



## Governing Body/Officials

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Governing Body/Officials

**Reference Number:** MTAS-173

Click on the topics listed in this section below for more information

### Ouster

**Reference Number:** MTAS-176

#### ***Judicial Ouster***

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. The state ouster law takes precedence over any charter provision on the topic.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office"). The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude". T.C.A. § 8-47-101.

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt. T.C.A. § 8-47-121.

The local attorney general or city attorney has a legal "duty" to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that "there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county." However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney's duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint. T.C.A. §§ 8-47-101–102. The officer must be removed from office if found guilty. T.C.A. § 8-47-120.

### Crimes Involving Public Officials

**Reference Number:** MTAS-177

#### ***Disqualification for Infamous Crime in Office***

A person convicted of a felony, while holding office, that involves the duties of the office is disqualified forever from holding any state or local office. T.C.A. § 40-20-114.

#### ***Bribery***

Bribing a public official, as well as accepting a bribe by a public official, is a Class B felony. T.C.A. § 39-16-102.

### Officials Serving on Other Boards

**Reference Number:** MTAS-180

#### ***Designee on Other Boards and Commissions***

A mayor or full-time commissioner who serves on a municipal, county, or regional board, commission, authority, or development district in an appointed, elected, or ex officio capacity may name a qualified

person as his or her designee. The designee will have the same powers as the official. This includes the power to vote except at any meeting the official attends. This law does not apply if there is a provision for such a substitution in a charter, private act, ordinance, or general law. It also does not apply to governor-appointed members of boards, commissions, or authorities. T.C.A. § 6-54-112.

## Dual Office Holding

**Reference Number:** MTAS-181

The Tennessee Constitution (Article II, Section 26) prohibits "any person in this state" from holding "more than one lucrative office at the same time." The Tennessee courts have held that this prohibition applies only to holding two state offices, not to holding a state office and a local government office or two local government offices (see *Boswell v. Powell*, 163 Tenn. 445, 43 S.W.2d 495 (1931)). For that reason, a municipal officer may serve in the General Assembly or another local government seat unless otherwise prohibited by law. Some municipal charters forbid dual office holding of various kinds. Such charter provisions generally have been upheld. State and city could properly adopt statutes and ordinances for purpose of preventing an individual from holding public offices which would create a conflict of interest. T.C.A. §§ 6-215, 6-626, 6-627.

## Filling City Council Vacancies

**Reference Number:** MTAS-1016

Every city council will occasionally experience a vacancy. A board member might need to resign after moving his residence out of town. Or perhaps a member of the board has died, leaving an open seat.

Most cities do not have a formal policy to address how vacancies on the city council will be filled. As a result, the process of recruiting and appointing new board members can be emotionally charged and stressful. Recruitment and selection is conducted while the board is under time pressure. There can be confusion about how the appointment is to be made, eligibility requirements and the length of the term the appointee will serve. Such a state of affairs does nothing to improve the board's chances of selecting a good, qualified replacement to fill the opening. To the contrary, these situations can contribute to the appointment of controversial new members who are confused about their duties.

But it need not be this way. Board vacancies, even those created by unfortunate or tragic events, can be managed in a way that will strengthen the governing board or, at least, avoid protracted and divisive debates over the appointment of a successor. A council vacancy can be an opportunity for the community, one that will improve the board, its public image and its ability to address local issues.

This section presents an argument in favor of cities adopting succession plans with two goals in mind:

- Developing a roster of citizens who are familiar with the processes of local government and willing to serve when a vacancy occurs; and
- Implementing a selection process that is open, transparent, fair and results in the placement of qualified persons on the governing board.

### ***Types of Vacancies***

Filling board vacancies can be influenced by factors that created the vacancy in the first place.

Council vacancies are most commonly caused by the resignation of a member of the board. In some instances, the board member's resignation is mandatory after he or she has relocated to a new residence out-of-town or outside the district or ward he or she represents; the member may have contracted some debilitating illness that hinders regular attendance at board meetings; and less frequently, board members will sometimes resign their offices to protest board decisions with which they disagree or out of frustration.

The private act charters of some city governments require the board to declare a member's seat to be vacant after the member has missed a given number of council meetings. In some instances, the charter may excuse these absences if they are due to extraordinary circumstances – a prolonged illness, for example. But in other cases, the charter grants no exception for multiple absences from council meetings or a failure of the member to perform his or her duties. In these circumstances, the board may be forced to declare a vacancy even if the member wishes to remain on the board.

The death of a board member, of course, is another cause of vacancy – often a very emotional time for the governing body.

Finally, and much more infrequently, a board vacancy can result from the ouster or removal of a board member. Such actions are ordered by the courts, usually after the board member's conviction for serious misbehavior.

Any of these factors may have a profound effect on the board's selection of a citizen to fill the vacancy. The death of a popular mayor, for example, may result in a desire to fill the vacancy in a manner that memorializes the deceased member. In these circumstances, there may be a call to appoint the deceased member's spouse or some other close associate to fill the vacancy. Such sentiments are, of course, natural and understandable. They do not, however, always result in the best appointment to fill a board vacancy.

Similarly, if the vacancy is the result of an alderman's repeated absences from board meetings, the board may look to recruit a replacement who is known to be available on meeting nights. Here again, an understandable response by the board, but there are other criteria that the board should consider as well.

If the vacancy was created by the abrupt resignation of a frustrated board member, the board may feel it important to select a replacement who will "go along" with the majority and who won't rock the boat too much. This may result in more cordial board meetings, but it is no guarantee that the appointee possesses the knowledge, skills, abilities and temperament needed to oversee operation of the city government.

The selection of a citizen to fill a board vacancy should not simply be a reaction to the circumstances that led to the creation of the vacancy. Instead, the appointment should reflect the board's agenda for the remaining term of the vacant seat – selecting a person who can help the board meet that agenda.

Consult your charter before taking any action!

## Charter Rules re: Vacancies

**Reference Number:** MTAS-1017

### ***What Are the Rules?***

*Consult your charter before taking any action!*

The city charter usually contains the rules governing the filling of council vacancies. Typically, there is a section in the city charter entitled "Vacancies on the Board" or some such language where this information will be found. The rules vary greatly from city to city and it is very likely that the process used in one city is not acceptable or legal in another.

So, the first rule in filling vacancies is to consult your city charter. Ask your city attorney to review with the board what it must do to return its membership to full strength.

The vacancy provisions in a well-written city charter will include:

- A list of the conditions that require the declaration of a vacancy by the board;
- The amount of time the board has to fill the vacancy;
- The term to be served by the appointed board member; and
- Special conditions involving the vacancy of the mayor.

### ***Vacancies in Cities Having the TCA Mayor-Alderman Form of Government***

For those Tennessee cities having the General Law Mayor-Alderman form of government, the procedures for declaring and filling vacancies may be found in T.C.A. § 6-3-107, entitled "Vice Mayor – Vacancies in Office." For these cities, a vacancy in the office of mayor is filled by the vice mayor, who serves in that capacity until the next election, provided such vacancy occurs more than 20 days in advance of the election. Otherwise, the vice mayor would serve until the expiration of the former mayor's term of office.

Aldermanic vacancies are filled by a vote of the remaining board members. Should the vote result in a tie, the presiding officer of the board may vote a second time in order to break the tie.

The charter does not specify how much time a city has to declare or fill an aldermanic vacancy.

### ***Vacancies in Cities Having the TCA Manager-Commission Form of Government***

Cities having this form of government must fill city commission vacancies according to the stipulations of T.C.A. § 6-20-110, entitled “Board Vacancies.”

This section requires that any vacancy on the board will be filled by appointment of the remaining members of the board, for a term until the next regularly scheduled municipal election, at which point an election is held to fill the remainder of the unexpired term.

This same section of law allows the city to have only one appointed board member at any given time. In those instances where the board already has one appointed member, a subsequent vacancy must be filled by an election.

The law gives these cities 90 days to fill a board vacancy. If after 90 days the vacancy remains unfilled, the city must hold a special election to fill the vacancy. If the vacancy occurs within 75 days of a regularly scheduled municipal election, however, the city may forego the special election and simply fill the vacancy at the regular municipal election.

### ***Vacancies in Cities Having the TCA Modified Manager-Commission Form of Government***

The rules for filling vacancies in this form of government are found in T.C.A. § 6-31-201. These rules contain some unique provisions:

- A board member’s seat must be declared vacant if the member fails to attend at least 60 percent of all board meetings in any consecutive six-month period.
- A vacancy is created when a board member accepts employment with a state, county, or municipal agency that is filled by public election or “which is remunerative, except as a notary public or member of the national guard.”
- If the board is unable to agree upon an appointment within 30 days of the vacancy declaration, the mayor shall make the appointment.
- No appointments to fill board vacancies are to be made within 60 days prior to a regular municipal election.

### ***Vacancies in Cities Having Private Act, Home Rule, Metropolitan Government Charters***

The variety in these cities is almost endless and is too numerous to cover here. It should be sufficient to say that prior to declaring or attempting to fill a board vacancy in these cities, the board should carefully review its charter to determine the required procedure.

## **Resignations and Declarations**

**Reference Number:** MTAS-1018

### ***Resignations and Declarations of a Vacancy***

MTAS frequently responds to inquiries concerning the “correct” way for a board member to resign his or her office. Surprisingly, few if any city charters specify a process for its municipal officers to resign their positions.

For any municipal official, the best and most responsible way to resign their position is to put it in writing. Elected officials wanting to leave office in a professional, dignified and helpful fashion would do well to submit a written statement addressed to the mayor and board. As a minimum, the resignation should state the title of the office being resigned, the date on which the resignation is effective and bear the notarized signature of the resigning office member.

It is permissible, but certainly not necessary, for the written statement to enumerate the reasons for the resignation. Usually, a short, politely worded statement is sufficient to dispel any rumors about the causes of the resignation.

Some public officials resign their offices by making a simple verbal statement. Such resignations are sufficient to effectively terminate one’s participation on the board, but they are clearly not the most professional and courteous way to do the job. Verbal resignations can be misunderstood by the board, the employees and the general public – including the people who voted for and supported the official. They can create legal headaches for the municipality and should be avoided whenever possible.

In the case of verbal resignations, the municipality should document the names and addresses of any witnesses to the resignation – ideally including other members of the board and/or the city staff and noting the time and place of the resignation. If the verbal resignation was made at a meeting of the board, the city recorder's minutes should clearly state the name and title of the resigning official along with the effective date, if possible.

**When does a vacancy legally occur?**

Whether a resignation is written or verbal, it does not take effect unless and until the board votes to accept it and declares the seat to be vacant.

As with the resignation itself, it is best that the acceptance and vacancy declaration be made in writing, by passage of a short resolution. The resolution should indicate the name and title of the resigning official, as well as a statement declaring the seat to be vacant. A sample resignation acceptance resolution is included in the addendum to this pamphlet.

The board may accept a resignation by adoption of a motion made at a properly convened meeting. Here again, the motion should specify the name and title of the resigning official. The motion should also declare the resigning official's seat to be vacant. The motion and resulting vote should be clearly stated in the city recorder's minutes.

Once the resignation has been accepted by the board and the office declared vacant, a copy of the resignation resolution or the minutes reflecting the board's acceptance should be delivered to the county election commission.

**Problems relating to retracted resignations**

It is not unusual for a board member to change his mind and want to retract his resignation. This is most likely to happen when the member resigns in the heat of a contentious debate or after a board decision has not gone his way. It is not unusual for board members to reconsider their resignations the morning after they announced they were quitting.

An elected official may retract his or her resignation at any time before the board has voted to accept it. However, after the board has voted to accept the resignation, it may not be retracted. See *State ex. Rel. v. Bush, Sheriff, 141 Tenn. 229 (1918)*.

The time between an official's resignation announcement and the board's acceptance of it can be crucial. Any delay in accepting the resignation and declaring a vacancy increases the opportunity for the member to change his mind – creating a potentially chaotic situation in city hall. Retracted resignations can lead to confusion and worse in city government. If for no other reason, municipal boards should act quickly to accept the resignation of a member.

## Mayoral Vacancies

**Reference Number:** MTAS-1019

Because their duties and roles differ so widely, the resignations of mayors and aldermen will have different impacts on municipalities.

A mayoral vacancy is far more problematic than the resignation of an alderman. The mayor is often the city's CEO and a vacancy in this office can delay important duties that are essential for day-to-day operation of the local government. There is only one mayor in town. Consequently, when the mayor resigns, there is a 100 percent vacancy in this crucial municipal office. For this reason, cities need to act quickly to fill mayoral vacancies. Delay carries with it opportunities for confusion and serious problems to occur.

The filling of aldermanic vacancies, on the other hand, can be done at a more deliberate pace. When a single alderman resigns his office, the remaining aldermen can carry on and perform the legislative duties. Aldermanic vacancies, therefore, are somewhat less imperative than those involving the mayor.

Many city charters recognize this fact and arrange for the appointment of a vice mayor – who immediately assumes the office of mayor upon the resignation of the mayor. This assures continuity in the administration of the local government. Ideally, mayors keep their vice mayors informed concerning the administrative details and initiatives of their office, so that the vice mayor is "up to speed" if ever called upon to assume the mayor's office.

In some cities, there is no charter provision for the appointment of a vice mayor. In these municipalities, there is no one immediately available to perform the mayor's duties when a vacancy occurs. Consequently, a mayoral vacancy may not be filled for days or weeks while various contenders for the office solicit support for their appointment to the position. In these cities, there is no guarantee that a mayoral vacancy will be filled by someone who has been prepared for the office.

