

## Recruitment for Vacancies

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://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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## Recruitment for Vacancies

**Reference Number:** MTAS-1022

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## 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.
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