



## Problematic Recruitments

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Dear Reader:

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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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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.

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