

Kirk Allen

From: Bill Donahue <bdonahue@vercounty.org>
Sent: Wednesday, April 16, 2014 3:05 PM
To: 'kirk@edgarcountywatchdogs.com'
Cc: Terrie Sherer
Subject: Board Appointment

Kirk:

I think I misunderstood your question. I said that appointments require a concurrence vote, but the Board cannot change the nominee, it is the Chairman's appointment. I thought you were referring to the variety of appointments including drainage districts and so on. However, the same applies to new board member being appointed. I do not disagree with you on that. It requires a concurrence vote and I checked with the clerk and there was not a formal vote noted. I didn't catch that because there was no opposition to the nomination and he was the only person nominated, but normally we do indeed have a voice vote for all appointments. That is easily done at the next meeting where we will confirm the appointment.

Out of curiosity, I did some checking. The statute interestingly does not define how consent is to be given. I did not see a court case defining the process by which consent is given either. Since the Democrat Party Chairman submitted the name and there were no other nominations, by announcing the nomination in open session, calling him forward without dissent or objection by any board member, I believe that the Board did in fact consent to the nomination. However, it is clear that the better practice is to have some record of that consent. We did some checking with the State and it is also clear that he was validly sworn in as a board member on Tuesday given that there was clearly only one nominee. In this case the concurrence is a perfunctory matter. However, it easily done and it is our typical, and better, practice, and so we appreciate your input and will make such a record on the next meeting date. If you have any thoughts, please feel free to pass them on.

Thank you.

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