Whether filled by a vice mayor or by any other member of the board, a vacancy in the office of mayor usually results in two board vacancies – the mayor and that of the alderman who is appointed to fill the mayoral vacancy (the exception being those instances where the mayoral vacancy may be filled by persons who are not otherwise members of the board).

For this reason, the first order of business for a newly appointed mayor is to have the board declare a vacancy in his or her former aldermanic seat.

## Aldermanic Vacancies

**Reference Number:** MTAS-1020

In the vast majority of Tennessee cities, a vacancy in the office of mayor must be filled by a member of the municipality's governing board. This means that there are only a handful of people who might conceivably be promoted to fill a mayoral vacancy in your town.

On the other hand, aldermanic vacancies may be filled by any legally qualified resident of the community – meaning that there may be thousands of people who might potentially fill a vacant position. This fact tends to slow down the replacement of a resigning alderman, as the board may want time to advertise, recruit, interview and examine numerous possible contenders.

While the filling of aldermanic vacancies is not usually as crucial as those in the office of mayor, cities must avoid delaying the process longer than is necessary. There are two reasons for this:

- Some city charters establish a strict time limit for the filling of board vacancies. Failure to meet these deadlines would be a violation of the charter that municipal officials are sworn to uphold. In some communities, failure to meet the appointment deadline requires the board to hold a costly special election to fill the vacancy.
- Particularly in those municipalities where board members are elected by district or ward, a prolonged aldermanic absence deprives citizens of the representation to which they are entitled. Citizens likely will not appreciate the passage of important legislation that occurred while they were either unrepresented or under-represented at city hall. Better to delay such actions until after the vacancy is filled, if possible.

## Recruitment for Vacancies

**Reference Number:** MTAS-1022

Click on the topics listed below in this section for more information

## Identifying Potential Recruits

**Reference Number:** MTAS-1021

Municipal boards should always have persons in mind that might be recruited for board service in the event of a vacancy. There need not be an official roster of such persons, but each elected official should be capable of recommending a replacement for his and other's seats.

Even better would be for the board to develop a succession plan – a short resolution that outlines the process the board will follow in filling the vacancy and enumerates the minimum qualifications needed for appointment. The resolution should not (in fact, cannot) force the board to automatically limit the scope of the search, but should encourage an aggressive recruitment in the community.

Cities can often find good candidates to fill board vacancies among the following groups:



- **Former members of the board.** People with prior service on the board might be enticed to come back for a limited time. The board should look for persons who served with distinction and otherwise left their positions with a good reputation. Avoid the appointment of former officials who left under a cloud or whose re-election was overwhelmingly rejected by the voters.
- **Former members of other local governments.** There may be a former county commissioner or school board member in your community who would be willing and able to fill in for a resigning official. Such persons may not be as familiar with municipal issues and processes as former members of the board, but they probably understand the legislative process and how to function in a public capacity.
- **Community leaders.** Try to get recommendations from the local chamber of commerce, civic organizations, educational institutions, neighborhood groups, professional associations, churches and the like. Ask if they know someone who might make a good replacement.
- **City commissions.** There may be persons on the city's planning and zoning commission, board of adjustment, historic preservation committee, park board, etc. who have gained experience in city affairs and who understand how local government works.
- **Graduates of community leadership programs.** Some cities have organizations and programs designed to identify and develop future community leaders. These programs often involve education on local government and issues. If your community has such a program, it would make perfect sense to solicit interest from recent graduates.

## Problematic Recruitments

**Reference Number:** MTAS-1023

While they might otherwise be well qualified for appointment, the board should be careful to avoid filling vacancies with certain types of persons. The voters in your community are free to elect whomever they wish to serve on the board. The performance of an elected official is a reflection of the voters who sent him or her to city hall. But an appointed official is a reflection of the board making the appointment – and the board can expect to be held accountable for making an unacceptable appointment.

Here is a short list of persons to be careful of:

**Persons with excess baggage.** It was previously mentioned that the board should probably avoid filling vacancies with former board members who left office under a cloud. This may not be entirely fair, but it is a fact of life that selecting such persons can damage the image of the board.

**The Runner-up.** Sometimes it is suggested that a board vacancy be filled by the person who finished second in the race for the seat in the last election. This should never be the **sole** criteria for the filling of a board vacancy. While such persons should not be automatically excluded from consideration, they likewise should not be the board's automatic choice.

The reason is simple – the voters rejected such candidates. Perhaps the voters' decision was the simple preference for someone else. But it might also be that the voters did not want that specific person to represent them in city hall. To automatically select the runner-up from the last election risks installing someone on the board who is unacceptable to a majority of the voters.

**Hell-raisers.** It is not unusual for the voters to elect a board member who promises to “shake things up” in city hall. The voters have the right to do this and such candidates are sometimes necessary to wake up a complacent city government.

However, it is another matter when the board appoints such a person to sit on the city council. An elected alderman has a mandate from the voters to pursue the policies on which he campaigned – including those that give the local government a good, hard shaking. But an appointed alderman enjoys no such advantage; and his goals and activities may not reflect the will of the community.

For this reason, it is usually better for vacancies to be filled by persons who are believed to reflect mainstream thought in the community.

**Relatives.** There is no law against it, but boards should avoid appointing their spouses, kids, or other relatives to fill a board vacancy. Again, it is one thing if the voters make this selection, but it looks unethical if the board makes the decision.

**Persons doing business with the city.** The local car dealer may have what it takes to be an outstanding city council member – but he won't be able to sell vehicles to the city while he serves as an alderman. Similarly, other local business persons will lose the city's business during their service on the board. The board should make this fact clear to anyone under serious consideration for an aldermanic appointment.

**Delinquent tax payers.** It will be (or should be) embarrassing for a city council to fill an aldermanic vacancy with someone who has failed to pay his or her taxes for the past several years. The image of the board will be damaged and the newspapers will have a field day. Similarly, the board should be certain that vacancies are not filled by persons who regularly fail to pay their municipal utility bills.

**City employees.** In the vast majority of Tennessee cities, it is not legal for a city employee to serve as an alderman in that same city. Consequently, city employees should not be considered for filling board vacancies for the city that employs them.

This is by no means a complete list. But most city councils are wise enough to avoid appointing aldermen who have serious police records, drug and alcohol problems, persons who are suing the city, etc.

## General Selection Criteria

**Reference Number:** MTAS-1024

Any person asking for an appointment to the municipal governing board should be willing to submit to an interview for the position. Ideally, such interviews would be held in the council chamber at an open meeting – giving the public the opportunity to see for themselves the persons under consideration for the position.

The purpose of the interview is for the board to ascertain whether the person has the temperament for the position, a political point of view that can be accommodated by the board, and any other skills that might be useful to the city. We will assume here that municipal board members already know how to assess candidates in this regard.

