

July 14, 2014

City of Westmoreland Tennessee
Ms. Dawn Freeman
Councilmember
P.O. Box 8
Westmoreland, Tennessee 37186

VIA ELECTRONIC MAIL

Dear Ms. Freeman:

You asked MTAS to provide guidance on a recent situation regarding the hiring of an employee in your city. As I understand, the mayor recently hired a part-time police officer giving rise to this question. Several sections in the charter speak to the appointment of personnel that is reviewed below so that a full understanding of city provisions speaking to the hiring of staff will be had.

Article III, Section 5 of the Westmoreland charter provides in part as follows:

SECTION 5. City council to elect certain officers. The city council shall appoint a city recorder, city treasurer, city attorney, and a city judge.

It further goes on to provide:

“Officers appointed as specified herein shall serve at the pleasure of the city council,
as shall all employees of the city.

Since a police officer is not identified in Article III, Section 5 as an “appointed officer”, we next turn to the duties of the mayor as set forth in Article V, Section 1. Subsection (a)(3) provides as follows:

(a) The mayor:

(3) Shall make temporary appointments, subject to the confirmation of the city council, of any officer or department head in case of sickness, absence or other temporary disability.

Again, since a police officer is not an appointed officer or department head, and furthermore since this provision addresses temporary appointments resulting from sickness and other temporary absences of these officials only, this provision does not apply.

Accordingly, the hiring of a police officer falls under Article V, Section (b)(1) which reads as follows:

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(b) Unless otherwise designated by the city council, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(1) Shall recommend to the city council the employment, promotion, discipline, suspension and discharge of all employees and department heads. The council may accept the recommendation of the mayor or take other action in accordance with personnel policies and procedures, if any adopted by the city council.

Consequently, the hiring of a police officer – be it full-time, part-time, or temporary - requires the approval of the city council unless action has been formally taken to grant that hiring authority to the mayor. A check of city records should be made to ascertain if that delegation has been made.

Should no such delegation in the past been made but the council is now of a mind to consider doing so, please be aware that no delegation of authority for the hiring of your appointed officers (recorder, treasurer, attorney, and judge) may be made due to the specificity of the appointment process set forth in the charter.

Please let me know if you have further questions regarding this matter.

Very truly yours,



Jeffrey J. Broughton
Municipal Management Consultant

Cc: Gary Jaeckel