the five (5) communities having Interlocal Agreements to share administration and municipal office space received only one (1) survey for their cluster (2), reducing the number of surveys distributed, and the community cluster was counted in the analysis rather than each individual community. Those that responded are to be commended for their thoughtful responses to survey questions.

Summary of Findings

The survey responses have provided a comprehensive picture of existing conditions and possibilities for future development of a cost effective and efficient regional delivery system of code administration and enforcement services. The information derived from the survey has been organized into 6 basic categories including *Coverage; Compensation; Duties and Responsibilities; Quality; Sharing of Services, and Attraction and Retention.*

Coverage

Currently, nearly all communities in the region have an appointed CEO, and only a few are lacking an appointed LPI. However, only 30% have an appointed *alternate* CEO/LPI as back-up for the primary code official. Nearly two-thirds of the communities employ a part-time CEO/LPI and as many as 3 fulltime (and only a few part-time) CEO/LPI’s performed other municipal duties and functions in addition to code enforcement.

Only 3 communities (7%) projected foreseeable changes in their respective towns of a level that would justify the need to increase staff time allocated to code enforcement/administration, but

none of the responding communities foresaw the need to increase part-time positions to fulltime positions.

Compensation

Communities in the northern Maine region use a variety of compensation packages, but 69% of the towns pay an annual salary or stipend of \$38,275 on average for a fulltime CEO/LPI, and \$2,480 on average for a part-time position. CEO/LPI's were paid on an hourly rate by 21% of the communities at an average \$31 per hour. Slightly less than half of the communities used permit fees collected in contribution toward the CEO/LPI compensation package, but far more than half of the communities reimbursed for mileage, and 50% of those towns paid mileage from the CEO's door regardless of home location.

Duties and Responsibilities

Approximately 80% of the region's communities list as the CEO/LPI's primary duties, the administration of 3 state-mandated ordinances: *Shoreland Zoning*, *Internal Plumbing*, and *Subsurface Wastewater Disposal Systems*. Surprisingly, there are four towns that have indicated they do not administer one or more of these ordinances. Only 69% of the communities listed Subdivision regulation as a duty of the CEO/LPI, and 61% administered Land Use/Zoning ordinances. There were only 29 communities that indicated Floodplain Management was a CEO/LPI responsibility. Building Standards and Property Maintenance ordinances were used by less than half of the communities surveyed.

An overwhelming majority of the region's communities expressed little or no interest in adopting additional ordinances, but there does appear to be an opportunity to work with at least 11 communities that anticipate developing and adopting additional land use regulations, to coordinate and assimilate regulatory controls in a manner that could effectively minimize differences in regulation between neighboring communities. Accomplishing a more standardized form of land use regulation could translate into gained efficiencies for CEO/LPI administration.

Quality

Town administrators clearly indicated that the quality and ability of the current municipal CEO/LPI pool was, in their opinion, quite excellent. CEO/LPI's were perceived to be knowledgeable, professional, thorough, and capable. This is evidence that the current State certification training is adequately preparing the CEO/LPI's for their profession. The only suggestions for improvement included ensuring that training continues to be available and easily accessible to the northern most region of the State in the future; emphasizing statutory enforcement and building inspections for occupancy; and developing a "hands-on-training" component to better prepare new CEO/LPI's for real world encounters. An example of one such resource of this type exists at the Highmoor Farm in Monmouth, where LPI's are given the opportunity to inspect actual subsurface wastewater disposal systems installed at the site and report findings under realistic field conditions. However, nearly 72% of the towns had no recommended changes to qualification/certification requirements currently in place for CEO/LPI's.

A majority of the Communities placed a priority on *Quality* over *Cost*, indicating that they could justify the expense of employing a well-qualified CEO/LPI. However, the majority also felt the major advantage in having a regional CEO/LPI program would be cost savings, which also seemed to be of more interest, particularly to the smaller communities that needed only part-time code enforcement.

Sharing Services

Over 80% of the region's communities share their CEO/LPI with other communities, and knew which communities they shared their CEO/LPI with, more or less. A hand full of towns knew that they shared their CEO/LPI, but could not identify with whom they shared the CEO/LPI, while others had no idea whether their CEO/LPI worked for other towns. There were no communities opposed to the idea of sharing CEO/LPI services with other towns, although a few indicated that their code officials – both full and part-time - were already at or near full capacity and may not have additional time to commit toward additional communities.

A majority of the communities felt cost savings would be the biggest benefit from a regional CEO/LPI system, while slightly fewer towns believed quality of code enforcement would improve. Many towns believed that a combination of cost savings and quality would result from regional delivery of code enforcement services, and over 20% felt that there would be no advantage, or were undecided even though they were not opposed to sharing CEO/LPI services.

For those towns that shared common resources such as lakes or major rivers, or which had adjoining village areas and development, sharing CEO/LPI services was most appealing as consistency of enforcement and administration could be (or is currently) a major benefit.

Communities believed that potential drawbacks of a regional delivery system would basically boil down to a possible loss of efficiency and responsiveness due to added responsibilities and coverage; and how to implement a fair mileage reimbursement program considering CEO/LPI's could be operating in so many different towns.

Attraction and Retention of CEO/LPI's

Approximately 6 communities currently have vacant CEO/LPI positions, with more instances of vacant CEO positions than LPI's. However, the duration of these vacancies was between 12 and 24 months for both CEO and LPI positions.

For those communities that recently hired a CEO/LPI, over 60% indicated no difficulty in filling the vacancy, while about 40% experienced some difficulty finding and hiring a qualified individual.

Difficulty in filling vacant CEO/LPI positions was primarily attributed to *Lack of Qualified Individuals*, while secondary reasons cited were *Lack of Support from the Community*, *Poor Fiscal Compensation*, *Overly Stringent Testing and Certification Requirements*, *Job Difficulty*, and *Lack of Need* in that order.

Since a majority of towns felt that compensation is the most important aspect in attracting a qualified applicant, we can surmise that for those towns that did not get a qualified applicant, the

compensation package may have been inadequate even though they may have cited a lack of qualified individuals as the problem. The rationale is that if a lack of community support exists and is pervasive enough, there may be little chance of increasing the compensation to an attractive level. This coupled with the knowledge that a CEO candidate is going to receive little support in carrying out the duties and responsibilities in that community, will effectively thin the candidate pool, making it very difficult to hire a quality individual. It is also realistic to expect that there is a lack of interested candidates in certain areas of the region, at given points in time.

It is unlikely that compensation is normally the only consideration from a CEO/LPI candidate's point of view. Therefore, communities must consider how the overall job description, community support for the position, and workload factor into the compensation needed to attract the type of applicant desired. As an example, if a town has tended to publicly disrespect its code officials in the past whenever a citizen baselessly claims they've been unfairly treated, there is likely to be no amount of compensation worth that type of mistreatment and humiliation.

Conclusions

The analysis of the survey's findings indicates that there is strong support for the development of a Regional Code Enforcement Program from the region's communities, though there are differing perceptions of how that program might look and function from community to community.

In addressing *Coverage/Sharing of Services*, quality of service and cost savings are the two considerations most important to the communities. A key exercise in developing the program should involve examining coverage areas and CEO/LPI's closest to each of those areas. This will allow municipalities and the existing CEO/LPI pool to identify potential efficiencies gained by reallocating coverage areas and service agreements in an equitable yet effective manner among the current pool. This examination should also consider mileage costs from base of operations as a cost factor. Upon determining the results of that exercise, findings may identify areas or communities that can't be effectively served and where a regional delivery system could fill that gap in coverage. At a minimum, towns should be more aware of where their CEO/LPI's work, what hours they are committed to in other communities and how this will affect costs and response time for code enforcement in each of the communities involved.

To address the issue of *Compensation*, we must develop model compensation guidelines with a method of mileage reimbursement that most universally meet the needs of the CEO/LPI pool and are acceptable to the majority of towns. If this can be accomplished, it will set a standard for communities to use in budgeting for code enforcement, and will provide the pool with a reasonable benchmark when considering employment offers from communities or developing future service proposals to towns.

Additionally, a model of compensation for regional code enforcement delivery will be developed and presented as an option for communities that have chronically been unable to acquire the services of qualified individuals on a consistent basis.

A third exercise will be aimed at addressing the issue of *Duties and Responsibilities*, and will determine the potential for the coordination of and amendments to existing ordinances, and

standardization of future ordinances in communities of similar need. The desired result would be that:

- CEO/LPI's would become more easily familiar with town ordinances if they were more similar in content, form, and function (this should not preempt meeting the needs of individual communities);
- Consistent enforcement from community to community would be more achievable, particularly between towns with shared resources such as lakes, watersheds, or developed (urbanized) areas;
- Communities would recognize the benefit of regional coordination when developing or amending ordinances in the future

A fourth exercise will focus on *Quality/Attraction-Retention*, by developing a universally accepted job description for regional (or local) CEO/LPI duties and responsibilities, including jurisdiction of authority, and means of performance evaluation and oversight. This will provide stability for both the existing CEO/LPI pool and future CEO/LPI candidates by standardizing the expectations of the community and the code official. It will be coupled with the compensation guidelines to create a comprehensive employment package aimed at increasing the interest from individuals in considering code enforcement and plumbing inspection as a career choice, and can also help communities retain those already employed as CEO/LPI's for longer periods of time.

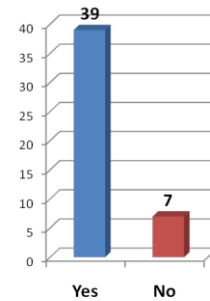
Additionally, training resources will need to be examined and a plan developed that will ensure sustainability for the future of these resources. Any gaps or future needs in training should be addressed and possible providers identified along with associated funding sources. Communities will need to be aware of the available training opportunities, funding sources, and providers in order to support their sustainability. They should also be involved in any future efforts to develop regional training delivery that could augment what already exists or replace what may be discontinued due to State budget cut-backs.

Detailed Survey Analysis

The following pages contain the detailed analysis of the municipal responses to the survey questions. Additionally, a similar survey was emailed to eighteen active members of the Aroostook Code Enforcement Organization (ACEO). Seven of the eighteen responded to the survey (39% response rate) and their responses are noted where applicable to provide additional insight.

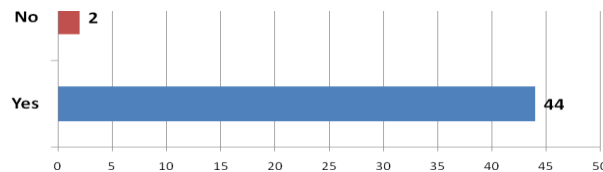
1. Does your municipality currently employ a Code Enforcement Officer? (46 responses)

A total of 46 responses were received with 39 towns (85%) currently employing a CEO and 7 towns (15%) currently without a CEO. Of the 7 “no” responses, 6 were Land Use Regulation Commission (LURC) communities, which have CEO coverage through LURC and are not employed by the municipality. Therefore, the assumption can be made that 98% of the responding communities are currently served by a CEO, and only 2% are not.



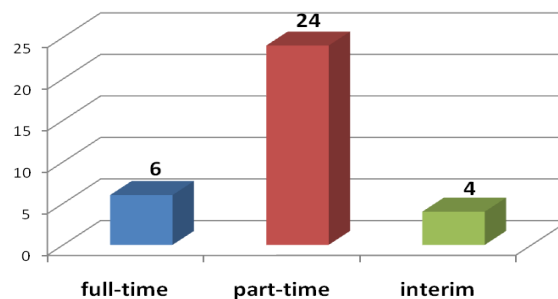
2. Does your municipality currently employ a Local Plumbing Inspector? (46 responses)

Question 2 responses regarding LPI employment indicated that 96% of towns employed LPI's while only 4% did not. Only 1 of 2 communities not having an LPI was a LURC community.



