

## **ARTICLES XIV AND XV**

### Election vs Appointment

**ARTICLE XIV:** Shall the voters authorize the Selectboard to appoint a town treasurer as provided in 17 V.S.A. § 2651f?

**ARTICLE XV:** Shall the voters authorize the Selectboard to appoint a town clerk as provided in 17 V.S.A. § 2651e?

#### Election

These positions are currently elected to terms of 3-years. To be considered for either position, all that is required is Hinesburg residency and the collection of 30 signatures in order to be placed on the ballot. This opportunity generally occurs every three years when the preceding term expires.

As elected positions, in the event of wrong doing, malfeasance, neglect of duty etcetera, there is no mechanism to remove the individual from their position. Vermont Statutes do not contain a recall provision. As a result, an elected individual would need to resign or the voters would need to wait until the end of their 3-year term to elect a replacement. Since the positions serve at the will of the voters, the voters do not need a reason to not re-elect someone.

#### Appointment

Appointment would mean that the individual is hired for the position by the Selectboard, similar to the Town Manager position. For the upcoming vacancy, if the positions are approved by the voters to be appointed, then the current Assistant Town Clerk and Treasurer would be recommended to the Selectboard for appointment. In the future, any vacancies would be advertised and the most qualified individual would be appointed.

Appointment of these positions by the Selectboard provides a finer level of oversight than election does as the Selectboard would have the authority to remove an individual from these positions. That authority is not without limit though. Specifically, any removal would need to be for “just cause.” In other words, the Selectboard would need a reason that justifies removal. By way of example that would include but not be limited to, embezzlement, lack of performance of duties, tampering with election results or the voter checklist.

As an appointed position, there is no specific term of employment and the individual can serve in the position until they resign or are removed for “cause.”