

ASK THE LEAGUE, JUNE 2016

What has happened to the position of Town Service Officer?

The town service officer was formerly an individual in the town charged with assisting individuals in need of emergency food, fuel, or shelter on behalf of the State Department for Children and Families (DCF). Thirty-three V.S.A. § 2102, which required selectboards to appoint a town service officer every year and to report that appointment to the State, has been repealed effective July 1 of this year. Act No. 71 of the 2015-2016 Legislative Session, *An Act relating to eliminating the role of town service officers in administering General Assistance benefits*. The bill was signed into law by the Governor on April 8, 2016. State benefits that were once conferred by town service officers may now only be conferred by the Economic Services Division of DCF.

After Act 71 goes into effect, selectboards will have the discretionary authority to appoint a town service officer under 24 V.S.A. § 871(5). That statute declares that the selectboard “may thereupon appoint from among the legally qualified voters the following officers who shall serve until their successors are appointed and qualified, and shall certify such appointments to the town clerk who shall record the same ... one town service officer.” That same statute declares that the selectboard may appoint fence viewers, a poundkeeper, inspectors of lumber, shingles and wood, and weighers of coal. The use of the term “may” rather than “must” in 24 V.S.A. § 871 indicates that these appointments are all optional rather than mandatory.

When the repeal of 33 V.S.A. § 2102 goes into effect, a person who currently holds the position of town service officer will no longer have any authority from the State, other than that which is conferred by 14 V.S.A. § 2306. That statute provides a town service officer with the seldom-used authority to petition a probate court to appoint a trustee for the estate of an absent person.

The repeal of 33 V.S.A. § 2102 also means that an incumbent town service officer will not have any responsibility to assist individuals seeking aid from the State. It is therefore up to the selectboard to decide what, if any, responsibilities and duties to confer on their town service officer. A selectboard may request, for instance, that the incumbent town service officer continue to assist individuals to access emergency food, fuel, or shelter. In that case, the town service officer will answer directly to the selectboard (rather than DCF) and will not have access to any State benefits. On the other hand, a selectboard may also decide not to delegate any authority or responsibility to the incumbent town officer. In that instance, the position continues to exist in name only.

After July 1 of this year, if a selectboard chooses to make a new appointment to the position of town service officer, it is up to that selectboard to decide what duties the person will carry out, how that person will interact with other town officials, and whether there will be any compensation provided by town.

Act No. 71 is archived [here](#).

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center