

Making the Appointment

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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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.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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