3. Is the CEO /LPI fulltime, part-time, or interim, and how many hours per week?: (39 responses)

Only 6 (15%) of the responding communities employed a full time CEO/LPI while 24 (62%) of the responding communities had part-time positions. Four communities (10%) indicated that they currently had an interim CEO/LPI. On the issue of average hours per week the CEO/LPI was compensated for, 13 communities (33%) indicated less than 40 hours or “as needed” with the majority being “as needed”. Therefore, we understand that the bulk of code enforcement/inspection in the region is done on a part-time basis.



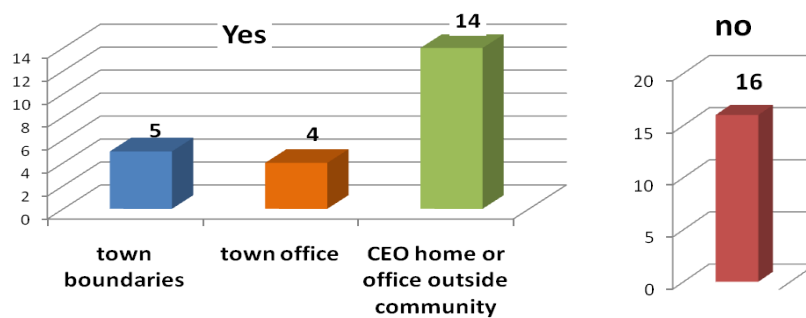
4. How is your CEO/LPI compensated? (48 responses)

Responses to Question 4 regarding how CEO/LPI's are compensated netted 48 responses, 33 (69%) of which indicated an annual salary was the form of compensation with all but 6 listing the amount of annual salary paid. Of the 27 remaining responses, 21 paid an amount less than \$26,000 (which we considered as the lower limit for full time employment), with an average salary of \$2,480, including salaried part-time positions. CEO/LPI's were compensated at an hourly rate in 10 (21%) of the communities at an average rate of \$31/hour. Twenty-three communities (48%) turned over all permit fees to the CEO/LPI as part of compensation, and only 1 community turned over a portion of the permit fee in addition to the hourly rate. Likewise, 1 community paid a flat rate per permit issued.

5. Does your municipality pay mileage to the CEO/LPI? If yes, when does the mileage reimbursement begin? (44 responses)

Of the 44 responses to this question; 16 communities (36%) do not reimburse for mileage, while 28 (64%) do reimburse. Of those that do reimburse, 11% begin mileage reimbursement at the town boundaries; 9% at the town office, and 32% at the CEO's home or office outside the community. Fourteen percent of the communities had some other method of reimbursement including annual/monthly stipends, meeting/training reimbursement, and municipal transportation. Three LURC communities indicated that they reimburse for mileage, which may actually be for LPI only, as code enforcement duties are covered under LURC.

With increasing fuel prices, mileage reimbursement may be an area that more communities should consider. However, communities may feel mileage costs are difficult to monitor and budget for, particularly with CEO's living outside the community.



6. Do you have an appointed alternate CEO/LPI? (43 responses)

There were 43 responding communities to this question, with 13 communities (30%) having an appointed alternate CEO/LPI and 30 communities (70%) without an appointed alternate. There is a significant lack of back up for code enforcement and plumbing inspection services, which represents both a problem and an opportunity. As we will learn later in this report, "customer service" is an important aspect of CEO/LPI service according to the municipal responses, yet 70% or more of the communities within the region do not make provision for continuous and

uninterrupted service while CEO/LPI's may be vacationing, unavailable due to family emergency or illness, or other reasons. The opportunity may lie in the ability of a regional CEO/LPI system to provide that alternate official, particularly when a community is simply unable to find anyone willing to be appointed.

In analyzing **ACEO member response** to the survey, it was found that:

- a) 7 CEO's and 8 LPI's covered 22 communities
- b) In 5 communities, the CEO/LPI position was considered fulltime; 13 communities were part-time; and 5 communities were interim employment.
- c) Approximately 60% of the CEO/LPI's had structured number of hours they were expected to work; the remainder indicated employment as unspecified, seasonal, or "as needed" hours.
- d) The average hourly wage for both full and part-time was reported as approximately \$23/hour; the salaried part-time positions averaged \$2,912 per year.
- e) 77% of the communities covered by the ACEO responders turned over the municipal portion of plumbing fees (75% of the minimum permit fee established in the State fee schedule) to the LPI as compensation; the remaining communities compensated LPI's either through an annual stipend or hourly wage.
- f) CEO's receive mileage reimbursement in 72% of the communities they work for, compared to just 41% for LPI mileage. In some cases, mileage was reimbursed in the form of an annual lump sum allowance rather than a per mile rate.
- g) 32% of communities covered by ACEO members had no appointed alternate CEO; while 59% had no appointed alternate LPI. Only 2 of the 7 ACEO responders were appointed alternates in other communities.

7. How long have you been without a CEO or LPI? (6 responses)

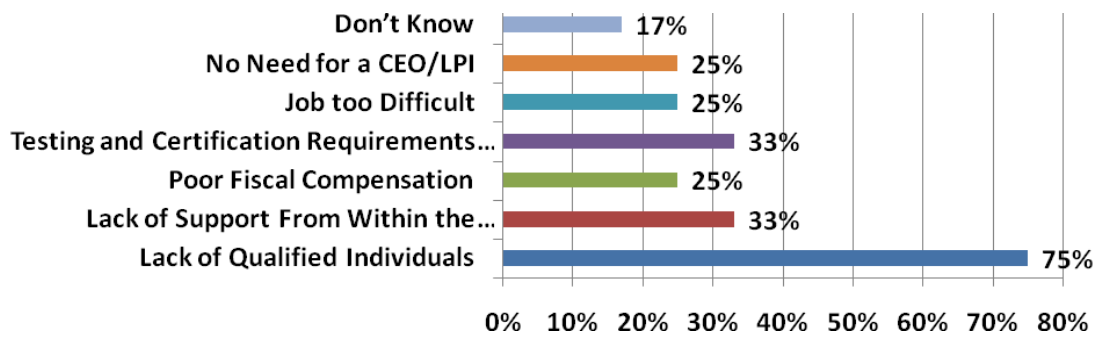
Of the 6 responding communities, 33% have been without a CEO for less than 12 months; 50% have been without a CEO for 12 or more months, and 33% have been without a CEO for 24 or more months – one community has not had a CEO for 18 years. There have been fewer problems with local plumbing inspection as far as the number of communities with need, but the duration has been problematic with both responding communities citing that they have not had LPI services for 24 months. It should be remembered that LPIs must be certified before they can work within a community, unlike a CEO which has a 1 year grace period. Oddly enough, the 2 communities without LPI services are in close proximity to other communities that have full-time or part-time certified CEO/LPI's, which could indicate that the communities are difficult to work for, or do not compensate adequately. It could also be symptomatic of a general lack of capacity within the existing CEO/LPI pool.

8. What do you perceive as the reasons for not having a CEO/LPI? (12 responses)

Of the 12 responses, 75% felt that difficulty in finding CEO's and LPI's was a direct result of a *lack in qualified personnel* to fill the position. It is unknown if this means that there were no *qualified* applicants or if there were simply no applicants at all. It is also unknown if compensation for the position can be tied to the types of applicant applying. *Lack of support from within the community* was tied for second-most popular response (33%), and relates to the issues of self-esteem and perception of worth – both critically important to the effectiveness and longevity of a CEO/LPI.

The other 33% response was that *testing and certification requirements were too stringent*, which is interesting when compared to the responses from question 21, where the majority (48%) indicated that ability and knowledge of regulatory issues was the most important aspect in attracting (and selecting?) a qualified CEO/LPI.

Three response categories were tied as the third most popular reason (25%) for communities unable to retain a CEO/LPI and they include *poor compensation, job difficulty, and lack of need for a CEO/LPI*. It is interesting to note that with respect to “no need”, several municipalities with significantly important water resources either have a part-time CEO/LPI or none at all. This begs the question of exactly *who* believes there is no need for a CEO/LPI. One possible solution is a greater educational component to raise the awareness in the community of the role and responsibilities of code officials in our region.

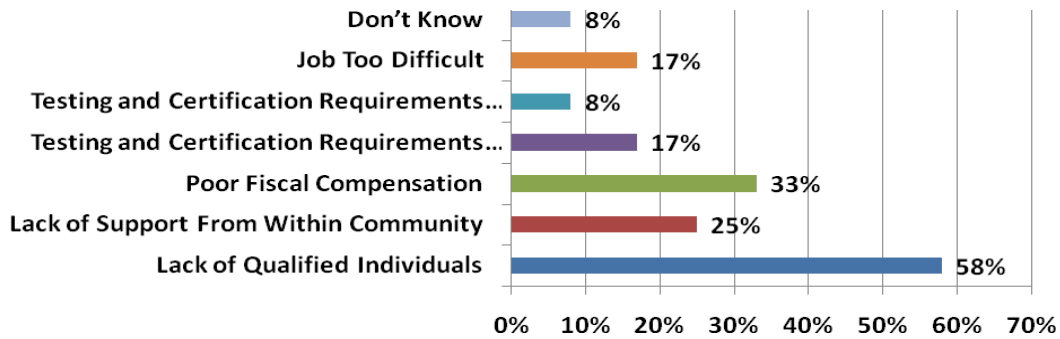


9. *If you have recently employed a new CEO/LPI, did your municipality have a difficult time finding a qualified individual? (29 responses)*

Of the 29 responses, 12 communities (41%) indicated difficulty in filling the position, while 18 communities (62%) indicated no difficulty. Three of the 18 communities having no difficulty are under LURC jurisdiction, so it is possible they may have been referring to LPI services only. This validates that there is a problem in recruiting CEO/LPI candidates to fill position openings, but there is no particular correlation to location as those problem communities were found in northern, central, and southern parts of the region.

10. *If yes, what do you perceive as the reason for having a difficult time? (12 responses)*

Of the 12 responses, 58% cited *lack of qualified individuals* as the primary reason for difficulty in recruiting candidates, while 33% cited *poor compensation* as the principal reason. *Lack of support from within the Community* followed closely at 25%. These responses closely mirrored those of the communities that had been unable to hire a CEO/LPI.



11. *Which ordinances(s) does your CEO/LPI currently administer? (49 responses)*

Approximately 80% of the responding communities administer Shoreland Zoning, Internal Plumbing, and Subsurface Wastewater Disposal ordinances. These are all state imposed regulations that apply to all communities, which makes it surprising that aside from the LURC-regulated towns, there were still 4 communities that indicated they did not administer 1 or more these 3 ordinances.

Note: ACEO responders indicated that Shoreland Zoning was administered in 95% of their towns; internal and subsurface plumbing was 100%.

Sixty-nine percent (69%) of the communities indicated that the CEO/LPI administers a Subdivision Ordinance, also a statutory requirement for municipalities, with 8 communities other than those regulated by LURC indicating they do not administer Subdivision applications. This might possibly be attributed to the respondent's interpretation that Planning Board, rather than CEO, is responsible for issuing subdivision approvals, or that the town has not adopted a local Subdivision ordinance, or that there has been no Subdivision activity in recent memory.

Note: ACEO responders indicated 86% of communities administered subdivision regulation.

Sixty-one percent (61%) of the respondents indicated that the CEO's are responsible for administering Land Use/Zoning Ordinances, but only 59% indicated that Floodplain Management falls under their purview, which is somewhat suspect (Allagash not a member of NFIP?). Again, public awareness – even at the municipal office – may be an issue that needs to be addressed.

Note: ACEO responders indicated that Floodplain Development was administered in 95% of their communities, which points to the fact that many towns are unaware of ordinances for which they are responsible.

Only 47% of the communities indicated that they have a building code, and only 20% have a property maintenance code. This is an important statistic since it poses a double threat to the community. Administration of these codes would probably add significantly to the workload of the code official and thus would require more time and subsequently more compensation if the CEO were able and willing to handle the additional responsibility. The town may not wish to increase its cost for code enforcement, but at the same time might be able to incrementally increase property values and reduce fire suppression costs by implementing a building code, or at the very least, a property maintenance code. The additional challenge and responsibility (not to mention the added earning potential) might also favorably impact the retention (and attraction) of code officials in many communities. This would certainly be dependent on the individual CEO's make up, commitment, and availability.

