



## Vacancy Appointments

09.23.2013

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### Question:

We have a zone opening and the only person interested is not someone that the Board feels is qualified or quite frankly could get a majority vote of the Board to be appointed. In such a situation, does the Board have to appoint that candidate because they are the only candidate from the zone? Or if the Board does not want to appoint that candidate and/or cannot get a majority to vote for the appointment can we continue to look for a more suitable candidate even if that means going past the 90 days where the Board can look outside the zone? The question essentially is - if someone within the zone has applied is the Board's vote irrelevant and we must put that person into place?

### Answer:

The decision to appoint a person to a vacant seat must be decided in open session and requires a majority yes vote to place the person in the position. The Board's vote is not irrelevant and they are not required to appoint someone simply because they are the only candidate. If the Board does not vote in the majority affirmatively for the appointment then the statutory deadlines for appointment would continue to run. After 90 days from the declaration of vacancy has expired, then the Board can go outside of the zone. However, it is important that the board has a unified reason as to why the person who applied was not selected. Also, it should be cautioned that if the Board is not able to find a candidate and come to a majority affirmative vote after 120 days, the Board loses its authority to appoint and the vacancy appointment decision goes to the county commissioners

contact us with your question:



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