

**Town Clerk Study Committee
Minority Report**

To: Fairhaven Board of Selectmen

March 26, 2018

Submitted by: Carolyn Hurley

Bryan Wood

Bernard Roderick

The above stated members, as members of the Town Clerk Study Committee, are submitting this report in opposition to the majority report, which favors the change to an appointed Town Clerk instead of maintaining the status quo, leaving the position as elected one.

Our rationale is as follows:

- Elected officials are selected by democratic process a core democratic value
- Election process is desirable if the official has broad authority, which a Town Clerk has in compliance with state/local statutes and regulations
- Election process is most appropriate in representing the entire town
- Election process is appropriate when the position requires knowledge of specific aspects of the town
- Elected officials are insulated from undue influence exerted by other town officials
- Elected officials are directly accountable to the voters
- Elected officials leave control of government to the voters
- Elected officials are directly accountable to the local/state laws and all of the voters in town, not just a few individuals in local government

Additionally,

- It is felt that the recent survey conducted by the Town Clerk Study Committee was flawed. The survey showed 59% of respondents favored elected. Yet the second question asked if the "legislature should be petitioned. This response showed 51% in favor, evidencing at least this question was confusing to the public in that they were voting to have the position elected yet wanted the legislature to "change it". We submit that the respondents did not understand how these questions negated each other...vote to keep it elected, yet ask the legislature to change it to appointed????
- In the "comment" section of the survey (93 responses received)
 - 21 expressed rationale for elected
 - 6 expressed rationale for appointed
 - 2-3 questionable as to whether pro or con

In closing, please find comments received by the Town Government Study Committee survey conducted just 3 years ago relative to this issue.

- “Elected positions work for the people. Appointed people act like they won the town and we can’t get rid of them when the people want.”
- “The town is small with too many people playing favoritism in many aspects to make the Boards as appointed instead of elected”
- In asking the respondents to rank official town departments “Good”, “Fair”, or “Poor”, be advised that the Town Clerk’s Office was ranked 83-84% GOOD.

Appointed positions consolidate power in a few people, in so doing this “professionalization of town government positions” distances people from town governance fostering citizen disengagement. We want “community involvement in government, yet we petition for that which undermines that goal.

Recommendation:

This Minority Report strongly urges recommending the Board of Selectmen to vote not endorse a change, to vote to leave the process unchanged, keeping the Office of the Town Clerk as an elected position as it has been since 1812.

Respectfully,

Carol Hurley

Bryan Wood

Bernard F Roderick

Attachments:

Rationale for “Elected”

Town Clerk Mission Statement

Statement of Specific Duties and Responsibilities

Pie Chart/Survey

907 0

Top 10 Reasons Why Town Clerks Should Be Elected...

...and be responsible to the *citizens* for their office.

The small town tradition of having an elected Town Clerk is one that we want to retain. It is a tradition that has stood the test of time because it works! Besides maintaining the small town heritage, the elected Town Clerk has some pragmatic advantages over an appointed Town Clerk.

—Although elected clerks are department heads, they are independent in their actions, and are able to appoint a deputy of choice to assure the independence and integrity of both the office and the work involved. The Town Clerk knows what the staffing needs are and is best qualified to make such appointments. Assistant Town Clerks may be called upon, in the absence of the Town Clerk, to act as the Town Clerk would. In the role of Registrar of Voters it is vital that the sanctity of the ballot be maintained. MGL Ch. 41, Sec. 19 tacitly recognizes the necessity of Town Clerks to choose their staff in that ATCs in small towns are exempt from the Civil Service requirements of MGL Chapter 31.

—Electing a Town Clerk avoids the cronyism, or "politics", of having an appointment made by the Selectmen. Furthermore, they have a sensitive role in the administration of elections and town meetings that would be ill-served by being beholden to those who are seeking re-election. It was just such a concern that led to the creation of the Civil Service in the first place.

—The Office of the Town Clerk is a hybrid of Town and State responsibilities, and functions less efficiently if run directly by either entity.

—An elected clerk is directly accountable to the people of the community and thus serves at the will of the people, not at the discretion of a five-person board of Selectmen or Town Manager. This is especially important during town elections, when the independence of the Clerk's office is vital. An appointed clerk comes with an inherent conflict of interest in this area. - ?

—The decision of electing a Town Clerk involves an electorate of several thousand people as opposed to an appointment made by only five individuals or a Town Manager.