Note: ACEO responders indicated that in 68% of their communities they administer some level of building standards, although it can be assumed that in some cases these standards are associated with life safety codes (NFPA 101 and 211 – laws of the State Fire Marshall) than a locally adopted building code. A remaining issue is the level of similarity or difference between land use (zoning) and building codes from town to town for those CEO's that covered multiple town, which unfortunately was not addressed in the survey.

12. Does your CEO/LPI perform other duties within the community? If yes, please list the other positions. (45 responses)

Only 7 of the 45 respondents indicated that CEO/LPI's hold other positions or perform other duties in the community. Among these duties were town manager, tax assessor, and health officer. It should be noted that there could be a significant potential for conflict of interest with regard to the Town Manager acting as CEO/LPI and should be avoided when possible, but the other positions listed pose less potential for conflict of interest, and could even be considered complimentary to the daily CEO/LPI responsibilities, depending on ability and workload. Other communities that are having difficulty retaining or attracting CEO candidates might consider similar arrangements, particularly where compensation and excess capacity are factors.

Note: Based on ACEO member responses, very few CEO's hold other municipal positions.

13. Does your CEO/LPI work in other communities? If yes, please list the other communities. (43 responses)

Of the 43 responses, 35 communities (81%) share their CEO/LPI with other towns, while 3 communities do not. Five communities (12%) did not respond yes or no, indicating they had no information, and 3 towns (9%) knew they shared the CEO but did not know with which other communities. Many of those communities that indicated they shared the CEO/LPI were not completely certain of the other communities, but issued a "best guess".

Several points are raised with this question and the responses received.

- A majority of the current CEO/LPI pool is utilized by multiple communities.
- Many of those communities do not have a full understanding of how many and with which communities they share the CEO/LPI, and therefore have not explored joint compensation packages, schedules, or other ways to most effectively utilize the shared services.
- In some cases, the CEO/LPI travels significant distances to provide coverage to multiple towns even though there may be a qualified code official in closer proximity providing a potential for cost savings in mileage, availability, or response time.
- There may be a tremendous opportunity for gaining efficiency in the delivery of CEO/LPI services simply by sharing information, coordinating and compressing service areas to maximize delivery to adjacent communities rather than leapfrogging longer distances adding to cost and unproductive time.

Note: As previously mentioned, 7 ACEO responders covered 22 communities for an average of 3.14 towns per CEO/LPI. In fact, it is not uncommon for some code officials to handle 5 or more towns. When asked how many towns they would prefer to be responsible for, the response was a 50/50 split between 1 and 2 towns, indicating that although we are successfully covering our communities, most code officials would prefer to handle fewer towns. It is possible that coordinated efforts to improve consistency in municipal ordinances, duties, and responsibilities as well as compensation could increase the number of towns that a CEO/LPI could comfortably service, depending on level of development and permit activity, size of community, and other factors.

14. Do you anticipate your municipality changing in such a way that would require a full time CEO/LPI? If yes, what anticipated changes? (44 responses)

Of the 44 communities responding to this question, only 3 (7%) indicated an expectation that future changes would require additional time for a CEO/LPI, but not enough to require a fulltime position. All 3 communities currently share a CEO/LPI, which could make it difficult for the current CEO/LPI to commit additional hours in these communities.

It is interesting to note that of the 39 communities that are not anticipating any changes requiring more CEO/LPI involvement, at least 2 have recently adopted new comprehensive plans that include proposed land use ordinances with additional review criteria and increased permitting requirements, and 2 other communities that did not respond to this question also have new comprehensive plans with proposed land use commitments. Future implementation of these land use ordinances will most likely add an appreciable amount of time to the current workload of the CEO/LPI – an aspect of community planning that these towns have apparently failed to recognize.

Note: Of the ACEO responders representing 41% of the municipalities, only 2 contradicted the town's response. In one case, the town indicated they felt that changes would require significantly more code enforcement than was currently required (although not fulltime) while

the CEO felt no change would occur. In the second instance, the town foresaw no change while the CEO felt that a fulltime position would be needed.

15. *Would you be interested in adopting additional ordinances in your community? (41 responses)*

There were really two purposes in asking this question.

- a) to quantify the number of communities that planned or expected to adopt additional regulatory measures in their communities in comparison to the number of communities that anticipated change in the workload and time commitment for the current CEO/LPI;
- b) to measure the interest of communities in affecting a more standardized set of municipal regulation to help the CEO/LPI pool reduce the learning curve necessary to become proficient and knowledgeable in administering code enforcement in multiple towns, if not on a regional scale.

Of the 41 responses, 11 communities (27%) indicated that additional ordinances were likely to be adopted in their towns. These 11 responses were categorized as follows:

- 9% were in the process of updating their current ordinances
- 27% were adding specific ordinances, which included regulation of mobile homes, junkyards, and building standards
- 18% would add unspecified ordinances as mandated by the State
- 18% said they may add ordinances of a specific nature, depending on the community's willingness to adopt
- 27% said they felt that additional ordinances of an unspecified nature may be needed, but were unsure if the community would be willing to adopt

Seventy-three percent of the responding communities indicated they would not be interested in adopting additional ordinances. Therefore, it could be said that there is an opportunity to begin coordinating ordinances, at least in part, with approximately 25% of the communities in the region. There may also be a short window of opportunity to coordinate the mandatory Shoreland Zoning Ordinances (SZO) in many communities that have not yet updated their SZO in anticipation of the upcoming deadline July 1, 2008, including those communities that did not indicate any the need for additional ordinances.

Note: ACEO members representing 38% of the communities responding to this question indicated that in 6 instances (27% of the ACEO towns), additional ordinances were needed. These predominantly included building standards and property maintenance codes, but land use, access management, and subdivision/site design were also mentioned. This indicates the probable existence of a "disconnect" between what town officials and residents believe they need, and what code officials that work closely with regulatory measures find necessary to properly enforce what the community wants enforced.

As previously mentioned, there are also at least 4 communities that have adopted a new comprehensive plan that includes a proposed land use plan, meaning that they have committed to developing and adopting land use regulations within the next 2-4 years. Communities implementing land use plans and adopting new ordinances should consider the impact of

additional responsibilities on the overall workload of the CEO/LPI and be prepared to increase their compensation accordingly.

16. What are your thoughts regarding the present qualifications of your CEO/LPI? (34 responses)

This question was aimed at determining how town officials felt about the current pool of CEO/LPI's with regard to the training they have received and their ability to employ what they learn. In so doing, any future effort to implement a Regional CEO system could be designed to address identified deficiencies in the training program.

Of the 34 responses:

- 38% indicated that the qualifications of the current CEO/LPI were excellent. Comments included “highly qualified”, and “well educated”.
- 44% indicated that qualifications of the CEO/LPI were good to very good
- 6% were somewhat ambivalent or not on point
- 12% were either negative (1) or not sure (3)

It can be said that overall quality is good to excellent and that the one negative comment cited lack of experience rather than poor training as the reasoning for the response. Therefore, the current training program appears to be more than adequate in content as evidenced by CEO responses, which indicated that most felt their qualifications were good to excellent. Availability and access to training might be more of an issue, but this is being closely monitored by the Aroostook Code Enforcement Organization, which represents CEO's in the farthest region from Augusta.

17. If you could change the qualification requirements of the CEO/LPI Program at the State level, what would those changes be? (14 responses)

This question was again trying to determine any areas of deficiency in CEO quality from a programmatic standpoint. Of the 14 responses, 71% had no recommended changes to the qualification requirements, while 29% suggested specific changes including:

- More emphasis on enforcing State statute
- More emphasis on building inspection and certificate of occupancy
- More “hands on” field training as opposed to classroom studies
- Less State intrusion; more home rule authority (*this has less to do with CEO qualifications and more to do with legislative changes*)

From these comments, it appears there could be a possible opportunity to modify current training models such as the State Planning Office's Code Enforcement Training and Certification Program, to include a *Field Work* component that would perhaps simulate actual field conditions, and include dealing with a violation and violator. In doing so, the candidate in training could gain real world experience in applying technical knowledge to a real world situation. This is

validated by the popularity of the annual Highmoor Farm field workshop on Subsurface Wastewater Disposal Systems in Monmouth, where LPI's are given the opportunity to inspect and report findings under field conditions with real materials.

Note: ACEO responders had different ideas regarding changes to the training and qualifications for CEO's. Suggestions included:

- ***Removing or reducing the 1 year grace period to raise the bar for employment as a code official***
- ***Step up enforcement of the state requirement that every organized town appoint a certified code enforcement officer annually***
- ***Take away local authority over code enforcement and make CEO's state employees***
- ***Improve the training for certification in internal plumbing and building standards***

18. *Would your municipality consider sharing a CEO/LPI with another municipality? (48 responses)*

The overwhelming positive response (no negatives) to this question validates the idea of sharing CEO/LPI services, and is currently already occurring in 79% of the responding communities. As mentioned earlier, it may be possible through improved information sharing and coordination, to improve the existing shared services by reallocating areas of service to reduce travel times and balance workload even if a method of delivering code enforcement from a regional level proves to be unworkable.

Note: ACEO responders were split 50/50 on this issue, but this can be attributed to the fact that at least 2 of the ACEO responders were fulltime CEO's - one is not employed as a CEO by any other town on a part-time basis.

19. *What do you see as the major advantages of sharing a CEO/LPI on a regional level? (34 responses)*

This question is aimed at determining what advantages the majority of communities feel can be gained in developing a shared or regional service delivery. The responses will help in shaping up various scenarios to maximize benefit, whenever possible, in the most popular "advantage" areas.

The 34 responses garnered the following results:

- 35% believed the advantage would result primarily in cost savings
- 18% believed the advantage would be found in both cost savings and quality of service
- 26% believed the advantage would result primarily in quality of service
- 21% were unsure, saw no advantage, had no comment, or were not on point

Note: ACEO responders felt that the major advantage would be found in both cost savings and quality of service, with consistent enforcement a close second.

Cost savings would appear to be what towns are most interested in seeing as a result of the study, with quality and efficiency a close second. The majority of communities that do employ a fulltime CEO/LPI commented that there was little if any opportunity for their CEO/LPI's to share time with other communities. Another important comment pointed out that for communities that shared common surface waters, consistent enforcement from one shared CEO/LPI would be beneficial. This situation could be mirrored in several areas of the region.

A common theme was that communities felt it would be easier to create a more robust compensation package to attract and retain CEO/LPI's. This reinforces the conclusion that most towns value continuity in their code enforcement as much or more than cost savings, and wish to avoid the constant problem of hiring for vacant CEO/LPI positions.

A third important point made by the respondents is that they felt that creating an opportunity for a trained individual to be able to work as a "fulltime" code official through a shared workload with multiple communities would be more beneficial than having an individual that worked fulltime at some other job and did code enforcement part-time for one or more towns.

20. What do you see as the major drawbacks of sharing a CEO/LPI on a regional level? (28 responses)

There are many potential disadvantages that if left unaddressed, could outweigh the advantages previously identified. Of the 28 responses on this issue, 43% felt that efficiency and responsiveness may be impacted to the detriment of some communities. A second disadvantage was how to account for mileage reimbursement when travel was distributed throughout several towns. As mentioned earlier, any system aimed at effective and efficient delivery of code enforcement services has to include a concerted and coordinated effort to think logistically about the areas needing coverage and the closest delivery point for that coverage. In this way, wasted travel time and cost can be reduced, while maximizing the hours available for each community's needs.

On the issue of mileage reimbursement, several possible models will need to be researched, or possibly developed and assessed, to determine a best method. The expectation is that one model will surface as the "gold standard" for all shared CEO/LPI communities to use, rather than the existing plethora of reimbursement methods that tend to complicate the CEO's life and diminish enthusiasm for considering service for any additional communities.

