

H.42

An act relating to appointing municipal clerks and treasurers and to municipal audit penalties

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Appointing Municipal Clerks and Treasurers * * *

Sec. 1. 17 V.S.A. § 2646 is amended to read:

§ 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

* * *

(2) A town clerk ~~for a~~, unless the town has voted to authorize the selectboard to appoint the town clerk as provided in section 2651e of this chapter. The term of office for a town clerk shall be for one year, unless a town votes that ~~a town~~ the clerk shall be elected for a term of three years. When a town votes for a three-year term for the office of town clerk, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

(3) A town treasurer ~~for a~~, unless the town has voted to authorize the selectboard to appoint the treasurer as provided in section 2651f of this chapter. The term of office of a town treasurer shall be for one year, unless a

town votes that a town treasurer shall be elected for a term of three years.

When a town votes for a three-year term for the office of town treasurer, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

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Sec. 2. 17 V.S.A. § 2651e is added to read:

§ 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL

(a) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal clerk. A municipal clerk so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the municipal clerk shall remain in effect until rescinded by the majority vote of the legal voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a municipal clerk in office on the date a municipality votes to allow the legislative body to appoint a municipal clerk shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a municipal clerk under this section, whichever

occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the municipal clerk as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal clerk.

Sec. 3. 17 V.S.A. § 2651f is added to read:

§ 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL

(a) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal treasurer. A treasurer so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the treasurer shall remain in effect until rescinded by the majority vote of the legal voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a treasurer in office on the date a municipality votes to allow the legislative body to appoint a treasurer shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a treasurer under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the treasurer as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal treasurer.

* * * Municipal Audit Penalties * * *

Sec. 4. 24 V.S.A. § 1686 is amended to read:

§ 1686. PENALTY

(a) At any time in their discretion, town auditors may, and if requested by the selectboard, shall, examine and adjust the accounts of any town officer authorized by law to receive or disburse money belonging to the town.

(b) If the town has voted to eliminate the office of auditor, the public accountant employed by the selectboard shall perform the duties of the town auditors under subsection (a) of this section upon request of the selectboard.

(c)(1) ~~Any~~ If, after at least five business days following his or her receipt by certified mail of a written request by the auditors or public accountant that is approved and signed by the legislative body, a town officer who willfully refuses or neglects to submit his or her books, accounts, vouchers, or tax bills to the auditors or the public accountant upon request, or to furnish all necessary information in relation thereto, that town officer shall be ineligible to reelection for the year ensuing and be subject to the penalties otherwise prescribed by law.

(2) A town officer who violates subdivision (1) of this subsection (c) shall be personally liable to the town for a civil penalty in the amount of \$100.00 per day until he or she submits or furnishes the requested materials or information. A town may bring an action in the Civil Division of the Superior Court to enforce this subdivision.

(d) As used in this section, the term “town officer” shall not include an officer subject to the provisions of 16 V.S.A. § 323.

* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.