

From: [Carl Andeer](#)
To: [Bristol Town Administrator](#)
Subject: RE: Appointment of Assistant Treasurer
Date: Tuesday, September 28, 2021 2:14:43 PM
Attachments: [image001.png](#)

Hi Valerie,

No appointment of assistant treasurer is required by treasurer (whether elected or appointed) – the law says “A town or city treasurer may appoint an assistant town or city treasurer and may revoke any such appointment at any time.”

The law then says: “If after written request from the selectboard to appoint an assistant treasurer, the town or city treasurer fails for ten days to do so, the selectboard may appoint an assistant treasurer and may revoke such appointment at any time.”

<https://legislature.vermont.gov/statutes/section/24/051/01573>.

So, if the treasurer doesn’t think they need an assistant but the selectboard does, then it can force the treasurer to have one.

“In that instance, I am not aware that the Selectboard has a role other than approving the expense for the position.”

Essentially, yes. If the appointment is by the treasurer.

“How about when an elected Treasurer becomes an appointed Treasurer? Is it still the Treasurer’s domain to appoint an Assistant Treasurer, or does it now fall under the Selectboard’s purview as with all other municipal employees?”

Yes, the assistant appointed by an appointed treasurer is still under the supervision of the treasurer. However, considering that an appointed treasurer serves at the pleasure (i.e., the board can remove the treasurer for cause) of the legislative body, it’s probably a good idea for the treasurer to consult with the legislative body before making any appointments.

Here is also our FAQ:

https://www.vlct.org/sites/default/files/documents/Resource/FAQs%20Appointment%20of%20Municipal%20Clerks%20and%20Treasurers_1.pdf.

Cheers,



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From: Bristol Town Administrator <townadmin@bristolvt.org>
Sent: Tuesday, September 28, 2021 1:20 PM
To: VLCT <info@vlct.org>
Subject: Appointment of Assistant Treasurer

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Hi,

I know that elected Town Treasures are authorized (required?) by statute to appoint an Assistant Treasurer. In that instance, I am not aware that the Selectboard has a role other than approving the expense for the position. How about when an elected Treasurer becomes an appointed Treasurer? Is it still the Treasurer's domain to appoint an Assistant Treasurer, or does it now fall under the Selectboard's purview as with all other municipal employees?

Thanks,

--Valerie

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In 2017, the Vermont Legislature passed Act 27 allowing municipalities to give their legislative bodies the power to appoint their municipal clerks and treasurers pursuant to 17 V.S.A. §§ 2651e(d) and 2651f(d), respectively.

These FAQs were drafted by the VLCT Municipal Assistance Center to assist legislative bodies transitioning from elected to appointed municipal clerks and treasurers. While every effort is made to provide members with the most accurate information possible, this document does not constitute legal advice.

Contact the VLCT Municipal Assistance Center at info@vlct.org or 800-649-7915 for individual assistance.

1. How does a municipality move to an appointed municipal clerk or treasurer?

A municipality's voters must approve a duly warned article to authorize its legislative body to appoint a municipal clerk or treasurer at an annual municipal meeting. 17 V.S.A. §§ 2651e(a), 2651f(a).

2. Can any municipality take advantage of this law?

No. A municipality may not take advantage of the law if it has a municipal governance charter that specifically provides for the election or appointment of a municipal clerk or treasurer. 17 V.S.A. §§ 2651e(d), 2651f(d).

3. When can a municipality vote to move to an appointed clerk or treasurer?

A municipality may only hold a vote on the question of whether to authorize its legislative body to appoint these officers at its annual meeting.

4. When does the vote take affect?

Immediately upon passage unless a petition for reconsideration or rescission is filed with the municipal clerk within 30 days following the date of the annual municipal meeting at which the occurred, it could be overturned. 17 V.S.A. § 2661. See Question #5 for additional information about the term of an incumbent clerk or treasurer.