However, in making an aldermanic appointment, the board needs to consider more than a person's political or philosophical orientation, values or experience. Three other important factors should not be overlooked – time, temperament, and residency.

- **Time considerations.** Most persons would be surprised at the amount of time an alderman spends performing his or her duties. Does the person understand the amount of time required to successfully serve as a board member? Is he/she available at the times when the board regularly meets? Does the person have the time to attend the training sessions and conferences that other board members do? Is the person willing to attend the annual TML Conference, the legislative conferences, MTAS training, etc.
- **Temperament.** This may be a little harder to ascertain, but before appointing anyone to the city council, the board should have a firm understanding of precisely why the person wants the position. A wise mayor once said that some people run for office to do something; while others run for office to be something. A candidate who cannot clearly, succinctly say why they want a seat on the board is not as likely to be interested in accomplishing city goals.
- **Residency.** Everyone knows that an appointee to the town governing board must be a resident of that town (but again, check your charter – exceptions may be possible). But sometimes there may be a question about an appointee's actual place of residence. It will be embarrassing to the governing board to learn – after the fact – that it has appointed an out-of-town resident to fill a vacancy on the board. For this reason, cities should also ask potential appointees for official identification (driver's license, voter registration, etc.) that proves their residency. And, in those municipalities where aldermen are elected by ward or district, check to make sure that the proposed appointee lives within the district he wants to represent.

## Making the Appointment

**Reference Number:**

## MTAS-1025

It is emphasized again that your city charter should be reviewed before attempting to fill any vacancy on the governing board. The charter may require that vacancies be filled by passage of an ordinance or resolution. In many cities, the charter simply requires that appointments are made by a majority vote of the remaining board members, with no reference to an ordinance or resolution. In some cities, the charter will prohibit the board from making an appointment – and require that a special election for the office is held.

If the board has the authority to fill vacancies, it is a good idea to do so by adoption of a written document – an ordinance or, preferably, a resolution. As in the case of submitting a resignation, a written document should eliminate any doubt about who, specifically, is being appointed to the board.

As a minimum, the appointment resolution should indicate the following:

- The title of the position being filled--with reference to the person who resigned the position and created the vacancy;
- The date on which the vacancy was declared, with reference to the vacancy declaration resolution number, if applicable;
- The term to be served by the appointed official (i.e., until the next municipal election, until the end of the completed term, until a special election is held, etc.); and
- The full, legal name of the person being appointed. To avoid any confusion, it also would be wise to include the appointee's residential address.

### **Other Details**

Though not legally required, it is a good idea to publicly announce the appointment of a new alderman to the board. This can help the community avoid any confusion about who is in charge of the local government.

- Work up a short press release for distribution to the local news media. A “just the facts” sort of statement should suffice – one that includes the appointee's name, the vacancy he or she is filling, and the length of the term remaining to be served. Of course, a statement from the mayor or the appointee also can be inserted into the release.
- The appointee should be introduced to the municipal staff – particularly the department heads and supervisors. At the least, this will involve the circulation of a memo containing the same information as the press release. Better, of course, is having the appointee personally introduced to the employees in an informal meeting.
- Give the appointee the same documents and support that is extended to any newly-elected board member. This will include copies of minutes from recent board meetings, the city charter, and the municipal code.
- Notify state and federal agencies that regularly correspond with individual members of the board. This will include MTAS, the Tennessee Municipal League, and state and county representatives.
- Notify the county election board of the filling of the vacancy.

## Avoiding Pitfalls

### **Reference Number:** MTAS-1026

The appointment of a new alderman can be a controversial decision in any community – particularly if the board is facing issues on which it is evenly divided. The appointment of a new alderman in these instances can tip the balance of power one way or the other – by an unelected member of the board, no less.

In other instances, there may be several qualified candidates under consideration for the appointment – with board members concerned about offending those candidates who are not selected for the job. These sorts of conditions can contribute to a poor decision-making process by the board.

- **Passing the buck: Part I – Delegating the Decision.** It is certainly acceptable for the board to seek and obtain recommendations from the public concerning the appointment of a new alderman. But governing boards must realize that they cannot delegate the final appointment decision to any other person or group. Governing boards should avoid the temptation to have a citizens' panel "recommend" an aldermanic appointment – with the board serving merely as a rubber stamp. The responsibility for the appointment rests with the governing board and it will be held accountable for its decision, regardless of any recommendations it might have received.
- **Passing the buck: Part II – An Unnecessary Special Election.** As previously discussed, some municipal charters require that board vacancies must be filled by means of a special election. For these cities, there is no alternative and the governing board may not simply appoint someone to fill a vacancy. However, in those cities where the charter authorizes the governing board to fill vacancies, the board must not shrink from its duty. Special elections are expensive – and wasteful for those municipalities where the board is authorized to make the appointment at no cost to the taxpayers.
- **Playing politics.** There is no legal prohibition against filling a vacancy with a person who is known to have political ambitions – someone who may see the position as a "stepping stone" to higher or more permanent office. Still, appointing such a person to fill a vacancy can be risky. Some people are likely to feel that the appointee has an inside track in the next general election, inasmuch as he or she will be able to run as an incumbent. It is best to let such people win the election on their own and to avoid appointing them to office.

### ***A Final Word About Appointed Board Members***

Once the new appointee takes the oath of office, he or she becomes a fully authorized member of the governing board – vested with all the rights, privileges, and responsibilities as any elected member of the board. They should not be viewed in any way as a lesser member of the board. Appointees may not be fired by a governing board that becomes disappointed with them.

## Sample Resolutions

**Reference Number:** MTAS-1027

Click on the topics listed below in this section for more information

### Vacancy from Death

**Reference Number:** MTAS-1028

#### **EXAMPLE OF A VACANCY DECLARATION RESOLUTION RESULTING FROM DEATH OF AN ALDERMAN**

**RESOLUTION NO.** \_\_\_\_\_

#### **A RESOLUTION OF THE ANYTOWN, TENNESSEE, BOARD OF MAYOR AND ALDERMEN TO DECLARE VACANT THE SEAT OF ALDERMAN JOHN DOE.**

**WHEREAS**, Section 10 of the Anytown private act charter stipulates that the Board of Mayor and Aldermen shall declare that a vacancy on the Board exists if the Mayor or an Alderman dies while in office; and,

**WHEREAS**, Alderman John Doe has recently passed away.

**NOW, THEREFORE**, in recognition of these facts be it resolved by the *Anytown* Board of Mayor and Aldermen:

**1. Vacancy declared.** The Anytown Board of Mayor and Aldermen hereby declares the aldermanic seat held by John Doe to be vacant as of the date of this resolution.

**2. Vacancy to be filled within thirty (30) days of this Resolution.** Pursuant to Section 10 of the Anytown town charter, the Board of Mayor and Aldermen shall, within thirty (30) days of the date of this Resolution, appoint a qualified person to fill this vacancy.