Note: ACEO responders agreed with municipalities in that efficiency and responsiveness might suffer if more towns were added to current CEO levels. This in turn could lead to CEO "burnout" if the CEO was required to deal with several differing sets of regulations among the communities that employed them. They also saw the mileage reimbursement issue as problematic.

21. What do you see as the most important aspect of attracting a qualified individual for a CEO/LPI position? (25 responses)

This question was intended to derive from the surveyed communities what they believed was the most important aspect to be made available by the community in order to attract a qualified CEO/LPI candidate. Unfortunately, many responding communities misinterpreted the question to mean “what is the most important aspect of a qualified CEO/LPI?” Therefore, the responses may not truly or completely get at the heart of what towns feel they need to offer in return for a candidate with the proper skills and background needed to be a successful code official in their community. With that in mind, many of the responses did illuminate the following salient points.

- 1) 36% of the communities feel that compensation is the biggest factor in attracting qualified individuals/potential CEO/LPI’s. ***This is confirmed by a majority of the code officials along with a willingness by the community to pay for experience.***
- 2) Being appreciated (by the community) for their professionalism in the face of adversity, time and commitment to the craft, and knowledge that can save lives is important and often overlooked. In a word...***RESPECT. This was the second most popular aspect according to ACEO response.***
- 3) 48% of responses indicated that the most important aspect or quality of a CEO/LPI was knowledge of the law and the ability to apply it effectively in performing their duties. In a word...***PROFESSIONALISM.*** (It is important to note that without #2, #3 is unlikely to be a prevailing quality)
- 4) It is important to provide the opportunity for year-round employment and an adequate workload to retain and validate the cost of a qualified CEO/LPI, particularly in smaller communities that have more seasonal activity (mostly residential, less commercial, greater shoreland area for development, etc.), and where there is little activity for 5-6 months of the year.
- 5) ***ACEO members responding to the survey also placed importance on a clear understanding between the community and the code official regarding the CEO’s responsibilities augmented by user-friendly and uncluttered ordinances to enforce.***

The importance placed by a majority of the respondents on knowledge of the law, professionalism, protecting the public health and safety, and keeping the community in compliance indicates that most towns would appear to seek out and appreciate a candidate with these qualities, but may be unable or unwilling to pay for it. It is entirely possible that CEO/LPI candidates may certainly be attracted by better than average compensation, but may equally value a community that is supportive of the ordinances in place, and in assisting the CEO/LPI to achieve the level of professionalism they desire. This may be exhibited in the community’s willingness to update and amend unworkable or outdated elements of their ordinance as recommended by the CEO; by backing up the CEO on difficult or unpopular enforcement issues; by avoiding disrespectful behavior toward the CEO either publicly or privately; and by recognizing the public service the CEO provides by staying abreast of legislation affecting land use and building safety.

22. *Any other suggestions or comments regarding the creation of a regional code enforcement/local plumbing inspector program. (20 responses)*

This question was asked to further gauge how communities felt about the idea of a regional code enforcement system, gather useful suggestions, and provide the communities with the opportunity for additional feedback not necessarily associated with any of the questions or issues raised elsewhere in the survey.

There were 20 community responses, which were broken down as follows:

- 35% (7) were positive toward the idea of a regional code enforcement system, but had no specific comments or suggestions.
- 35% (7) were positive and provided comments or suggestions
 - Regional CEO program should be used as backup support to help out with absences, vacations, or during peak times of the year
 - Propose legislation to allow certified code officials/LPI's to perform inspections without having to be appointed by each town they are called to service
 - Promote more training opportunity in the County
 - Create parity in compensation and responsibilities from community to community to prevent towns from being “held over a barrel” in finding a replacement CEO/LPI
 - Look at cost based on usage with minimum stipend; small towns sharing cost with larger communities or service centers to reduce their costs
 - Should also look at regional tax assessor program; bring assessment training to the County as well
 - Regional training program with hands-on component would be great
- 25% (5) had no comments
- 5% (1) felt that regional CEO/LPI would be spread too thin and would not be effective

ACEO members that responded to the CEO survey again had a slightly different take in commenting on a regional code enforcement system. Suggestions included:

- Possibility of building a uniform compensation and coverage policy for LPI's who cover LURC territories. Currently LPI coverage is haphazard and compensation is not commensurate with the effort and distance required to provide this service, which is not provided by State-employed LURC enforcement personnel.
- Possibility of utilizing a Regional CEO system in assisting with LURC regulatory enforcement.
- Arranging for the regional planning council (NMDC) or the Aroostook Code Enforcement Organization to provide interim CEO staff for communities in transition.
- Grant regional authority and oversight through the program to avoid local politics and unfair practices in dealing with CEO issues and appointments.
- Provide incentives for communities to coordinate amendments to existing ordinances and development of new ordinances to continually improve consistent land use regulation from town to town.

Development and Analysis of Possible Models for Regional CEO Program

Due to time and monetary constraints, research of existing programs that could potentially be used as models for a regional code enforcement program was primarily focused on web searches using keywords such as *Regional Code Enforcement*; *Interlocal Cooperation*; *Interlocal Agreements*; *Shared Municipal Services*; *Regional Programs*; and various combinations of these search terms. The results of these searches uncovered only a few programs that are currently being used, but did also provide a variety of helpful published documents and reports discussing many elements of successful interlocal, regional, and multi-regional initiatives aimed at cooperative sharing of services. These findings will be discussed in detail on the following pages of this report.

In addition to the web-based research, the Maine Municipal Association's (MMA) website provided an important resource. MMA has assembled a library of helpful publications for member municipalities, which includes a document entitled Interlocal Cooperation Manual – March 2001, as well as a number of sample agreements that municipalities can use as templates in developing their own joint service agreements.

Another resource that was used in this study was a report developed by the Androscoggin Valley Council of Governments (AVCOG) with financial assistance through the Fund for the Efficient Delivery of Local and Regional Services program. This report studied the viability of providing staff, and particularly a Code Enforcement Officer, to towns on a shared basis.

For the purposes of this study, these resources are included in the text and may be applicable in certain respects to the municipal survey results outlined earlier. Though not extensive or all inclusive, [the steering committee for this study has reviewed and determined that] the research and subsequent analysis provides a reasonably sound basis for the resulting conclusions and recommendations for implementing a regional code enforcement program that meets the indicated needs of the municipalities within the northern Maine region.

Web Search Results

Cambria-Somerset Council of Governments

The web-based search for program models found that the Cambria-Somerset Council of Governments in south-central Pennsylvania offers a Regional Code Enforcement Program with 21 member communities participating. The municipalities share the cost of the program, which has been operating since 1980. There are three (3) full-time certified code enforcement officers that enforce the BOCA & International Building Codes in these municipalities (under the Uniform Construction Code – UCC). The code official also acts as the zoning officer in certain municipalities at no additional cost. The website lists a number of program advantages including:

Models for Regional CEO System

1. The program costs are shared by the participating municipalities, making the program affordable.
2. The program is governed by municipal representatives who meet on a bi-monthly basis, allowing for local input.
3. There are regular office hours on weekdays and a toll free number for all residents of both counties. Residents can obtain permit applications at their municipal office for convenience.
4. The COG operates a computerized record system for all permit activity, which can then be used to provide uniform permit activity reports to the Code Program Board and individual municipalities.
5. Property Maintenance code enforcement for existing structures is also provided at no cost for those communities that choose to work toward uniformity adopt the code.

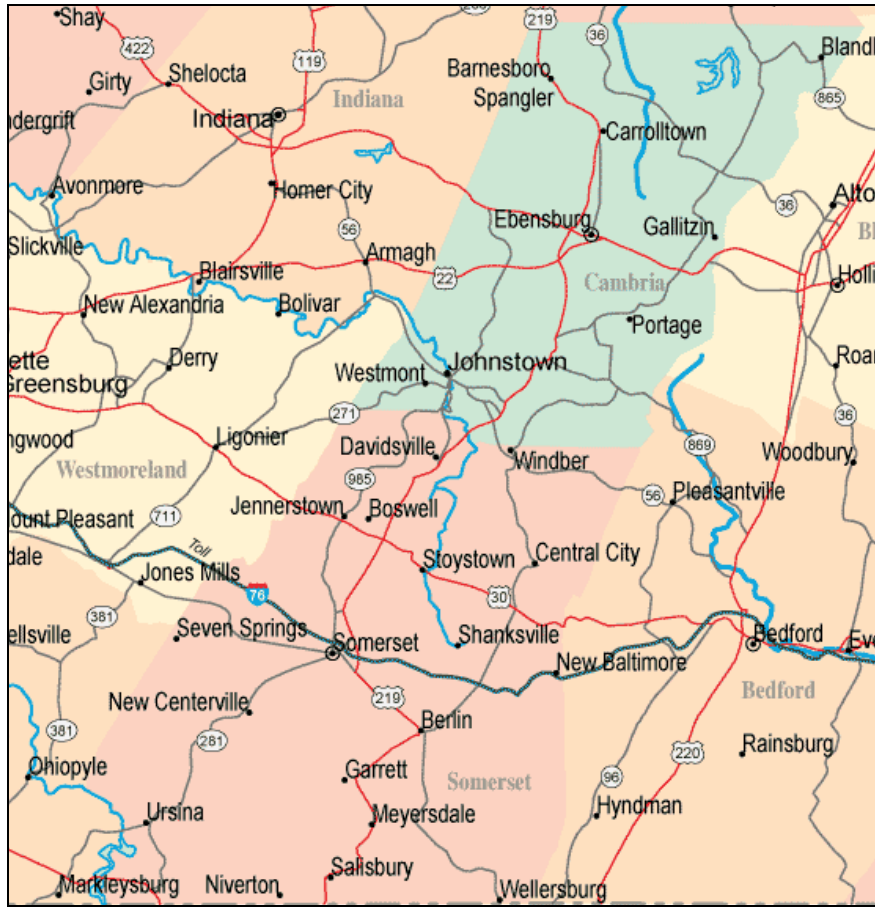
The total population for the participating member communities in both counties is 38,490 with the largest municipal population at 5,862 and the smallest at 406. The average town population is approximately 1,832 residents.

The fee structure is based on COG membership, which for communities with less than 4,000 residents is \$400. All other communities are charged .15 per capita. Only 2 of the 21 participating member communities had populations over 4,000. The Code Enforcement program dues are the COG dues plus an additional \$1.00 per capita and according to the website had not increased from 2002 to 2005. This would translate into a minimum revenue stream of only \$38,490 from member dues, assuming that most if not all of the COG membership dues (\$8,687) are allocated for other uses. It could not be determined if the funding gap is covered by permit fees, plan review fees, or other sources such as grant funding.

The staff allocated to the Regional Code Enforcement Program includes a Chief Building Code Official; a Building Inspector; and a Permit Clerk.

Figure 1 on the following page illustrates the area that the Cambria-Somerset CEO program covers. It is significantly smaller than northern Maine - roughly 75 miles by 45 miles - and contains far fewer major water bodies than northern Maine.

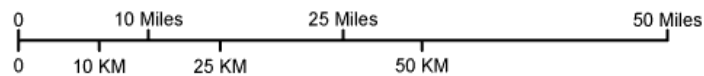
Figure 0-1 - Cambria- Somerset Coverage Area



Pennsylvania Map Legend

- | | |
|---------------------------------|------------------------|
| ★ State Capitals | — Toll Roads & Bridges |
| ⊙ County Seat | — Interstate Highways |
| ● Cities 500,000+ | — U.S. Highways |
| ● Cities 100,000-499,999 | — State Roads |
| ● Cities 50,000-99,999 | — Major Rivers |
| ● Cities 10,000-49,999 | — Intermediate Rivers |
| ● Cities 0-9,999 | — Lakes |

Pennsylvania Map Scale of Miles



Regional District of Nanaimo – British Columbia (RDN)

The RDN has many regulatory *bylaws* regarding land use, building construction, and property maintenance. As a function of the regional district, the RDN employs 2 *Bylaw Enforcement Officers* to patrol the district to detect violations and respond to complaints. The RDN has adopted ordinances and “Bylaw 500” which regulates land use and subdivision in identified “electoral” areas as a function of regional Community Planning, and the Bylaw Enforcement Officers are responsible for ensuring compliance with these regulations in a manner similar to Maine’s Land Use Regulation Commission system for unorganized territories.