—Elected Town Clerks are more service-oriented. They often have flexible office hours and are more accommodating to the people who have elected them. Many Town Clerks have traditionally provided some services (hunting licenses, etc.) out of their home and during weekends, or accommodating a panicked citizen who needs a copy of their birth or marriage certificate on a Holiday weekend.

—Having an elected Town Clerk frees up time for the Selectmen or Town Manager that would have been spent supervising an appointed person.

—Appointed employees, after six months on the job, should only be removed "with cause", requiring proper personnel management skills on the part of Selectmen. An elected clerk can be removed from office by the People at election for any reason.

—Elected Town Clerks have employment longevity that affords them on-the-job training. When combined with the information gained from Clerk's Conferences, this is a formidable amount of knowledge regarding what is required by law. It would be untenable for the Selectman to manage a department with insufficient knowledge of what the job entails.

—An additional layer of management has never resulted in increased efficiency. Ever.

Elected Town Clerks have served the towns of the Commonwealth admirably for many years. There is no valid reason to take this responsibility and right away from the People. The people's power should never, *ever* have been taken out of the hands of "the Many" and placed in the hands of "a Few."



Fairhaven

Search



Select Language

Powered by Translate



Visitor Links

- About
- Departments
- Boards & Commissions
- Businesses
- Find It Fast

Annual Town Meeting & Election Information

Birth Certificate Information

Business Certificate Information

Death Certificate Information

Dog License Information

Ethics Training for Town Employees and Volunteers

Fairhaven Precinct Map

Fee Schedule

Marriage License Information

Public Meeting Calendar

Raffle Permit

Home » Departments



Town Clerk

Mission Statement

It is the mission of the office of the Town Clerk to be a primary provider of information and quality services to the community and to work cooperatively and in coordination with the varied departments and groups while performing a myriad of tasks to achieve established goals and comply with state and local statutes.

The Fairhaven Town Clerk serves the residents of Fairhaven through its function as official record keeper for **Town Meeting and Vital Records and the Administration of Elections** and voter related activities.

Records found in this office are: **Birth Certificates, Death Certificates, Marriage Licenses; Zoning Decisions; Town Meeting Records; Annual Town Reports and Special Reports to Town Meeting;** records of elections and lists of those who have served the town of Fairhaven in elective or appointive office.

Information

School Work Permit
Information

Town Census

Voting and Election
Information

Contact Info

Hours of Operation:

Monday - Friday
8:30am to 4:30pm

Phone:

(508) 979-4025 ext. 3

Fax:

(508) 979-4079

Address:

Town Hall
40 Center Street
Fairhaven, MA 02719
United States

See map: [Google
Maps](#)

News

Trash pick delayed one day due to holiday (week ending 1/19)

Third Quarter Taxes Due 02/01/18

This office issues a number of licenses: **marriage licenses, dog licenses, DBA Certificates, raffles and bazaars permits.**

The Town Clerk maintains records of amendments to the **Town By-Law, and Zoning By-Law** and references to accepted State Statutes.

This office accepts the required **postings for all public meetings** and maintains the public meetings calendar.

The Town Clerk conducts the **Annual Census** and maintains the voter lists. The department conducts all Federal, State and Local elections.

The office attempts to respond efficiently, accurately and speedily to all requests by Town Officials, Boards and members of the public.

The Town Clerk's office welcomes inquiries from all citizens seeking assistance/information in relation to services provided by the Town of Fairhaven. The staff will assist in redirecting your questions to the appropriate department.

The Town Clerk is elected for a three year term and receives a salary.

For a backlog of Town Meeting warrants and

Specific duties and responsibilities

- Issue Photo ID's for Town Residents
- Manages Annual Town Census procedure
- US Census (The state reviews changes in growth every 10 years to determine if boundaries need to change. This process can take approx. 2 years to complete)
 1. Block Boundary
 2. Precinct changes (5% min – 5% max) from target population
 3. Notifies any precinct changes to affected voters
- Receives and records pole locations fees once Select Board approves permit
- Daily Maintains State computer with any changes
 1. Any new residents or residents that have moved out of Fairhaven
 2. Any name changes or address changed in town
 3. Adds new births or removes any residents that have passed
 4. Adds new registered voters or any party changes
 5. Follows up on any new built properties with a census form and registration form
- Issues Business certificates, annual underground gas storage licenses, raffle permits
- Issues and records marriage applications and licenses
- Maintains Fairhaven's code book and distributes updates to department head
- Maintains M.G.L. Books
- Maintains parking ticket program
 1. Receives and records payments on parking violations
- Receives and records payments for boat ramp violations, dog violations, false alarm violation and smoking violations
- Daily issues certified copies of all vital records
- Makes amendments to vital records via the state program (VRIS) that requires a change per family member or requested by the funeral director. All amendments are recorded with the state
- Certifies and submits all changes in our town bylaws to the AG
- Recording all votes and certifies the appropriations of money from town meetings
- Logs and records attendance at all Town Meetings
- Annually issues and manages Conflict of Interest Law and the Certificate of Completion Form
- Administers and maintain records of the Oath of Office for all town officials elected and appointed
- Receive, hold for 20 day appeal period then file all decisions from the planning Board and Board of Appeals
- Maintains Town Clerk's Budget and Election and Registration Budget
- Hires poll workers