**3. Condolences extended to family and friends of Alderman Doe.** The Board of Mayor and Aldermen acknowledges Alderman Doe's many years of service to the community and extends its deepest sympathy to his family and friends.

**PASSED AND APPROVED THIS 7th DAY OF APRIL, 2011, BY A ROLL CALL VOTE OF THE ANYTOWN BOARD OF MAYOR AND ALDERMEN.**

\_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
City Recorder

## Vacancy from Resignation

**Reference Number:** MTAS-1029

### **EXAMPLE OF A VACANCY DECLARATION RESOLUTION RESULTING FROM RESIGNATION OF AN ALDERMAN**

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION OF THE ANYTOWN, TENNESSEE BOARD OF MAYOR AND ALDERMEN TO ACCEPT THE RESIGNATION OF ALDERMAN JOHN DOE AND DECLARING AN ALDERMANIC VACANCY ON THE BOARD OF MAYOR AND ALDERMEN.**

**WHEREAS**, Article IV, Section 11 of the *Anytown* private act charter stipulates that a vacancy shall exist on the Board of Mayor and Aldermen if the Mayor or an Alderman resigns or moves his residence from the Town; and

**WHEREAS**, Alderman John Doe has advised the Board of Mayor and Aldermen that he has moved his residence from the Town of *Anytown*; and

**WHEREAS**, Alderman John Doe has submitted his written resignation to the *Anytown* Board of Mayor and Aldermen, and;

**WHEREAS**, the Anytown Board of Mayor and Aldermen respectfully wishes to accept the resignation submitted by Alderman John Doe.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ANYTOWN, TENNESSEE AS FOLLOWS:

I. The resignation of Alderman John Doe from the Anytown Board of Mayor and Aldermen is hereby accepted.

II. The Board of Mayor and Aldermen hereby declares the aldermanic seat formerly held by John Doe to be vacant.

**PASSED AND APPROVED THIS 29TH DAY OF MARCH, 2011 BY A ROLL CALL VOTE OF THE ANYTOWN BOARD OF MAYOR AND ALDERMEN.**

\_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
City Recorder

## Aldermanic Appointment Resolution

**Reference Number:** MTAS-1030

### **EXAMPLE OF AN ALDERMANIC APPOINTMENT RESOLUTION**

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF ANYTOWN, TENNESSEE APPOINTING MARY SMITH TO FILL THE UNEXPIRED ALDERMANIC TERM OF JOHN DOE.**

**WHEREAS**, Alderman *John Doe* has submitted his resignation from the *Anytown* Board of Mayor and Aldermen; and

**WHEREAS**, the *Anytown* Board of Mayor and Aldermen has adopted a Resolution to accept the resignation of John Doe from the Board of Mayor and Aldermen; and

**WHEREAS**, Section 10 of the *Anytown* City Charter requires the Board of Mayor and Aldermen to appoint a qualified citizen to fill the aldermanic vacancy created by John Doe's resignation, and that such appointee shall serve the remainder of the vacant term of office or until the next regular general election, whichever shall occur first; and

**WHEREAS**, *John Doe's* term of office was scheduled to expire with the election scheduled for November 4, 2014 and the next regularly scheduled general election is scheduled for November 6, 2012; and

**WHEREAS**, *Mary Smith of 1320 South Columbus Street in Anytown* has agreed to fill the Aldermanic vacancy created by *John Doe's* resignation.

**NOW, THEREFORE, IN CONSIDERATION OF THESE FACTS, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF ANYTOWN, TENNESSEE, AS FOLLOWS:**

- 1. Appointment to the Board of Mayor and Aldermen.** Mary Smith is hereby appointed to the position of Alderman in the City of *Anytown*, Tennessee.
- 2. Term of Office.** Pursuant to Section 10 of the *Anytown* Private Act Charter, *Mary Smith* shall serve as Alderman until after the next regular general election, scheduled for November 6, 2012 and until her successor to office has been elected and qualified.
- 3. Effective Date.** This Resolution shall be in full force and effect from and after its date of passage by the Board of Mayor and Aldermen of the City of *Anytown*.

**PASSED AND APPROVED THIS 12<sup>TH</sup> DAY OF AUGUST, 2011 BY A ROLL CALL VOTE OF THE ANYTOWN BOARD OF MAYOR AND ALDERMEN.**

\_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
City Recorder

## Preparing for Media Interviews

**Reference Number:** MTAS-1031

Sooner or later, almost every municipal official will have a bad experience resulting from an interview with a news reporter. There are standard complaints: The reporter asked unfair or "loaded" questions, good responses were deleted from the story, or the reporter blew minor points out of all proportion.

A critical factor leading to unsuccessful news media interviews is often the failure of public officials to understand the role of the news media in a free, democratic society. The news media do not serve as the local government's public relations arm, and it is not a reporter's job to polish the city's image or that of any individual municipal official. Quite to the contrary, journalists are trained to question authority, to be wary of the official explanations of government, and to pick apart proposals made by public officials. They are under no obligation to be "fair" to the government officials they interview and are especially leery of officials whom they may suspect want to slant the news in their favor.

The relationship between city hall and the news media is, almost by definition, an adversarial one. While this does not mean the relationship cannot be friendly and satisfying, a smart city official understands and accepts the obligation of the news media to ask tough questions, to probe into areas the government may find embarrassing, and to expose city problems.

Perhaps the single most critical factor leading to a bad news media interview, however, is lack of adequate preparation by the interviewee. Municipal officials wanting to give winning interviews to the press must plan and prepare for them. Successful interviews do not just happen.

The fact that you may have mastered the subject of the interview does not, by itself, assure a successful outcome. There are many examples of bad media interviews given by intelligent public officials who are experts in their field. Similarly, the fact that you may have a cordial relationship with the interviewer does not guarantee a successful performance. This is especially true in radio and television interviews, where the microphone or the camera is all that stands between you and the audience.

However unfair it may be, most of the responsibility for a successful media interview rests with the person being interviewed. However unfair it may be, most of the responsibility for a successful media interview rests with the person being interviewed. True, the reporter or interviewer *should* be fair and professional, ask the “right” questions, and otherwise lead the interview to a successful conclusion. But if the reporter fails in this regard, it is usually the interviewee who looks bad. For this reason, the public official who truly understands the importance of successful media interviews will take responsibility for making them successful.

This section will help municipal officials prepare for news media interviews and provide strategies for successful outcomes.

## Part I - Know What You Are Getting Into

**Reference Number:** MTAS-1032

### ***Before Agreeing to an Interview Request***

Municipalities have an obligation to provide requested information to the news media. This does not mean, however, that city officials have to submit themselves for every interview request they receive. Before agreeing to give an interview, you have a right to know what you’re getting into and how the interview will be used. Here’s a checklist of questions for which you should know the answers before you agree to sit down and talk to a reporter:

**1. Who is conducting the interview? At what media source do they work?**

You have a right to know with whom you’ll be talking and for whom they work.