Because of the provincial political structure and the manner in which powers and duties are delegated to the regional district, the RDN enforcement program is not likely to be a good model for the type of program best fitting northern Maine’s needs. It does, however, demonstrate that consistent land use regulations throughout a region make a regional approach to regulatory compliance and code enforcement much easier to implement than when each municipality has (or may have) its own individual approach to land use regulation.

National League of Cities Report – A Guide to Successful Local Government Collaboration in America’s Regions, October 2006

In conducting a web search for regional models for collaborative efforts, a report developed and assembled by the National League of Cities (NLC) was found. The reportⁱ, entitled *Guide to Successful Local Government Collaboration in America’s Regions – October 2006*, is not a prescription for regional collaboration, but rather an amalgamation of various lessons learned by several different multi-community efforts from around the country. It stresses the fact that regional approaches to provision of services are fettered by a number of challengesⁱⁱ, which include:

1. **The Challenge of Regional Identity**, which impedes regional success through the lack of solidarity among the region’s communities.
2. **The Challenge of Political Strategy**, which is the decision of whether to favor an incremental approach to regional change, or a bold and aggressive approach using mandates.
3. **The Challenge of a Big Tent**, which refers to the success of efforts where there is broad-based support across multiple interest groups if the difficulty in reconciling competing goals across these same groups can be achieved.
4. **The Challenge of Consensus**, which refers to regional efforts that have tended to focus on less contentious issues such as economic development, rather than addressing issues that involve equity and growth management that tend to gain less consensus and support.

5. **The Challenge of State and Federal Policy**, which refers to inconsistent federal and state policy that simultaneously promotes regions while undermining them. Often statutory changes are needed to remove road blocks to effective regional collaboration.

The NLC study also emphasizes that a key consideration in any effort to develop a regional program is whether in fact a regional approach is the *best* solution to challenge at hand. Specific situations that are most amenable to a regional solution tend to be those that can;

- a) Capture economies of scale
- b) Require ample cross-border coordination
- c) Warrant a standardized level of service

Service areas fitting these criteria typically include sewer/water service, utilities, airports, highways/transportation, tourism marketing, public health, and environmental planning and management.

Locally provided services tend to be less successful on a regional scale, and include: police, fire, community development, schools, and local planning and zoning.

The provision of a regional code enforcement program appears to be one that could fit in either list, depending on the current level of service that communities are receiving compared to the economy of scale and standardization of regulatory measures that would have to be realized for a regional approach to be successful.

The NLC report contains many examples of regional efforts to provide services, accomplish bulk-purchase savings, and collaborate to address social issues, but there are no examples of regional code enforcement cited.

Other Resources for Consideration

Maine Municipal Association

The Maine Municipal Association developed the *Interlocal Cooperation Manual – March 2001* as a reference resource for communities considering the sharing of services between 2 or more municipalities. The manual provides guidance on the basic elements of a valid agreement; the common types of agreements to be considered under various conditions; the legal process that must be followed; and samples of structured agreements. The manual also references appropriate Maine statutes pertaining to elements of an interlocal agreement so that writers of and parties to the agreement can ensure that they have the legal standing and basis to undertake a specific cooperative effort.

The manual includes a *Test for Proper Subject Matter* of an interlocal agreement, which states that a municipality must determine: *a.) Does it have the power to perform the function by itself?;*

and b.) If so, are there provisions in the Constitution, general law or charters of a participating municipality that expressly or by clear implication deny or limit a joint exercise of power to perform the function? This test will need to be applied to any form of regional cooperation in providing code enforcement services that results from this study.

AVCOG Shared Staffing Study

In October of 2006, AVCOG released its study on the issue of Shared Staffing for municipalities in the western Maine region. Thirteen towns participated in the process, indicating a reasonable level of interest in sharing Code Enforcement personnel. Conclusions were drawn from informal discussions had with town officials and selectmen, and were largely similar to our findings gathered from the municipal survey returns. The findings concluded that:

1. Most of the Towns shared part-time CEO's through individual arrangements with the CEO; pay rates and methods varied widely throughout the towns, even when dealing with the same CEO.
2. Most towns indicated dissatisfaction with the quality of CEO's and felt there was little incentive for the CEO to obtain additional training beyond the minimum required.
3. Although interested in a shared CEO system, towns were concerned about increased cost of a shared (or regional) CEO.
4. The study included a cost analysis based on a fulltime position with salary and benefits resulting in an estimated annual cost of approximately \$68,055 without the provision of an office.

Cost Analysis for Regional CEO

As noted earlier, NMDC's municipal survey response indicated that full-time CEO's annually earn on average \$38,275. Part time CEO's have an average annual salary of \$2,480. The 21% of towns that paid by the hour indicated the average hourly rate of \$31, which was significantly higher than the average figure of \$22.96 reported by CEO's in their survey. The estimated amount of hours that part-time CEO's worked per week varied within a range of 4 to 20, but the majority of responses were "as needed". In order to compare compensation figures on a statewide basis, it was necessary to first determine the average population of the responding communities (average pop. = 1,402). The annual Maine Municipal Association Salary Survey computes average hourly rates for CEO's according to municipal population categories as illustrated in figure 2.

| Figure 0-2: Code Enforcement Officer Salaries - Statewide | | |
|--|------------------------------|----------------------------|
| Municipal Population Range | # of Survey Responses | Average Hourly Rate |
| 20,000 + | 8 | \$27.08 |
| 10,000-19,999 | 9 | \$28.38 |
| 5,000-9,999 | 38 | \$23.32 |
| 3,500-4,999 | 24 | \$18.45 |
| 2,000-3,499 | 46 | \$21.08 |
| 1,000-1,999 | 48 | \$19.41 |
| Under 1,000 | 31 | \$16.12 |

Source: 2007 MMA Salary Survey

According to the MMA survey, the average hourly rate for CEO’s employed in communities within the population range (*shaded row in the above table*) representative of our regional average town population of 1,402 is \$19.41. Therefore it can be concluded that northern Maine CEO’s are being compensated on average at a higher hourly rate than that of the state as a whole. Salaried positions were more difficult to compare because NMDC’s municipal survey responses provided very little detail on estimated hours worked for salary received. MMA’s survey response, on the other hand, provided much better detail on the hours worked by CEO’s compared to the rate of pay they earned. It found that in the representative population category, salaried CEO’s worked an average of 14 weekly hours, or 728 hours per year. The average salary earned by CEO’s in this group was \$10,238. Therefore:

$\$10,238 \div 728 \text{ HRS} = \$14/\text{HR}$, OR PROJECTED: $\$14 \times 2080 \text{ HRS}/\text{YEAR} = \$29,120$ (ANNUAL AVERAGE FULLTIME SALARY)

In comparing the salaries of fulltime CEO’s (40+ hrs per week) in the representative category, the result is an average salary of \$46,456, but is skewed by Ogunquit’s salary of \$65,755 per year. Therefore, a more realistic estimate would be about \$40,000 per year on a statewide basis, which closely mirrors MMA’s average hourly rate when extended ($\$19.41 \times 2080 = \$40,373$). In comparison, NMDC’s survey response finds that fulltime CEO’s are receiving an average annual salary of \$38,275.

It is not surprising that a premium is paid for part-time hourly CEO’s, while fulltime CEO’s come at a reduced price since healthcare benefits, paid holidays, vacations, and other employee benefits normally are available to fulltime municipal CEO’s, but not to part-time CEO’s.

Although a few of the towns responding to the survey commented that they felt they were “held over a barrel” in negotiating part-time CEO compensation, it would appear that on average,

wages in northern Maine are in line with (or exceed) the state average, while fulltime CEO compensation is equal to, or slightly less than the state average.

Regional Model #1 – Dedicated NMDC Certified CEO/LPI Staff Position

For the purposes of this study, two basic alternatives appear to be possible. The first alternative is for a regional CEO position to be created at NMDC. The Regional CEO position would need to be shared by multiple towns, so a few assumptions must be made. Based on the number and location of potential municipal users of the proposed service, as well as the general indication that quality of service is commensurate with an attractive compensation package, we will first assume the regional CEO position will be a fulltime staff position housed at Northern Maine Development Commission. From a logistical standpoint, NMDC currently holds office locations in Fort Kent, Caribou, and Houlton, and therefore could accommodate a sub-regional or centrally located base of operations for service delivery without incurring any additional need for office space. This would allow limited financial resources to be effectively applied toward an attractive compensation package for a highly qualified CEO.

Figure 3 illustrates the various employment costs that would be incurred by NMDC in creating a Regional CEO position on staff.

| Figure 0-3: Estimated Employment Costs for Regional CEO Position | |
|---|-----------------|
| Annual Base Salary | \$38,275 |
| Health Benefit | \$5,508 |
| Dental Benefit | \$470 |
| Disability/Life Insurance | \$400 |
| Social Security | \$2,373 |
| Medicare/Medicaid | \$555 |
| Unemployment | \$108 |
| Workers Compensation | \$190 |
| Retirement (403B) | \$1,914 |
| Indirect Costs | \$19,917 |
| Total Employment Cost | \$69,710 |

Source: NMDC Controller

Using the estimated cost of \$69,710 from figure 3 as the basis for the amount of revenue needed to sustain a fulltime regional CEO position, we then must determine how to generate revenue to cover that cost. Currently, NMDC assesses membership fees for municipalities based on population and municipal valuation to cover an estimated gap between operating costs and other sources revenue generation. Population in the NMDC membership district is 76,330 according to US Census figures. If the regional CEO became a staff position paid for by member dues, it would add an average of \$1.05 per capita to the current assessment. On average, this translates into an additional \$968 per member community, assuming a 100% recapture of member dues. However, since membership is voluntary, recent years have seen a recapture of approximately 80% of the total dues request, which would leave a \$14,000 funding gap. In any event, it would be highly improbable that the cost of a regional CEO could be paid for through member dues. A more realistic and palatable method would be to charge an additional assessment to member communities that wish to contract for the regional CEO service, but the survey analysis indicates that only a few communities would actually need that service, and fewer still would be able to justify the cost.

It should be noted that this model could possibly also be provided by County government rather than NMDC, but for the purposes of this study, NMDC is used as the service provider.

Regional Model #2 – Existing NMDC Staff as Certified CEO/LPI

The second model would utilize three existing NMDC staff positions rather than a new dedicated staff position. This would optimize the capacity of existing staff while reducing the salary and benefit costs of an additional staff person, and yet enable NMDC to offer CEO/LPI services on a limited and interim basis to municipalities that find themselves without CEO/LPI services due to unexpected illness, incapacitation, resignation, death, or other emergency situations.

Since this model does not provide a dedicated staff person for the provision of CEO/LPI services, costs would basically include time and travel required to attend training workshops and certification exams for the six areas of job responsibility that are covered by the current CEO Training and Certification Program administered by the Maine State Planning Office. Those costs are detailed as follows:

| | |
|--|-----------------------|
| <u>6 TRAINING WORKSHOPS @ 6 HOURS EACH = 36 HOURS AT \$50/HR X 3 STAFF.....</u> | <u>\$5,400</u> |
| <u>AVERAGE 50 MILES OF TRAVEL PER TRAINING SESSION X 6 WORKSHOPS = 300 MILES X .585/MILE</u> | <u>\$176</u> |
| <u>6 CERTIFICATION EXAMS @ 3 HOURS EA. X \$45/HR X 3 STAFF = \$2700+ MILEAGE</u> | <u>\$2,876</u> |
| <u>TOTAL COST OF 3 CERTIFIED CEO/LPI STAFF PERSONS.....</u> | <u>\$8,452</u> |

Once certified, these staff persons must complete 12 contact hours of continuing education credits in each of the 6 disciplines within a 5-year period to maintain certification. Therefore, the annual cost after initial certification would be approximately \$2126 in order to maintain qualified staff.