January 24, 2018

<p>Elected Pro</p> <ul style="list-style-type: none"> • Perceived as highly independent • Leave the control of the government to the voters • Direct accountability to voters and state laws • Historical vestige of our culture as New Englanders • Knowledge and familiarity of town • Answers to all the voters instead of a board of three and Town Admin • Consistent – likely longevity in position • Residency requirement 	<p>Elected Con</p> <ul style="list-style-type: none"> • Lack of internal supervision of daily activities • Public knowledge of job duties • Part of the election process • Clerk appoints an assistant without oversight • Not a lot of challenges or competition • No unemployment benefits • Silo department
<p>Appointed Pro</p> <ul style="list-style-type: none"> • Position becomes part of the management team and fosters collaboration. • Candidates go through a direct interview process. • Oversight, accountability and performance evaluation • Equal treatment (benefits and salary increases) to other non-union employees • More competition for the position and a larger pool of candidates • Accountability to BOS and Town Admin • Qualifications and duties are known for the position by the hiring process • Consistent, required schedule of work hours 	<p>Appointed Con</p> <ul style="list-style-type: none"> • Important town position hire in the hands of a few • Impartiality of the Town Clerk may be questioned • May not have a good knowledge of the voters of town and the community • Voting rights being taken away • Budget may need to be increased

Please let us know how you feel: This survey will also be available online on the town's website.

Do you think the Town Clerk should be Elected or Appointed?

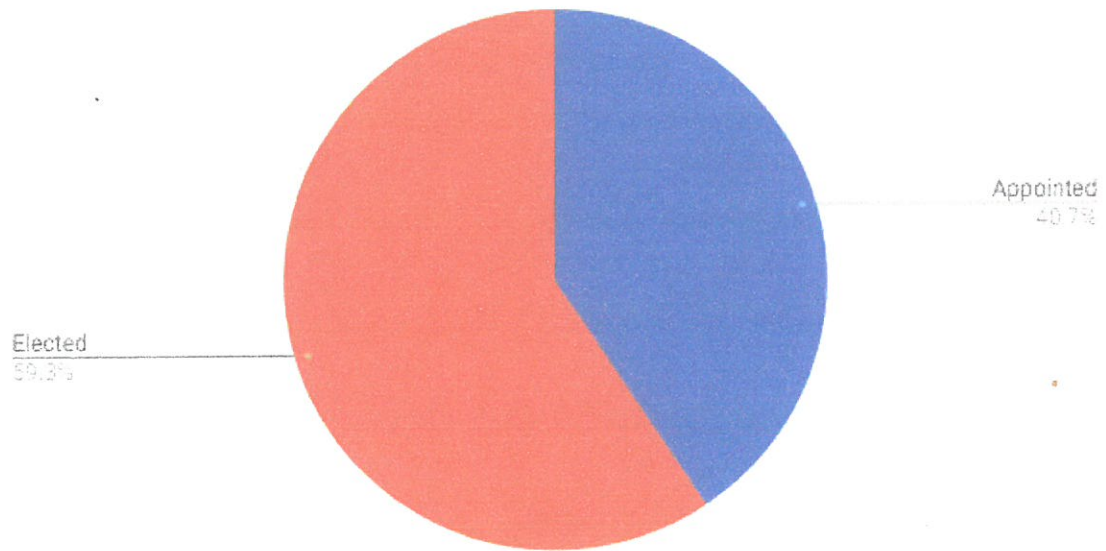
- Elected
- Appointed

Should Town Meeting Members vote to petition for Special Legislation to make this change?

- Yes
- No

Please share comments or questions: or email ann.richard@gmail.com

Count of Do you think the Town Clerk should be Elected or Appointed?



Count of Should Town Meeting Members vote to petition for Special Legislation to make this change ?