5. When does the elected municipal clerk or treasurer's term of office expire?

The term of the elected municipal clerk or treasurer in office at the time expires 45 calendar days after the annual municipal meeting vote or on the date upon which the legislative body appoints a municipal clerk or treasurer, whichever occurs first. 17 V.S.A. §§ 2651e(c), 2651f(c).

FREQUENTLY ASKED QUESTIONS ABOUT APPOINTING MUNICIPAL CLERKS AND TREASURERS

6. How long does the legislative body's appointment authority last?

A vote to authorize a legislative body to appoint the municipal clerk or treasurer remains in effect until rescinded by the majority vote of the legal voters present and voting at either an annual or special municipal meeting, duly warned for that purpose. 17 V.S.A. §§ 2651e(b), 2651f(b).

7. Does an appointed municipal clerk or treasurer have to be a registered voter of the municipality?

No. Although elected municipal clerks and treasurers must be registered voters of the municipalities they serve, there is no such explicit statutory requirement for an appointed clerk or treasurer. 17 V.S.A. §§ 2646, 2651e, 2651f.

8. Can an appointed municipal clerk or treasurer still appoint an assistant?

Yes, as the laws governing appointed municipal clerks or treasurers do not nullify any of the laws previously applicable to elected municipal clerks and treasurers. Consequently, an appointed municipal clerk must still appoint "one or more assistant clerks" 24 V.S.A. § 1170, and an appointed municipal treasurer "may appoint an assistant town or city treasurer..." 24 V.S.A. § 1573. Considering however that an appointed clerk or treasurer serves at the pleasure of the legislative body, they should consult with the legislative body before making any appointments.

9. Does an appointed municipal clerk or treasurer have to take an oath of office?

The same laws governing the oaths of office of elected municipal clerks and treasurers apply to those whom are appointed. Consequently, an appointed municipal clerk and his/her assistant(s) must be sworn before entering upon the duties of their offices. 24 V.S.A. §§ 831, 1171, 1306. However, neither an appointed municipal treasurer nor her/his assistant must take an oath of office, though the treasurer of a village must do so. 24 V.S.A. § 1306.

10. Does state law require an official record of appointment for an appointed municipal clerk or treasurer?

Yes. A municipal clerk must file a certificate of his/her appointment with the county clerk within six days of his/her appointment. 24 V.S.A. § 1151. The name of the appointed municipal treasurer must be transmitted by the municipal clerk to the State Treasurer by July 1. 24 V.S.A. § 1166. The record of an assistant municipal clerk's appointment must be recorded in the municipal clerk's office and deposited with the county clerk. 24 V.S.A. § 1166. No record of appointment is required for an assistant treasurer.

11. Is an appointed municipal clerk or treasurer an independent municipal official?

Not exactly. An elected municipal clerk or treasurer is an independent municipal official who is not subject to the control of any other municipal official. Elected officials are directly accountable only to the municipality's voters. *Town of Bennington v. Booth*, 101 Vt. 24 (1928). In contrast, though appointed municipal clerks and treasurers have direct authority from statute to perform their duties, those duties must be done to the satisfaction of their employer, i.e. the legislative body. An

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appointed municipal clerk or treasurer serves at the pleasure of the legislative body that appoints them and if the legislative body is not satisfied with their job performance, it may terminate that clerk or treasurer (see Question #13).

12. What are the duties of an appointed municipal clerk or treasurer?

An appointed municipal clerk or treasurer will have the same basic statutory roles and responsibilities as an elected municipal clerk or treasurer. The legislative body can add but it cannot take away from these statutory duties. It is recommended that any additional duties be captured by a written job description.

13. Can an appointed municipal clerk or treasurer be removed from office?

Yes. Unlike an elected municipal clerk or treasurer who cannot be removed from office unless a municipality has a municipal governance charter which provides otherwise, an appointed municipal clerk or treasurer can be removed from office by the legislative body for just cause after notice and hearing. 17 V.S.A. §§ 2651e(a), 2651f(a).