NMDC would absorb the upfront training costs to increase district member benefit. Any member municipality that needed interim CEO/LPI coverage would have the option of entering into a standard member service agreement with NMDC to obtain CEO/LPI services at a standard hourly rate currently set at \$50 per hour¹, plus out-of-pocket costs. The term of the service would be as short as possible since existing staff generally carry a moderate workload at any given time of year and may require several days to free themselves of prior commitments in order to service the municipality, but every effort would be made to re-allocate staff time so that the municipality could receive timely service.

The benefits of this model include:

- Cost effective interim coverage; no additional staff, salaries, benefits, or office space required.
- Availability of 3-person CEO/LPI pool comprised of existing staff strategically located to cover north, central, and southern areas of the region
- Familiarity with member towns through other NMDC activities (planning, community development projects, etc.)
- Sustainable system with staff training available through State Planning Office CEO Training and Certification Program at little or no cost to towns.
- Towns maintain the option of procuring services from private sector or existing CEO/LPI pool; towns continue efforts to secure fulltime CEO/LPI through conventional methods.

The drawbacks of this model include:

- Staff availability dependent on workload and prior commitments at the time service is needed by the municipality
- Question of liability

Maine Municipal Association's legal department concludes that even though the contracted employee would need to be appointed as CEO/LPI by the town, the issue of liability coverage should be specifically addressed in the service agreement between NMDC and the municipality. Although a CEO/LPI duly appointed by a community is generally always covered by the town's liability insurance policy, this scenario presents a somewhat different angle since the NMDC staff person is not directly hired by the town, but rather through contractual arrangement. Therefore, liability coverage is dependent on the community's willingness to cover the contracted employee under its municipal official's liability insurance.

¹ Non-member fee is set at \$75 per hour plus out of pocket expenses. Fees would be adjusted annually.

Regional Model #2 and MUBEC

An additional benefit of Model #2 is that NMDC staff would become trained in those areas of building inspection and code interpretation as developed through implementation of the Maine Uniform Building and Energy Code (MUBEC), which was enacted by the State in April 2008.

Only municipalities with more than 2,000 inhabitants are required to annually appoint a building inspector qualified to enforce MUBEC. Towns of 2,000 people or less may appoint a building inspector if the town so votes. Any town can also appoint a deputy building inspector to carry out enforcement activities in the event that the inspector of buildings becomes incapacitated. This may be where the benefit of Model #2 could be realized as towns could appoint NMDC code enforcement staff as either their principal or deputy inspector of buildings and utilize the benefit of trained staff on an “as needed” basis. Although we believe it would be more desirable for the town to employ and compensate its own inspector of buildings (either individually or shared through interlocal agreement), trained in accordance with statutory requirements, some towns may find that current CEO/LPI’s are not able or willing to undertake the added responsibility of building inspection, but could continue to perform their current duties in an exemplary manner and to the town’s satisfaction. Many smaller towns may also find that it is more cost effective to utilize a building inspector on an interim basis due to limited amount of new development in their community, rather than absorb additional training costs or salary increases created by choosing to enforce MUBEC. However, it is anticipated that communities currently employing fulltime CEO/LPI’s such as Houlton, Presque Isle, Caribou, and Fort Fairfield would continue to include building inspection and plan review duties as part of their overall code administration programs, and would not use regional services except in emergency situations.

It should be noted that Towns do not have to adopt MUBEC, but regardless of local adoption, all construction will be required to conform to the standards identified in MUBEC. Although the Act appears to be silent on the issue, it is assumed that a municipality that is required to enforce MUBEC, or which votes to enforce MUBEC, would also adopt the MUBEC standards. Application of the code is addressed in statute as followsⁱⁱⁱ:

§ 9724. Application

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority.

2. Prior statewide codes and standards. Effective January 1, 2010, the Maine Uniform Building and Energy Code adopted pursuant to this chapter replaces, and is intended to be the successor to, the Model Energy Code established in Title 35-A, section 121 and the Maine model radon standard for new residential construction set forth in Title 25, section 2466.

3. Ordinances. Effective January 1, 2010, except as provided in subsection 4 and section 9725, any ordinance regarding a building code of any political subdivision of the State that is inconsistent with the Maine Uniform Building and Energy Code is void.

4. Exception. This section does not prohibit the adoption or enforcement of an ordinance of any political subdivision regarding a building code that conforms substantially with any applicable provision of state law or that sets forth provisions for local enforcement of building codes.

This sub-section basically says that any existing locally adopted building code that is not consistent with MUBEC will not be enforceable after January 1, 2010. Should a town adopt or amend a building code after January 1, 2010, it must conform to the MUBEC standards.

Enforcement is addressed in the statute as follows:

§ 2373. Enforcement

1. Code enforcement. A municipality that is required to have an inspector of buildings pursuant to chapter 313 shall enforce the code. Enforcement may be provided through interlocal agreements with other municipalities or by contractual agreements between municipal, county or regional authorities. Contracts with 3rd-party-certified inspectors may be used in place of local code enforcement officers to enforce this chapter.

2. Building inspectors. An inspector of buildings shall review applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued, enforce compliance with the code and issue certificates of occupancy.

3. Reports of inspections. An inspector of buildings may accept reports of inspection by agencies or individuals approved by the board. Reports of such inspections must be in writing and be certified by a responsible officer of an approved agency or by the responsible individual. The inspector of buildings is authorized to engage such expert opinion as necessary to report upon unusual technical issues that arise.

4. Fees. A municipality that is required to have an inspector of buildings pursuant to chapter 313 shall establish a schedule of building inspection permit fees sufficient to cover the cost of employing an inspector of buildings.

Sec. 4. 25 MRSA §2351, as corrected by RR 1995, c. 2, §56, is amended to read:

§ 2351. Inspector; compensation; deputy

In every town and city of more than 2,000 inhabitants, and in every town of 2,000 inhabitants or less, if such a town so votes at a town meeting, and in each village corporation, if such a corporation so votes at the annual meeting thereof, the municipal officers shall annually in the month of April appoint an inspector of buildings, who must be a person ~~skilled in the construction of buildings~~ certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, and shall determine the inspector's compensation. ~~The municipal officers shall define the limits within which the inspector of buildings has jurisdiction, which includes the thickly settled portion of each such city or of each village in each such city or town.~~ Whenever the inspector of buildings becomes incapacitated, the municipal officers may appoint or authorize the inspector of buildings to appoint a deputy inspector of buildings who shall serve until removed by the municipal officers, but in no event beyond the term for which the inspector of buildings was appointed. The deputy inspector shall perform such duties as may

be required of the deputy inspector by the inspector. The compensation of the deputy inspector is determined by the municipal officers.

Sec. 5. 25 MRSA §2353 is amended to read:

§ 2353. Duty to inspect buildings under construction

The inspector of buildings shall inspect each ~~new~~ building during the process of construction, ~~for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103 and~~ so far as may be necessary, to see that all proper safeguards against the catching or spreading of fire are used, that the chimneys and flues are made safe and that proper cutoffs are placed between the timbers in the walls and floorings where fire would be likely to spread, and may give such directions in writing to the owner or contractor, ~~as he deems~~ the inspector considers necessary, concerning the construction of ~~such~~ the building so as to render the ~~same~~ building safe from the catching and spreading of fire.

Training and certification is addressed in the statute as follows:

Sec. 11. 30-A MRSA §4451, sub-§2-A, ¶E, as enacted by PL 1991, c. 163, is amended to read:

E. Building standards under chapter 141; chapter 185, subchapter ~~1~~; beginning January 1, 2010, Title 10, chapter 1103; and Title 25, chapters 313 and 331.

Sec. 12. 30-A MRSA §4451, sub-§3, as amended by PL 1997, c. 296, §7 and PL 2003, c. 20, Pt. OO, §2 and affected by §4 and amended by c. 689, Pt. B, §6, is further amended to read:

3. Training and certification of code enforcement officers. In cooperation with the Maine Community College System, the Department of Environmental Protection ~~and~~ the Department of Health and Human Services and the Department of Public Safety, the office shall establish a continuing education program for individuals engaged in code enforcement. This program must provide basic and advanced training in the technical and legal aspects of code enforcement necessary for certification.

Sec. 13. 30-A MRSA §4452, sub-§5, as amended by PL 2007, c. 112, §§4 to 6, is further amended to read:

5. Application. This section applies to the enforcement of land use laws and ordinances or rules ~~which~~ that are administered and enforced primarily at the local level, including:

- A. The plumbing and subsurface waste water disposal rules adopted by the Department of Health and Human Services under Title 22, section 42, including the land area of the State ~~which~~ that is subject to the jurisdiction of the Maine Land Use Regulation Commission;
- B. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and 2648;
- C. Local ordinances adopted pursuant to Title 22, section 2642;
- D. Laws administered by local health officers pursuant to Title 22, chapters 153 and 263;
- E. Laws pertaining to fire prevention and protection, which require enforcement by local officers pursuant to Title 25, chapter 313;
- F. Laws pertaining to the construction of public buildings for the physically disabled pursuant to Title 25, chapter 331;

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- G. Local land use ordinances adopted pursuant to section 3001;
- H. ~~Local building codes adopted pursuant to sections 3001 and 3007;~~
- I. ~~Local housing codes adopted pursuant to sections 3001 and 3007;~~
- J. Laws pertaining to junkyards, automobile graveyards and automobile recycling businesses and local ordinances regarding junkyards, automobile graveyards and automobile recycling businesses, pursuant to chapter 183, subchapter 1 and Title 38, section 1665-A, subsection 3-~~2~~;
- K. Local ordinances regarding electrical installations pursuant to chapter 185, subchapter ~~2~~;
- L. Local ordinances regarding regulation and inspection of plumbing pursuant to chapter 185, subchapter ~~3~~;
- M. Local ordinances regarding malfunctioning subsurface waste water disposal systems pursuant to section 3428;
- N. The subdivision law and local subdivision ordinances adopted pursuant to section 3001 and subdivision regulations adopted pursuant to section 4403;
- O. Local zoning ordinances adopted pursuant to section 3001 and in accordance with section 4352;
- P. Wastewater discharge licenses issued pursuant to Title 38, section 353-B;
- Q. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447, including those that were state-imposed;
- R. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2;
- S. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating non-storm water discharges, construction site runoff and post-construction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules; ~~and~~
- T. Laws pertaining to limitations on construction and excavation near burial sites and established cemeteries in Title 13, section 1371-A and local ordinances and regulations adopted by municipalities in accordance with this section and section 3001 regarding those limitations-; and
- U. The Maine Uniform Building and Energy Code, adopted pursuant to Title 10, chapter 1103.

35-A MRSA §121, sub-§3 is enacted to read:

Sec. 16. Adoption of Maine Uniform Building and Energy Code. The Technical Building Codes and Standards Board established by the Maine Revised Statutes, Title 5, section 12004-G, subsection 5-A, referred to in this section as “the board,” shall adopt the Maine Uniform Building and Energy Code pursuant to Title 10, section 9722, in accordance with this section.

1. The Maine Uniform Building and Energy Code adopted in accordance with Title 10, section 9722, subsection 6 must be composed of the substance of the following, with administrative and other minor changes to customize the codes for Maine:

Models for Regional CEO System

- A. The 2009 version of the International Building Code;
- B. The 2009 version of the International Existing Building Code;
- C. The 2009 version of the International Residential Code;
- D. The 2009 version of the International Energy Conservation Code;
- E. The model building energy code adopted pursuant to Title 35-A, section 121 and set forth in Title 10, sections 1415-C and 1415-D and associated rules; and
- F. The Maine model radon standard for new residential construction set forth in Title 25, section 2466 and associated rules.

2. Existing state codes and standards, where applicable, must be referenced in chapter one of the Maine Uniform Building and Energy Code.

3. The board shall adopt the Maine Uniform Building and Energy Code no later than June 1, 2009.

A. Between June 1, 2009 and December 31, 2009, building construction and renovation projects may utilize either the Maine Uniform Building and Energy Code or existing building and energy codes adopted by any political subdivision of the State.

