



TOWN OF HEBRON

15 Gilead Street
Hebron, CT 06248
860 -228 -5971

www.hebronct.com



Francesca Villani, JD, CCTC, CMC
Town Clerk
Registrar of Vital Statistics
fvillani@hebronct.com

Elisabeth Irish, CCTC
Assistant Town Clerk
Assistant Registrar of Vital Statistics
eirish@hebronct.com

Date: April 24, 2024
To: Charter Revision Commission – 2024
From: Francesca Villani, Town Clerk
RE: Town Clerk position Elected vs Appointed

I have been invited to attend the April 24th meeting of the Hebron Charter Revision Commission to address the issue of an elected versus an appointed Town Clerk for our town. In an effort to be informative and unbiased I have presented a set of Pros and Cons regarding this question in a separate document.

The points made in the pros and cons document are a collaboration of ideas expressed by the community of clerks to which I belong, the CT Town Clerk's Association, as well as the opinions and points of view of many other clerks who have wrestled with this issue within their communities throughout the country. I have further sought the perspective of an assessor or two that has also addressed this issue with respect to their positions.

The recommendation below is one that has been adopted by other towns to address the concerns of constituents and to provide the best possible service that can be offered by the office of the Town Clerk.

The overriding concern reiterated by every constituent presenting an opinion has been the same; that of the importance of neutrality and independence of the Town Clerk. The belief that the people of Hebron are best served by a Town Clerk who has no political or personal allegiance to the Town's management or governing authority. The allegiance of the Town Clerk to the constituents of Hebron is of primary concern to those who have expressed an opinion.

An independent Town Clerk is free to act in strict accordance with statute and in the best interest of the community because they are answerable to the people. Continuity and consistency in the staffing of the Town Clerk's office is a necessity as experience, education and institutional knowledge are required to competently fulfill the obligations of the office.

My recommendation to this committee is to consider the option of a *hired* Town Clerk. The distinction being that a hired Town Clerk is chosen based upon qualifications not upon political connections or popularity. By hiring the most qualified candidate as Town Clerk, Hebron receives the best possible person available to serve their needs. The pool of candidates is not limited to town residents. We currently have an extremely experienced, proficient Assistant Town Clerk who would easily step into the position of Town Clerk if that option were available. She is not a resident of Hebron although she has deep rooted connections to this town through her family. Hebron would be well served by the promotion of the Assistant Town Clerk when that time arose. Under the existing terms of the Hebron as a non-resident she would not be eligible to run for the position of Town Clerk. If one of the primary concerns of our residents and town management is to maintain continuity of service from the Town Clerk's office, losing a qualified, experienced Assistant Town Clerk because of Charter restrictions would be a loss for Hebron.

By hiring and not electing or appointing a Town Clerk, whose job will be specifically protected from political or administrative pressure by language added to the Charter, Hebron can be assured of both the independence of the office and that the position will be filled by the most qualified person available.

The hired Town Clerk will be someone who has proven to be the most qualified applicant for the position. That person having demonstrated the professional and educational standards required as would of any director level position within town government and whose position is assured for so long as they continue to perform the functions of the job in a manner that is consistent with statutory requirements. The language of the Charter should specify that the Town Clerk's removal can only be initiated upon resignation, death or just cause. Just cause being defined as any continued and repeated failure to perform the duties of the Town Clerk, or any willful, material, and serious violation of any criminal statute or common law fraud, or any other willful misconduct which is materially injurious to the financial condition or reputation of Hebron or is otherwise



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materially injurious to Hebron or any of its employees or agents. Any proposed termination of the Town Clerk shall be initiated only upon written complaint of the Town Manager. Any such written complaint shall clearly state the grounds upon which removal is requested and shall be filed with the Board of Selectmen. The Board of Selectmen shall be the authority having the power of removal subject to the conditions set forth after due hearing.

It is my proposition that the hired Town Clerk will have demonstrated the qualifications to perform the job and be assured of the independence of the office so they can freely fulfill statutory directives without fear of reprisal. As both these concerns and requirements are integral to the Town Clerk being answerable to the people of Hebron foremost and to the capable performance of the responsibilities of the job, this is an option that I feel comfortable recommending and endorsing in the best interests of Hebron.

Respectfully submitted,
Francesca Villani
Hebron Town Clerk

Attached: Pros & Cons Document

Sample language for Charter revision consideration:

“The Town Clerk shall continue to hold office until resignation, death or removal for “Just Cause”. Just Cause shall mean any continued and repeated failure to perform the duties of the Town Clerk, or any willful, material, and serious violation of any criminal statute or common law fraud, or any other willful misconduct, which is materially injurious to the financial condition or reputation of, or is otherwise materially injurious to the Town, or any of its employees or agents. Any proposed termination shall be initiated only upon written complaint of the Town Manager. Any such complaint shall specify in writing all grounds upon which removal is requested and shall be filed with the Town Council. The Town Council shall be the authority having the power of removal, subject to a Hearing conducted by the Town Council.”

Watertown Charter p 18



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RE: Town Clerk position Elected vs Appointed - **Pros & Cons Document**

ELECTED	
PROS	CONS
<p>1. <u>Electorate's Choice</u> –</p> <ul style="list-style-type: none"> An elected official adds accountability to the constituency and to the statutory requirements of the position rather than to the Town's management. This point has been most often expressed by electors who have voted against the proposed elimination of this position as one selected through election. 	<p>1. <u>Qualifications</u> –</p> <ul style="list-style-type: none"> An elected Town Clerk can win on popularity not qualifications. The pool of candidates is restricted to the electorate. Within a town such as Hebron the current existing pool of candidates who are qualified and educated in the responsibilities of the office of the Town Clerk is extremely limited. Having an unqualified, untrained person occupying the position of Town Clerk in an office limited to two people is not in the best interests of Hebron. The office is required to always have a qualified person in the office. An elected town clerk would require at least 4 years to run through an entire election cycle and 3 years to complete the certification program. Having reached a minimum level of competency in the position, the Town Clerk would be subject to running for election to maintain the position. If not re-elected, the town would have expended resources in training that would not see a long-term gain. There is no incentive for a qualified, experienced, hired, non-resident Assistant Town Clerk, to train a superior who is receiving compensation that exceeds their own.
<p>2. <u>Greater Transparency and Accountability</u> -</p> <ul style="list-style-type: none"> Direct accountability through election creates the need for the Town Clerk to respond favorably and diligently to those who put them in office 	<p>2. <u>Politicization:</u></p> <ul style="list-style-type: none"> An elected Town Clerk may be beholden to the party and people who helped to support their candidacy and election. The office requires that the Town Clerk



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	<p>remain impartial and supportive of all views and perspectives equally. This is a difficult ask when a given party or committee has been instrumental in the Town Clerk being elected.</p>
<p>3. <u>Politically Independent</u> –</p> <ul style="list-style-type: none"> An elected Town Clerk does not have to become involved in the politics of town management. Activities of the Town Clerk remain separated as an elected official is not accountable to town management. 	<p>3. <u>Continuity</u>:</p> <ul style="list-style-type: none"> Each 4 year election cycle exposes the position to being filled by an unqualified, inexperienced Town Clerk who can win an election based purely on popularity and name recognition rather than qualifications.
APPOINTED	
PROS	CONS
<p>1. <u>Qualification Based Selection</u>:</p> <ul style="list-style-type: none"> The appointment of a Town Clerk would presumably be qualification based. 	<p>1. <u>Compromised Public Accountability</u>:</p> <ul style="list-style-type: none"> The appointed Town Clerk has no direct accountability to the electorate of Hebron. They may feel less need to be responsive to the concerns and requests of residents.
<p>2. <u>Continuity</u>:</p> <ul style="list-style-type: none"> The appointed Town Clerk generally serves at the discretion of town management, the Town Manager and Board of Selectmen. This generally means that the Town Clerk will continue to serve in the position for a period beyond a 4-year elected term. Continuity in this office is a desirable goal due to the extensive amount of statutory and institutional knowledge required to obtain competency in the position. 	<p>2. <u>Divided Loyalties</u>:</p> <ul style="list-style-type: none"> Where the Town Clerk is appointed, they can feel pressured into responding to the requests and desires of town management. The lack of separation between town management and the Town Clerk is a concern of the electorate who have supported an independent Town Clerk. Appointment can also be based on patronage rather than qualifications which would be detrimental to the actual performance of the job.
<p>3. <u>Non-Political Appointment</u>:</p> <ul style="list-style-type: none"> An appointed Town Clerk does not need to be endorsed or supported by a political party. They can act without concern for campaigning every 4 years to maintain their position. This suggests greater focus on the actual functions of the office and the neutrality demanded of the job. 	<p>3. <u>Lack of Public Engagement</u>:</p> <ul style="list-style-type: none"> A Town Clerk who does not have to rely on the population to elect them is not motivated to engage in community activities.