**2. What topics are to be discussed in the interview? Will the interview be limited to these topics or will others be introduced?**

It is generally a good idea to limit the topics of an interview to one or two subjects. This will let you better prepare for the interview and avoid discussions of subjects for which you may not be fully prepared.

**3. Why was this particular topic chosen? What prompted the request for an interview?**

You should be aware of the context in which the interview will be taking place, the incidents or developments that may have prompted the interview request. This will let you address these specific incidents or developments and avoid speaking in more general or hypothetical terms.

**4. Am I the right person for this interview? Are there other city officials who could more properly respond to the interviewer’s questions?**

You should give interviews only on those subjects with which you have considerable familiarity. When dealing with technical information, legal issues, or other complicated subjects, it may be best to refer the reporter to someone on the city staff having special expertise on the subject. Alternately, you may ask the reporter if you can have one of these staff members sit with you during the interview. Be careful if the reporter is reluctant to allow you this opportunity.

**5. Who else will be present at the interview?**

You should always know the names of other people who will join you in the interview. While it is normal for a reporter to interview others for a story, having a third party present during your interview could lead to on-camera debates, confrontations, etc. If a reporter wants to bring a third party to your interview, find out what the purpose is—and be careful.

**6. When will the interview take place?**

You are entitled to be interviewed at a reasonably convenient time. Try to be flexible and take into account the reporter’s availability and deadlines, but avoid giving late-night interviews. Keeping in mind the subject matter to be discussed, insist on having sufficient time to prepare for the interview.

**7. Is the interview going to be conducted in person or over the telephone? If the interview is to be in person, where will it occur?**

Try to hold the interview on your turf: in your office or in some other area of city hall offering a friendly, dignified environment. It may be appropriate at times to meet on the reporter's turf—in the studio or at the newspaper office—depending upon your comfort level with the environment. It is generally a good idea to avoid giving interviews in public places (i.e., restaurants, coffee shops, and other locations where onlookers cannot be controlled) or where the surroundings could be misinterpreted or misleading.

**8. Will the interview be live or on tape?**

A live interview is like tightrope walking without a net. The opportunity to pause before responding to a question is limited, as are the chances to glance at notes. This is not to say that you should avoid live interviews at all costs, but understand that a live interview requires more preparation than one that is taped. For live interviews, some reporters may give you the questions in advance to avoid delays in answers on camera.

**9. How much time is thought to be needed for the interview?**

Is the reporter asking for 15 minutes of your time? Or several hours?

**10. When will the story run?**

News stories usually run within a day or two of your interview meaning information you provide to the reporter is likely to be relatively fresh when the story appears. However, you should realize magazine articles and certain newspaper and television feature stories might not be released for weeks or even months after the interview. By the time the story appears, the facts surrounding your story may have changed making it appear you are either poorly informed or, worse, lying. Be careful about accepting interviews that will not be aired or printed until far into the future. Ask that your interview be conducted closer to the release date. Or, request a brief follow-up interview close to the release date so you can verify that the information is still up to date.

Sometimes you may be called by a reporter who wants an immediate interview with you by telephone with no other warning or appointment. If you are familiar with the reporter, it may be best to ask for a few minutes to prepare yourself, returning his call a short time later after you have had time to prepare. If you are not familiar with the reporter, explain that you will be busy for a few minutes and that you will call back. Not only will this give you a few minutes to prepare, but your call back will help determine if the "reporter" is legitimate.

To help maintain good relations with the news media, and as a matter of courtesy, city officials should respond promptly to a reporter's request for an interview. If any of the answers to the above questions are not satisfactory, it may be best to decline the request or to suggest changes.

## Part II - Preparing for Interviews

**Reference Number:** MTAS-1033

### ***Practice Makes Perfect***

The most important part of your preparation is to set clearly stated goals for the interview. What is it you want to say? What information do you want to convey? What is your point? It is not a good idea to sit for an interview without first defining your purposes for granting it in the first place.

It is usually best to limit your interview to no more than two or three important points, and summarize each of these points in a single sentence. It may be helpful to make a list of the points you want to make in your interview, along with the single sentence summation of each. Have something you can take with you and occasionally glance at during the interview. The key here is to take control of the interview and stay "on message." Otherwise, the reporter may take you into areas where you don't wish to go.

We see this concern for staying on message at the highest levels of government today. The president, cabinet members, and other political speakers frequently have their message printed on the backdrop behind the stages from which they are making speeches or giving interviews. The message is always short and simple ("Fiscal Responsibility" or "Helping Our Kids" or some such slogan), and the speaker is careful not to deviate from this message.

Municipal officials do not need a backdrop with their daily message stenciled on it in order to give effective interviews. However, good interviews result when you have a point and stick to it.



Additionally, your interview preparation should include the following:

**1. Anticipate the hardest questions you might be asked by the reporter.**

It is not likely the reporter is going to ask you a lot of cream-puff questions. Ask yourself what questions you would least like to answer during the interview, then develop good responses to each of them. Maybe the reporter won't pose these questions to you during the interview, but you'll be ready for them if they come up. Can't think of any hard questions you might be asked? Talk to your staff or other people you trust who may be willing to play "devil's advocate."

**2. Develop a list of questions you are likely to be asked, then have someone pose these questions to you out loud.**

Practice giving your answers out loud. Sometimes a tape recorder can be helpful in this phase of the preparation. Listen to your voice as well as to the words in your answers. Are you staying on message? Talking too fast (or too slow)? Pay attention to your choice of words, and weed out technical jargon, poor use of English, and statements that may be offensive to people you do not wish to offend. Have your friends critique your answers and pay attention to their suggestions for improvements.

**3. Identify rumors and be prepared to deal with them.**

It is a good idea to use some of your interview time to dispel rumors that are circulating in the community and that may have a negative impact on your agency. Don't wait for the reporter to raise these issues. It's OK for you to raise them on your own and then refute them.

**4. To the maximum extent possible, try developing answers that are inclusive and are likely to expand the number of citizens who will agree with you. Avoid confrontation.**

It is better to use words like "we need" rather than "I want" or "our residents" rather than "my advisers." Your answers should reflect that you are in contact with your constituents and that you have paid attention to their concerns. Most important, avoid making personal attacks on other people in your community. You can point out where other ideas or proposals may not be as good as yours, but avoid criticizing the motives or characters of your opponents. However good it may feel to "zing" your opponents, it will not advance your perception in the community as a reasonable person.

**5. Develop a background information package to be given to the reporter at the interview.**

An information package, containing pertinent information and quotations, can help assure that the reporter "gets the story" and does not misquote or otherwise misunderstand the points you want to make. The package allows you to explain your proposals in more detail than is usually possible in most media interviews and can contain statistics, charts, photographs, and other documents that may not come up in the interview. The media are under no obligation to use this material, but many reporters will appreciate the value of this assistance and will refer to it in their story.