B. The board shall maintain an adoption cycle for future versions of the Maine Uniform Building and Energy Code that is coordinated with the State Fire Marshal's adoption cycle and that does not lapse more than 5 years or one national model code version cycle.

It is difficult to predict what issues may arise during implementation of the Act, but there appears to be an opportunity to utilize services outlined in Model #2 to assist communities during and after implementation as they wrestle with nuances associated with MUBEC.

It is important to emphasize that in each model scenario, the intent of the program is to provide emergency and temporary service to communities that find themselves unexpectedly without a code enforcement officer or plumbing inspector. As the service provider, NMDC will institute policies to prevent a community from willfully abusing the regional code enforcement program in an attempt to eliminate, override, manipulate, or undermine existing municipal CEO/LPI positions. Although in certain cases, the regional service might be more cost effective for a community, the proposed regional program cannot function as a replacement for continuous local code enforcement for any single community. If a community is dissatisfied with its current CEO/LPI, it should address the issue through an appropriate and internal evaluation or disciplinary process. If the issue involves dissatisfaction with current State training and certification, and not with the individual CEO/LPI, the community should address the issue either through ACEO, Maine Municipal Association, a legislative representative, or directly with the State Planning Office.

Identified Improvements to Code Enforcement Delivery in the Region

As mentioned earlier in the “Conclusions” at the beginning of this report, a complete revamping of the current delivery of Code Enforcement services does not appear to be needed based on survey responses from communities and CEO’s. Likewise, Model #1, which creates a dedicated staff position to provide regional service does not appear to be particularly feasible from a programmatic and cost savings standpoint at this time. Model #2 appears to be a more realistic method of providing a “safety net” during emergency situations, as well as an option to communities for plan review/permit and building inspection facets of MUBEC. The cost and logistics of implementing such a model will still need to be better defined should a majority of member towns embrace this concept as a solution to periodic gaps in CEO/LPI services.

However, the analysis points to four areas where possible initiatives could be implemented to resolve some identified issues that are negatively influencing the current method of locally delivering those services.

Coverage Coordination

One focus area that evolved from the study is to determine where, if possible, CEO coverage could be coordinated and consolidated among the existing pool of certified CEO/LPI’s in the region. By mapping coverage for the region’s municipalities, a dynamic and real-time picture can be created and utilized by CEO’s and municipalities to make future staffing decisions.

CEO/LPI’s can consider transferring coverage areas to reduce the amount of travel between towns that they serve. Municipalities can determine which CEO/LPI may be the best logistical choice when considering position openings. Any actual transfers or swapping of coverage areas would be totally dependent upon municipal approval and would also need to factor in duties and responsibilities, volume of permit activity, compensation, and other considerations.

Figures 0-4 and 0-5 show the coverage situation in the region’s municipalities at the time of the study’s survey.

Figure 0-4

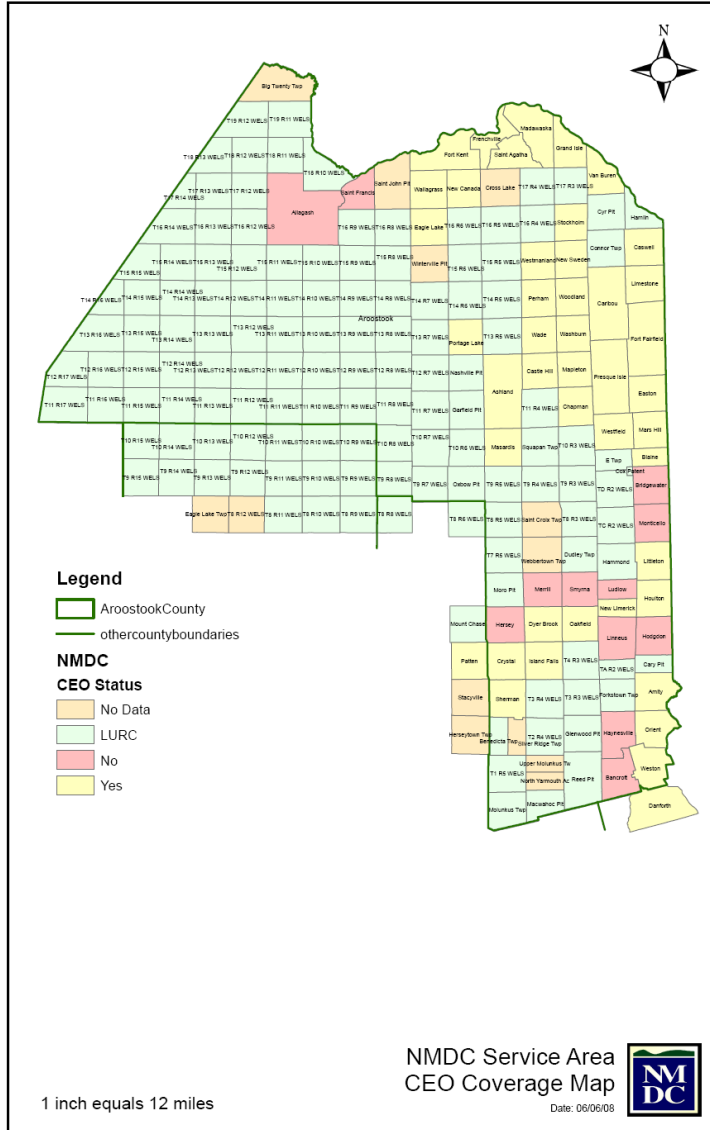
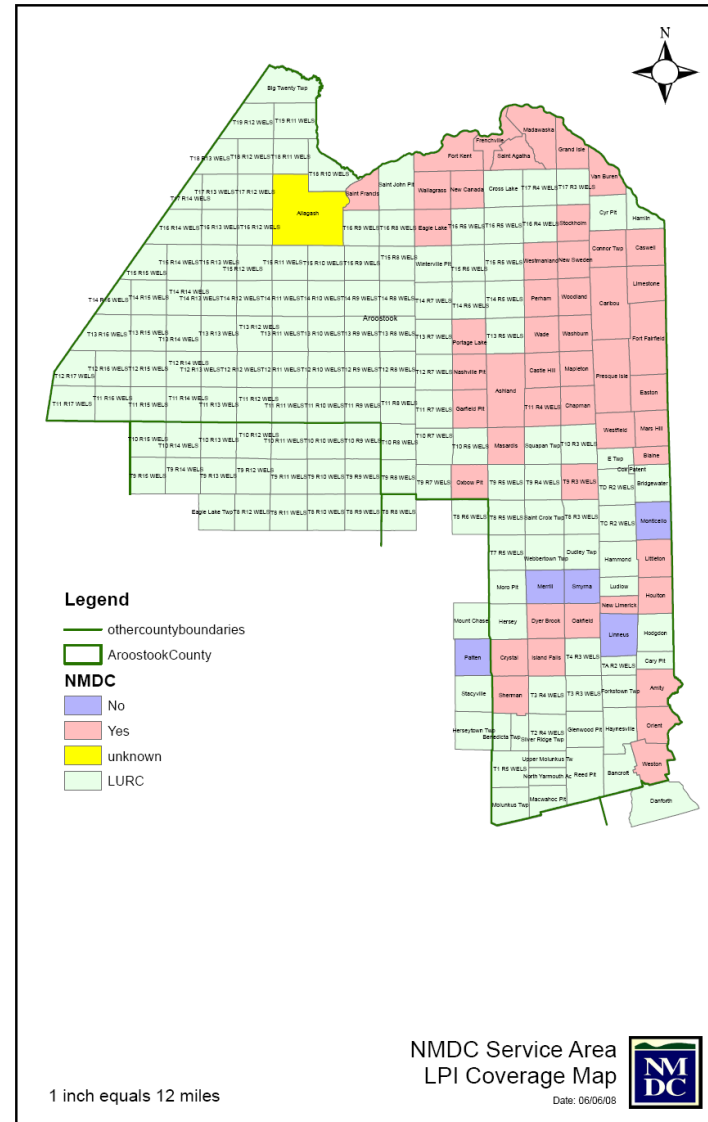


Figure 0-5



Standardized Compensation Guidelines

Because the current method of compensating CEO/LPI's varies widely from community to community, CEO's and towns often find themselves at odds in determining what is fair and equitable. It must be recognized and understood that even in small communities that have no townwide land use or zoning ordinance, the duties and responsibilities of a code official demand a level of professionalism and knowledge that would be required in much larger towns. This is driven by two primary factors; a) The State of Maine requires that communities appoint and employ certified code enforcement officers; and b) Every municipality at a minimum must administer and enforce the State's Mandatory Shoreland Zoning, Internal Plumbing and Subsurface Wastewater Disposal regulations regardless of any other locally adopted ordinances. The volume of permit activity may be dramatically different in a city of 10,000 people compared to a town of 250, but the necessary knowledge and training requirements are basically the same.

It is no surprise that 69% of communities surveyed pay an annual salary rather than an hourly rate, since this provides the town with a fixed cost for budget purposes and guarantees the CEO a fixed amount of income. Unfortunately, it may not be the most equitable method of compensation for the CEO. For example, many municipalities establish the annual salary based on what the market (or taxpayer) will bear, or on what the CEO is willing to accept, while others may use an amount based on a negotiated hourly rate factoring in the average number of hours needed to process an average number of permits. They may fail to take into account the significant number of hours a CEO can expend reviewing subdivision proposals, site design reviews, and non-residential development, which may also require multiple inspections and a higher level of record keeping. If the town also has a flood hazard development ordinance in accordance with FEMA regulations, there will be additional review, inspection, and record keeping required.

Since it is difficult to predict the type and number of permits, let alone the volume of non-permit related work, an hourly rate of pay would appear to be the method that more accurately reflects the actual effort of the code official. However, it is difficult to budget for an hourly rate method of payment for the very same reasons. In order to offset the potential for a revenue shortfall under the hourly rate of pay method, communities should examine the permit fee structure and adjust it to better coincide with the level of effort needed to administer a particular type of permitted activity. A flat rate permit fee schedule is not likely to cover the actual cost of code administration in many instances, while a fee schedule based on the project cost and type of use may be more appropriate, since it is reasonable to assume a more complicated project will have a higher associated cost. At a minimum, the base permit fee should be an amount equal to the cost of a CEO's time to review a permit application, determine its completeness, and if it is minor in scope, issue a permit for the activity (approximately an hour in most cases). This will cover most simple projects such as porches, decks, and minor accessory structures, which generally cost under \$5,000 and make up at least half of the permitted activity in a community.

Municipal policy on CEO/LPI compensation should reflect the following guidelines, which have been developed to provide an accepted standard for the CEO profession and have been reviewed and approved by the project's steering committee:

1. A base salary or stipend should be provided so the CEO/LPI has a level of guaranteed income regardless of number of hours worked or permits processed. This will help offset the untold hours a CEO/LPI customarily spends fielding pre-application questions, returning phone calls, researching issues, responding to complaints, and staying abreast of regulatory changes.
2. Hourly compensation should be the preferred method of payment and should not be significantly less than \$30/hour. A general rule of thumb should be the smaller and less active communities may need to pay a slightly higher rate than more active communities that generate volume. CEO/LPI's should record time charged to specific work activity on a form acceptable to the town officials and submit a copy of the record as request for payment at a mutually agreed upon interval, but not less than monthly.
3. If a municipality is averse to an hourly rate of pay, it should be recognized that CEO/LPI salaries will come at a premium in order to offset unanticipated demand on the CEO's time. Communities that offer an annual salary to a newly appointed CEO should be prepared to provide the CEO with a basis for the amount they are offering. The basis should factor in compensation not only for the average number of permits and inspections, but also for additional duties and responsibilities (discussed in detail later), recertification training reimbursement, etc. Conversely, CEO/LPI's should provide a similar basis for compensation when submitting a proposal for services to a community.
4. Mileage reimbursement should be provided portal to portal for CEO/LPI travel, since many CEO's are non-residents and must incur travel expenses to service the community. The mileage reimbursement rate for the town should follow an established standard (IRS rate is currently 0.585/mile; state government rate is currently 0.42/mile) and be adjusted whenever that standard is adjusted. CEO/LPI's should keep and submit a written record indicating mileage, date incurred, destination(s), and activity performed, as supporting documentation for reimbursement request.
5. CEO/LPI's should be considered municipal employees and should be issued W-2 forms rather than 1099 forms for income tax purposes, with appropriate withholdings from the earned wages. This includes all income derived from permit fees, which should always first be deposited by the municipal treasurer and then approved for disbursement to the CEO through normal municipal authorization process.

