

September 20, 2010

Mr. Marty Carmichael, City Administrator
City of Sparta
6 Liberty Square, P.O. Box 30
Sparta, Tennessee 38583

Dear Mr. Carmichael

At the last board meeting there was some discussion and perhaps confusion about the appointment process for various boards and agencies of the city. I have reviewed the Tennessee Code, the municipal charter and ordinances of the city in an effort to clarify the process. Following is a list of boards and commissions and the appointing process:

1. Housing Authority (TCA 13-20-408). Members are appointed by the mayor.
2. Municipal Planning Commission (TCA 13-4-101). All the members of the planning commission, except the member appointed by the board, are appointed by the mayor and serve at the pleasure of the mayor.
3. Board of Zoning Appeals (TCA 13-7-205). The board may specify the mode of appointment of members. The board may designate the planning commission as the board of appeals.
4. Historic Zoning Commission (TCA 13-7-403). Appointed by the mayor, subject to confirmation by the board.
5. Tree Board (Title 2, chapter 4, Section 2-401 of the Municipal Code). The appointment is by the mayor with approval of the board.
6. Industrial Development Board (TCA 7-53-301). Members are elected by the board of mayor and aldermen.
7. E-911 Emergency Communications District (TCA 7-86-105). If the district was created by the county legislative body the appointment is by the county mayor with approval by the county legislative body. If created by the city board, the appointment is by the mayor with approval of the city board.
8. Vacancies of the Board of Mayor and Aldermen. The charter is silent on filling vacancies. Sid Hemsley, MTAS Senior Legal Counsel, advises that the board has the authority over the appointments of its own members. The board makes the appointment to fill a vacancy on the board. The vice-mayor would assume the duties of the mayor upon a vacancy in the office of the mayor.
9. Planning and coordinating committee required by PC1101. The membership is defined in the statute.
10. Joint Community and Economic Development Board. Appointed as per TCA 6-58-114(C). The Executive committee is appointed by the Joint community and Economic Development Board.

Since the mayor is a member of the board and has a vote, he would vote as a member of the board. Please let me know if you have questions or comments.

Sincerely

Ron Darden
Municipal Management Consultant

Cc. MTAS Legal Counsel Sid Hemsley