**6. Develop examples or analogies that underscore the point you want to make.**

An analogy ("This problem is very similar to...") can help simplify complex issues for the public. Similarly, you should try to use real life examples that serve to highlight your points.

**7. Determine the need for props.**

It may help you make your point to have a prop available during the interview; use an object or device that illustrates the point you are trying to make. If you are trying to convince the public of the need to purchase more modern fire trucks, for example, it might be best to conduct the interview in front of the old fire trucks in the fire hall letting the interviewer (and television viewers) see for themselves why new trucks are needed.

**8. Have a decent photograph of yourself available to the newspapers.**

Look at your driver's license photograph. Is it a good one? Now imagine this photograph will accompany the article. Newspapers are notorious for taking snapshots that are very unflattering; bad camera angles and poor lighting can make a city official look like an ogre. It is best to avoid letting the newspaper's photographer take your portrait, a picture you are not likely to review before it appears in the press. Instead, provide a recent photo of yourself to the reporter for use in the story, one taken by a professional photographer or at least a snapshot that does not make you look too scary.

## Preparations for Television Interviews

**Reference Number:** MTAS-1034

Preparing for TV interviews is especially crucial. With television, not only will your constituents be judging the answers you give to the reporter, but they will also be assessing your appearance. Unless you are careful, a television camera can be very unkind to an interviewee.

### **1. Pay attention to your clothing.**

On TV, mayors should look like mayors and council members should look like council members: professional. It is usually best to appear on camera in Sunday-go-to-meeting clothes. Shirts and ties for the men, business dresses for the women. No baseball caps or T-shirts. TV cameras are not friendly to the color white or to patterned materials, so select solid color clothing if possible.

### **2. Pay attention to your grooming.**

Television lights tend to exaggerate certain facial features. For this reason, unless they are growing a beard, men should shave before appearing on TV. Shortly before the interview, check your hair in the mirror. If the interview is taking place right after lunch, use a mirror to check your teeth. Perspiration seems to show up well on TV cameras so have a handkerchief handy to dry your face prior to going on camera.

### **3. Pay attention to your body language.**

If you will be standing for your interview, practice talking with your arms relaxed at your side. If you will be seated, plan to sit upright with your hands in your lap or on the armrest of your chair. Avoid reclining. Never cross your arms in front of your chest (it looks defensive or combative). Unless the subject is gravely serious, try to smile.

### **4. Pay attention to the background.**

Especially if the interview is taking place on your turf, try to select a site that will improve your appearance. Avoid standing near a bare, light-colored wall, which might cause shadows that exaggerate the size of your head or your hair. Similarly, standing near or against a window is likely to put your face in an unflattering shadow. Good backdrops include flags, bookcases, flowers, and other nonreflective materials. In good weather, it may be advisable to conduct your interview outdoors, not in the direct light of the sun but under overcast skies or in shaded areas.

### **5. Pay attention to camera angles.**

In a TV studio, this is not usually something you will need to be concerned with. The studio crew will know how to set up the camera shots for your interview. Outside the studio, you'll want to pay attention to this important factor.

In the minutes before the interview, as the camera is being set up, try to assure that your face and the camera will be on the same level. Do not allow the camera to be placed higher than your face. You'll look small. Similarly, try to avoid having the camera placed so low that you'll look like a giant.

Camera angles that are "straight on" are usually not very flattering (again, think of your driver's license photo). If possible, try to position yourself at a slight angle to the camera (keeping your "best side" to the camera, of course).

## Part III - During the Interview

**Reference Number:** MTAS-1035

The first rule when dealing with any reporter on any subject is to never, never, never lie. Never.

The careers and reputations of innumerable public servants have been permanently destroyed when they told a lie to a news reporter. Once a reporter realizes he or she has been lied to, you will have no peace. It is always better to admit to a painful truth on a one-time basis than to have the news media discover a lie and spend the next several months exposing it, slowly extracting the truth. Remember, tell the truth and tell it first.

The second rule for dealing with reporters is to clearly understand the meaning of the term "off the record." Simply stated, nothing you say to a reporter is ever off the record. The term has no legal definition and means only as much as the reporter wants it to. For all practical purposes, you should

assume that every word you say to a reporter is going to appear in their story and carefully watch your words.

Sometimes public officials will make the mistake of giving a reporter “confidential” information, telling the reporter only afterward that his remarks were “off the record.” This approach does not obligate the reporter in any way. Instead, it alerts the reporter that the comments may be especially controversial and worthy of further investigation.

In other instances, a reporter may attempt to extract information from a public official by offering to keep the information “off the record.” Again, “off the record” is a vague term that can mean many things. The offer may mean the reporter will not print (or broadcast) the remarks made by the speaker, or it might simply mean that the remarks will be broadcast but not attributed to the speaker. Either way, this can have embarrassing results for the public servant.

The best strategy during a media interview is to tell the truth and insist to the reporter that every question and answer is on the record.

Here are some other techniques that will improve the quality of your media interviews:

**1. Stay in control of the interview.**

You don’t have to wait until the reporter brings up a subject you wish to discuss. You can raise the issue on your own. This is especially important if the reporter is not asking questions that are “on message.” It’s OK to politely change the subject to the points that you have decided to make. Don’t let the interviewer take you into areas that are not important or not what you want to discuss. Remember, you should know the discussion topics beforehand. If the questions veer from the predetermined subjects, stay “on message” and remind the interviewer of the topics you agreed to discuss.

**2. Repeat yourself.**

Keep making your major points over and over. Emphasize your message numerous times so your points won’t be missed or misinterpreted by the viewer or reader. Reiterate the things you want the public to understand about your topic. When a message is told repeatedly, citizens tend to remember and accept what they have heard.

**3. Keep your answers short and avoid talking too much.**

With radio and television news media in particular, an hour-long interview is likely to result in a story that lasts no more than a couple of minutes on the air. Most of your answers will be reduced to sound bites lasting no more than five or 10 seconds. A two-minute answer is not going to be included in the final cut of the story. Keep your answers brief and to the point. Otherwise, your comments may be used out of context or in a damaging way.

**4. It is also risky to keep talking after providing a brief answer during an interview.**

Intentionally or not, some reporters have a habit of arranging periods of silence between their questions during which time some interviewees feel the need to keep talking. It is during these periods that the speaker can get off message, blurting out things never intended to be said. It is not your responsibility to keep the discussion moving during an interview; let the reporter do that for you.

**5. Do not read your prepared remarks—especially on television.**

Your answers should appear natural and not as if you are reading from a script. This is true especially in television interviews, where reading a prepared statement almost always looks forced and unnatural.

**6. Do not accept a reporter’s characterizations of your remarks.**

Sometimes a reporter will attempt to summarize the answers you made to a particular question, and the characterization may not be consistent with what you said. It is OK to disagree with the reporter in these instances and you should immediately correct any mischaracterizations of your remarks. This can be done politely, but there should be no doubt left that the reporter’s characterizations are wrong. Don’t let the reporter put words in your mouth.

