

February 21, 2007

You have asked if it is proper for the Mayor to make nominations. The Mayor, under the Palmer Private Act, is authorized to vote only in the case of a tie. The charter grants the Mayor the power to veto legislative acts. Normally, the Mayor is not authorized to make motions and second motions. A nomination has the same character as a motion. Technically, a motion should be made to nominate a person, and the nomination should be seconded and then voted on by the legislative body. More often than not, nominations are made without ever taking a vote on acceptance of the nomination. In this case it is done by general acclamation, where it stands if no one objects. If one or more persons on the board objects, a vote should be taken. Sid Hemsley, our Senior Legal Consultant, has advised me that the Mayor is not authorized to make nominations under the Palmer Town Charter. At the same time, he has advised me that if the Mayor made nominations and they were approved by the Board, they would have the full force of law, because the courts would not strike it down on procedural irregularities.

MTAS recommends that Palmer develop a written policy on nominations, and that policy should specify:

1. Who is allowed to make nominations.
2. The number of nominations that may be made by each board member. Most legislative bodies limit this to one nomination per board member.
3. How the nomination is to be accepted. In other words, is simply placing the nomination tantamount to acceptance, or is a vote required. Robert's Rules of Order provides for a vote on placing nominations, unless approved by general acclamation.

I can help in writing a policy on this if requested.

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