



NEWS RELEASE

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City Attorney writes letter on replacing council seat vacancy

MURFREESBORO, Tenn. – The City Attorney has written a letter to the City Council on filling the vacancy of City Council member Toby Gilley following Gilley’s election as a General Sessions judge. Gilley has served on the Murfreesboro City Council for more than 13 years but is required under State law to step down from his council seat upon resignation to take the judgeship.

Councilman Gilley has advised the City Attorney that he intends to resign as of September 1. Thus, it appears the Council seat will not become vacant in time to be voted on during the November 2014 election.

City Charter **Section 18 Filling of Vacancies** provides that “any vacancy in the city council other than in the office of mayor, caused by death, resignation, ouster, or removal of a member, or due to other cause, occurring two hundred-seventy (270) days or more before the next regular municipal election must be filled by a majority vote of the remaining members of the City Council.”

Ms. McGannon is advising the Council that an interim appointment by the Council be made to fill the vacancy upon Mr. Gilley’s resignation. However, City Charter does not specify the process in which the vacancy is filled. In the past, the Council has utilized several options, including a Council member making a nomination, soliciting applications and leaving the seat vacant, which Ms. McGannon is not recommending. Past appointments have included prior members of the Council and prior candidates for Council but neither status has been a prerequisite for appointment.

In view of Gilley’s election as judge and the timing of his resignation, Ms. McGannon has advised the Council that it appears a person elected by the Council to fill Councilman Gilley’s seat will serve until the next city-wide election which is likely to be March 2016. That is when the person appointed by vote of the City Council to fill the vacancy will be required to face election to retain his or her council seat.

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Photo caption

City Councilman Toby Gilly.jpg

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