**7. Beware of false choices offered by reporters.**

“If you aren’t going to raise taxes, which city programs will you be cutting?” Be careful not to take the bait in this trap. The question assumes only two possible choices. There may be numerous alternatives to raising taxes or cutting programs. Politely explain to the reporter what those other alternatives might be.

**8. Avoid making jokes when the subject is serious.**

The public expects its public servants to be serious and businesslike. Attempts at humor detract from a serious image. Worse, if the joke falls flat, the speaker will look foolish. There are occasions when humor may be called for, but such instances are rare.

**9. Avoid the use of jargon and technical terms.**

The public is not always familiar with the various acronyms associated with government. Do not assume people listening to your interview on the radio will know what TDEC, OSHA, FOIA, EPA, FLSA, FMLA, or MTAS mean. Speak to the average citizen, not to bureaucrats and technicians.

**10. Don't guess at the answers.**

Never attempt to guess the answer to a question. Unless your guess is correct, your answer may appear to be untruthful. It's OK to tell the reporter that you don't have the information needed to provide an accurate answer, along with the offer to provide the answer shortly after the interview. It's OK to say you are not qualified to answer a question if the subject is outside your area of expertise or responsibility.

**11. Don't answer hypothetical questions.**

This is dangerous territory. Avoid answering "what if" questions. Months (or hours) after the interview, the question may no longer be theoretical and your answer may not fit the situation. Do not make predictions or assumptions.

**12. Don't lose your temper.**

This is especially true for television interviews where your temper will be shown in tight close-up shots of your face. But it is true for other media, as well. Keep your cool and don't let them see you sweat.

**13. Eliminate distractions.**

Turn off your cell phone and pager. If the interview is in your office, have your calls answered by a secretary. Radios (including police radios) and televisions should be turned off.

**14. In television interviews, keep your eyes on the reporter.**

It is not good to look at the microphone during a TV interview, nor will you look very good if you look directly into the camera. Instead, it is best to focus on the person conducting the interview.

**15. During television and radio interviews, avoid being overly familiar with the reporter.**

When dealing with local reporters with whom you are familiar, it may be OK to call the reporter by his or her first name while on the air. When dealing with reporters you do not know well, especially celebrity journalists, it is more professional to call the reporter "Mr. Brokaw" rather than "Tom." Otherwise, the public may think you're showing off. Worse, the viewer may see the interview as biased or as a publicity piece.

**16. Always be positive and never attack or ridicule anyone.**

If your message is a good one, the public can be sold on it with a positive, clearly articulated interview. Attacking or ridiculing opponents often backfires and can detract from the message you want to convey. Sell yourself and your ideas rather than tearing down another person.

**17. Deal with hostile questions.**

The reporter may ask a question that challenges your intelligence or your integrity, perhaps hoping that you'll respond in kind. Don't take the bait. Try to rephrase the reporter's question in a more positive way before answering it. Explain why your proposal or your position is good for the community, and avoid explaining why it's not bad. Emphasize the positive.

**18. Assume that every microphone is on.**

From the moment you enter the presence of a reporter, watch your words carefully. Assume all microphones are on and recording your every word. Just because you do not see a microphone does not mean one is not present.

**19. Show compassion.**

When dealing with bad news, make an effort to express your concern for the victims (for example, people laid off when a factory closes, people hurt in accidents, people denied public benefits, etc.) Let the public see that you have a heart and that you care about the people in your community.

## Part IV - Know the Things You Cannot Change

**Reference Number:** MTAS-1036

Regardless of the relationship you have with the local news media, there is one fact that will *always* be true: The news media will always have the last word about you. You will never have the audience that newspapers, radio, and television (and now, the Internet) have available to them, nor will you ever meet as many of your constituents in person during your lifetime as the news media will reach in a single day.

If for no other reason, therefore, it is best to try to get along with the news media in your community. You don't have to like reporters, nor must you allow them to be abusive or rude. But because they will always have the last word and because they speak to every person in your town, it is in your best interest to try to cultivate a professional relationship with the news media. Treat them as you would want to be treated and perhaps they will do the same, although there is no guarantee.

While you cannot change them, here's a short list of simple truths about news reporters of which you should be aware:

**1. Reporters usually already know the answers to the questions they ask.**

The fact that a reporter asks you questions does not mean he or she does not already know the answers. Reporters often ask questions about things they already know. In these instances, the point of the question is not to learn new information, but to determine what you know—and to assess your truthfulness.

**2. Your opponents, rivals, and enemies will also be interviewed.**

You cannot reasonably expect reporters to ignore differences of opinion that may exist in your community. In most cases, reporters will actually seek out the opinions of your opponents in an effort to present a balanced news story. When interviewing these rivals, the reporter may use your responses in an attempt to provoke a reaction that will be interesting on camera or in the next day's newspaper.

**3. Your friends, supporters and teammates will also be interviewed—and may damage your position.**

You may be the only person in city government authorized to give interviews to the press, but reporters are not obliged to respect this policy. Before or after your interview, reporters are likely to talk with other city officials and employees about any particular subject, and they will be quick to note any inconsistencies or conflicts in the story. This can be especially unnerving for mayors, city managers, and public information officers who have worked hard to deliver the city's message, only to hear it contradicted by other, usually anonymous, city employees.

**4. The interview is not over until the reporter leaves your presence.**

Just because the reporter has turned off his tape recorder and is packing up to leave your office, do not assume the interview is over. Anything you say to the reporter as he or she is walking out the door may be added to the interview. Avoid making post-interview remarks.

**5. The headlines are not written by the reporter.**

A reporter may make every effort to accurately quote and describe his interview with you. Once the article is written, however, the story is handed over to various editors who attach a headline designed to attract the readers' attention. It sometimes happens that the headline does not accurately reflect the content of the reporter's story.

**6. The reporter's story will be edited by others at the paper.**

Just as the headlines are written by others, a reporter's story is reviewed and amended by various supervisors, editors, and the like. Articles often are shortened to fit the available newspaper space or air time. Oftentimes, the deleted parts of the story are precisely those parts containing your best material.

**7. Giving interviews to student newspapers is not a guarantee of safety.**

High school and college newspapers will often call local government offices to arrange interviews with various city officials. Do not assume such "minor league" publications will not require adequate preparation and care. Young, inexperienced, apprentice reporters are much more likely to misquote and mischaracterize your remarks than the full-time professionals from the "real" newspaper in town. Furthermore, a lot of people read these school papers.

When you speak to a reporter, you are speaking to the citizens in your community. You may not like or trust the reporter, but do not be confused about who you are really speaking to during an interview. The public can figure out who is being a professional during an interview and who is not. The best way to deal with a tough reporter is simply to let the public see you at your best.

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