



Avoiding Pitfalls

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,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Avoiding Pitfalls	3
-------------------------	---

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.

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.

Source URL (retrieved on 11/26/2020 - 6:58am): <https://www.mtas.tennessee.edu/reference/avoiding-pitfalls>



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE