

APPOINTMENT OF TOWN CLERK AND
TAX COLLECTOR ORDINANCE

FOR THE

TOWN OF CHESTERVILLE

ENACTED: MARCH 6, 1995

“Attest: A true copy of an ordinance entitled “ Appointment of Town Clerk and
Tax Collector.”

Patricia A. Herdon
Town Clerk

**TOWN OF CHESTERVILLE ORDINANCE
APPOINTMENT OF TOWN CLERK AND TAX COLLECTOR**

1. **Purpose.** To change the offices of Town Clerk and Tax Collector from elected to appointed, and to make related provisions.
2. **Town Clerk and Tax Collector to be Appointed; initial appointment—when effective.** The offices of Town Clerk and Tax Collector shall not be elective but shall be filled by appointment made by the municipal officers. The initial appointments shall be made not before but within thirty days after the first annual town meeting held not less than ninety days after the meeting that enacts this ordinance. Both initially and thereafter, the municipal officers may in their discretion appoint one person to hold both offices.
3. **Term of office; probationary period.** The municipal officers may appoint the Clerk and the Tax Collector for a term of one, two, or three town years, such that the appointment will expire with the adjournment of an annual town meeting, and successive appointments may also be for a term of not more than three years. The first six months of the initial term for an individual shall constitute a probationary period, but the municipal officers, in their discretion but in writing, may specify a shorter probationary period or may waive the period entirely. The initial appointment, regardless of the term specified, and any and all other rights of continued appointment or employment, may be terminated by the municipal officers without hearing or cause at any time within any probationary period established by this ordinance or by the municipal officers pursuant to this ordinance. Where the same person has been appointed to both offices, a termination of either appointment shall operate to terminate the other, effective immediately, and that person shall have no further right or entitlement to either office or to the emoluments of either, nor to any continued employment ~~March 6, 1995~~ in either capacity, nor to the perquisites of employment in either capacity.
4. **Removal from office.** After the expiration of any probationary period pursuant to this ordinance, the municipal officers may remove the Town Clerk or Tax Collector from office only for cause, after notice and hearing. Such removal shall constitute not only a removal from office but also a termination of employment, unless the municipal officers specify otherwise in their decision. If a person holding both of these offices is removed from one of them, the person affected shall be deemed to have vacated the other office held, effective immediately, and shall have no further right or entitlement to either office or to the emoluments of either office, nor to any continued employment in either capacity, nor to the perquisites of employment in either capacity.
5. **Compensation.** The municipal officers shall determine the compensation of the Town Clerk and Tax Collector. (The town meeting shall determine the compensation of the Town Clerk and Tax Collector.)
6. **Prohibited appointments.** No former selectman, for a period of one year after the end of the term for which he or she shall have been elected, (nor spouse of a municipal officer in office,) shall be appointed to either position.

7. **Interim vacancy.** When a vacancy arises in either or both offices, the municipal officers may appoint a person to serve on an interim basis, for initial and renewal terms as short as the municipal officers think appropriate in the circumstances, such as week to week. Such initial and renewal terms may, also in the municipal officers' discretion, be of varying length.
8. **Severability.** If any part of this ordinance is found unlawful by a court of competent jurisdiction, then the remainder of it shall not fail, but shall remain in effect to the extent the court can give effect to it in order to carry out the purpose for which it is enacted.
9. **Effective date.** This ordinance shall take effect immediately upon final adjournment of the town meeting or election at which it is enacted, and shall apply beginning with the first annual town meeting held not less than ninety days after the date of its enactment.

**Appointment of Town Clerk and Tax Collector Ordinance passed at Town Meeting
March 6, 1995**