Use of Interlocal Agreements

As discussed earlier in the study, interlocal agreements can in many cases, offer a means for communities to work collaboratively on a solution to local CEO/LPI services. In situations where the position has experienced a high turnover rate due to compensation or lack of benefits, two or more communities could negotiate an interlocal agreement whereby the lead town would provide elements such as a specified level of pay and benefits, office space, and administrative support, for which the other towns would contribute financially in order to provide full-time employment for a CEO/LPI through the sharing of those services among the municipal parties to the agreement. The result is a more attractive employment package and full-time employment for the CEO/LPI with time divided between the communities in accordance with the agreement. The towns benefit by reducing turnover, increasing continuity and consistency in code enforcement, and eliminating conflicts that many part-time CEO/LPI's have between their other unrelated employment and code enforcement duties, which then improves overall responsiveness and quality of their service.

Currently, there are only two instances in the region where communities are using some form of interlocal agreement to share code enforcement services. There are opportunities to dramatically increase the use of interlocal agreements as a means to improve the delivery of CEO/LPI services at the local level.

Coordination and Standardization of Land Use Ordinances and code administration

From the 49 municipal survey responses, we learned that 30 towns administered some form of townwide land use or zoning ordinance, 23 towns had some form of building code, and 20 towns regulated both land use and building standards. Eleven communities anticipated adopting additional ordinances in the future and at least 3 that did not expect to adopt a land use ordinance are known to have included doing so as a strategy in their recently adopted comprehensive plan.

From the enforcement side of the issue, the CEO survey found that 50% of the CEO's were responsible for enforcing building standards in more than one town and 63% enforced land use/zoning regulations in multiple communities.

Although each community may have unique development patterns and land use make-up, many similarities exist as well. The CEO must become familiar with a variety of different ordinance features, layout, terminology, and functionality. Land Use Map quality also varies greatly from town to town. In many cases, ordinances could benefit from a thorough review and update to remove outdated terminology and references, while maps could be modernized using GIS platforms and better graphics for clarity. Those that do not utilize a *land use matrix* – a chart that shows in which zones/districts certain land uses are permitted or prohibited, and who the reviewing or permitting authority is for that particular land use in a specific zone/district – could use a standardized template with a common list of land uses, and modify to suit any unique

situations in that community. By accomplishing better standardization, land use regulations in neighboring communities could be coordinated and assimilated to effectively minimize differences in form, function, and terminology, which should translate into gained efficiencies for CEO/LPI administration and enforcement.

Additionally, CEO's that work in multiple towns may need to deal with a number of different forms to process similar land use activity. These include:

- Application for Administrative Appeal/Application for Variance (or Special Exception)
- Building Permit Application and Permit Forms
- Change of Use Application and Permit Forms
- Demolition Application and Permit Forms
- Driveway/Entrance/Road Opening Application and Permit Forms
- Flood Hazard Development Application and Permit Forms
- Shoreland Zoning Permit Application and Permit Forms
- Site Development Application and Approval Forms
- Subdivision Application and Approval Forms
- Stop Work Orders; Notice of Violation/Order for Corrective Action Forms; Site Inspection Forms

With possible exception of flood hazard development, the forms used by individual communities for each of these activities may be dramatically different, which can be cumbersome for CEO's that find it necessary to inventory and distribute these forms to applicants. This can also add to confusion for applicants that own property in different towns.

If each town were to agree on a standard format that required identical information, only the town name would need to be added. Processing would take far less time since the same steps would be used on each issued permit. The Maine State Planning Office maintains a number of standard forms for permit applications and issued permits that could be used "as is" or modified for regional use if necessary.

The Maine Uniform Building and Energy Code (MUBEC), which standardizes building design, plan review, and enforcement to reduce regulatory headaches and added cost created by different codes in different communities, should benefit CEO/LPI's by limiting familiarity to just one set of building and energy standards rather than the "patchwork quilt" that has existed in the past.

Implementing Measures to Improve Code Enforcement Delivery

Through careful consideration and deliberation from the steering committee, the following action steps to implementing the recommendations of this study were developed. Though there may be alternative methods of implementation, these steps are considered to be both achievable and advisable if the goal of improving and augmenting the current delivery system of code enforcement services with a regional support system as described in Model #2 is to be accomplished. These steps also address the need to gain “buy in” from the municipalities within the region in order to reach this goal.

Soliciting Partner Support

The first step will involve outreach to partners and stakeholders with a vested interest in cost effective, efficient, and quality code enforcement. Most of these partners and stakeholders have been represented on the steering committee for this project, including town managers, state agencies, and the Aroostook Code Enforcement Organization.

Municipal Managers: The full report as well as a live presentation will be given to this stakeholder group as an agenda item at a meeting of the Aroostook Municipal Association (AMA). The AMA meets monthly to discuss issues affecting municipal administration, and these meetings provide an excellent forum for open dialogue on the subject of code enforcement delivery at the local and regional level. If AMA supports the initiatives outlined in this study, change can begin to occur at the local level almost immediately and the regional backup system will have strong support from NMDC’s board of directors, which is comprised largely of municipal managers and officials. Municipal managers can assist in implementing improvement strategies in the following ways:

- Raising awareness by educating elected municipal officials on the need to improve, coordinate, and standardize elements of code enforcement, including job description, compensation, and professional training leading to sustainable and long-term quality CEO/LPI employment with less turnover and “burn-out”.
- Encouraging a better working relationship between the elected municipal body and the CEO/LPI, leading to greater respect and support from the elected officials for CEO/LPI enforcement actions, particularly in controversial situations.
- Encouraging a better working relationship if necessary between the CEO/LPI and the municipal departments such as law enforcement, utility district, public works, community development, and fire departments, to eliminate duplication of effort, define responsibilities, and coordinate activities leading to more efficient service delivery and enforcement resolution, ultimately saving tax dollars.

- Actively encouraging discussion and review of existing ordinances by elected officials and planning boards, and suggesting improvements or amendments to existing ordinances to make them more standardized, easier to interpret and enforce.
- Seek out funding sources, proposing, and defending the allocation of municipal funding necessary to accomplish improvements in code administration at the local level.

County Administrator and Commissioners: The County Commissioners should receive the same presentation and be encouraged to support improvements to the code enforcement delivery system through policy making and financial resource allocation if possible. As noted earlier, the regional models for CEO/LPI system augmentation could be delivered at the county level rather than the regional planning commission if costs and logistics permitted. Therefore, County government should be a willing partner in any effort to improve and sustain a robust code enforcement program in the region. The County Administrator and Commissioners can assist in implementing improvement strategies in the following ways:

- Explore the possibility of providing regional code enforcement services as outlined in Model #2 at the county level and determine if there are costs savings, logistical or staffing advantages, or other benefits to be realized.
- Consider allocating additional county tax revenues to support the regional delivery of CEO/LPI services outlined in Model #2.
- Consider how policy decisions can impact land use regulation, building and plumbing inspection in the region, and promote an open dialogue with code enforcement stakeholders such as the ACEO and AMA.

State Regulatory Agencies: Partner agencies that frequently interact with CEO/LPI's in the course of carrying out their duties and responsibilities include The Department of Public Safety, Office of the State Fire Marshal; the State Planning Office; the Department of Environmental Protection; the Maine Forest Service; the Department of Health and Human Services; the Maine State Police; and the Maine Department of Transportation. These agencies will be given an executive summary of this report followed by a dialogue concerning how they can assist in improving elements of code enforcement delivery in the region in the normal course of their activities. Possible areas of focus could include:

- Creating a forum (may require different methods for different agencies i.e. list serves, web conferencing/conference calls, meetings, or data sharing) for periodic updates or discussions between agencies and code enforcement community on issues overlapping jurisdiction or affecting areas of responsibility.
- Sharing or co-hosting agency training opportunities when beneficial for code enforcement community's awareness and professional development.

- Creating innovative, cost effective, and reproducible training programs and methods of delivery so that frequency of training can increase while cost and time allocated to training can be optimized.
- Developing memorandums of agreement as needed to formalize how agency and CEO interact on specific enforcement issues, leading to a more coordinated approach to compliance and administration.
 - A Memorandum of Agreement with the director of the Code Enforcement Certification and Training Program at the Maine State Planning Office to allow free training and certification testing for the 3 NMDC staff persons is an initial task. Currently, a CEO must be employed by a municipality in order to receive program services free of charge.

Aroostook Code Enforcement Organization: The ACEO has been an integral part of continuing professional development for the northern Maine code enforcement community, and should continue to provide support as a knowledge base for present and future CEO/LPI's. The ACEO will be given an in-depth presentation of the report and will be asked to assist in implementing a number of the recommended strategies. Suggested areas for ACEO participation include:

1. Coverage coordination – ensure that municipal coverage is carried out in the most efficient manner to reduce travel time and cost whenever possible.
2. Assist in coordination and standardization of Land Use Ordinances, permit applications/permit forms, inspection procedures, and fees to greatest extent possible.
3. Assist in developing a workable system of building permit review and inspection with the implementation of MUBEC, which may include some level of regional delivery of inspection services based on Model #2.
4. Continued support of professional development for northern Maine CEO/LPI's, including a more robust knowledge-base accessible to the regional CEO community; innovative, efficient, and flexible training delivery; advocacy for sound legislative policy as it affects code enforcement in our region and state.

NMDC's Role in Implementation

The Regional Planning Department at NMDC will play a major role in implementing strategies identified in the study as follows:

1. **CEO/LPI Database Management** – ensure that a current database of municipal CEO/LPI's is maintained and kept on NMDC's website for use by municipal officials to assist them in identifying and contacting current pool of certified code officials in the region. The database will also be formatted for GIS mapping so that coverage can be graphically displayed.

2. **Regional Coordination of Local Land Use Regulation** – in the course of assisting towns with comprehensive planning and land use planning activities, planning staff at NMDC will strongly encourage coordination of land use regulations, including design standards, definitions, district description and terms, land use matrices, permitting and review processes, etc.
3. **Other Tasks** – NMDC staff will periodically monitor and update compensation guidelines and distribute to municipal members; assist towns in developing interlocal agreements for shared code enforcement; encourage and support training initiatives for continuous professional development in code enforcement and administration skills; collaborate with the ACEO on program implementation and other code enforcement issues; act as liaison between ACEO and State agencies when appropriate; and provide technical assistance to towns and code officials in resolving issues land use regulations and standards.
4. **Regional CEO/LPI** – provide and support three certified staff members as Regional CEO/LPI’s available to provide emergency code enforcement services to the municipalities in the region. NMDC will also develop a standard service agreement and schedule of duties and responsibilities to enable quick turnaround in deploying staff to communities in need of assistance.

ⁱ The entire report can be accessed at

<http://www.nlc.org/ASSETS/2381EA924E114002BF56C2E03F4AC5D8/GovtGovtCollabor.pdf>

ⁱⁱ From *Guide to Successful Local Government Collaboration in America’s Regions – October 2006*, p. 6 – Kathryn Foster, Director of the Institute for Local Governance and Regional Growth at the State University of New York at Buffalo.

ⁱⁱⁱ Excerpts from LD 2257, item 1, 123rd Maine State Legislature
An Act To Establish a Uniform Building and Energy Code: LR 3523, item 1, Document created 3/12/2008 17:16, appear on pages 29-33 of this report.