



## Legislation Details (With Text)

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<b>On agenda:</b>	6/6/2017	<b>Final action:</b>	6/6/2017		
<b>Title:</b>	A Discussion of Options Related to Filling a Vacant Seat on the Carrboro Board of Aldermen				

**PURPOSE:** The purpose of this item is to allow the Board of Aldermen to discuss options available for filling a vacant seat on the Board and if decided, to call a special election.

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A - A Resolution Deciding How a Vacancy on the Carrboro Board of Aldermen Shall be Filled, 2. Attachment B - Town of Carrboro Charter Section 2.2 Election of Mayor and Aldermen, 3. Attachment C - NCGS 160A-63 Vacancies

Date	Ver.	Action By	Action	Result
6/6/2017	1	Board of Aldermen	approved	Pass

### TITLE:

A Discussion of Options Related to Filling a Vacant Seat on the Carrboro Board of Aldermen

**PURPOSE:** The purpose of this item is to allow the Board of Aldermen to discuss options available for filling a vacant seat on the Board and if decided, to call a special election.

**DEPARTMENT:** Town Clerk

**CONTACT INFORMATION:** Catherine Dorando

**INFORMATION:** Michelle Johnson resigned from the Carrboro Board of Aldermen on May 31, 2017. Pursuant to the Town Charter, the Board of Aldermen may fill that seat by appointment or special election when the seat that becomes vacant has one year or more of the term of office remaining.

### Option 1 - Calling a Special Election to be Held During the Regular Municipal Election

The Board can call a special election to be held in conjunction with the regular municipal election. The date for the 2017 Municipal Election is Tuesday, November 7, 2017.

Charter Section 2.2(g) - If the board of aldermen adopts a resolution calling for a special election to fill one or more vacant seats as provided in subsection (f) of this section, and the resolution sets as the date of such election the same date as municipal general election, then the resolution shall provide that the same filing period, filing fee, and absentee voting period that are applicable to the three seats on the board whose terms are expiring shall also apply to the special election for the vacant seat or seats. If the resolution sets as the date of such election concurrent with an election other than the municipal general election, then the resolution shall prescribe the filing period and the filing fee

Charter Section 2.2(h) - Whenever a vacancy on the board of aldermen is to be filled at a general municipal election (for the remaining two years of the unexpired term of the vacant seat), then (i) candidates for the office of alderman shall file and appear on the ballot simply as candidates for election to the board (i.e. they shall not be allowed to file or appear on the ballot as a candidate for a particular vacant seat or for a four-year term or for the unexpired term of a vacant seat); and (ii) the three candidates receiving the highest number of votes for the office of alderman shall be elected to full four-year terms, and the person receiving the fourth highest number of votes for aldermen (and, if necessary, the fifth and the sixth highest number of votes) shall be elected for the remaining two years of the unexpired term of the vacant seat or seats.[ Amend. By SL 2013-113 on 06/18/2013]

### **Option 2 - Appointment**

Charter Section 2.2(f) - Vacancies that occur on the board of aldermen (other than vacancies in the office of mayor) shall be filled by appointment of the board of aldermen in accordance with the provisions of G.S. 160A-63, except that whenever a seat on the board of aldermen (other than that of the mayor) becomes vacant at a time when one year or more of the term of office of that seat remains unexpired, the board of aldermen may instead adopt a resolution pursuant to G.S. 163-287 calling for a special election to fill such vacancy. Such an election shall not be scheduled during the time period beginning on the first Monday in July and ending on the last Monday in August in any calendar year.

**FISCAL & STAFF IMPACT:** There is no additional cost to calling the special election to run with the general election in November.

**RECOMMENDATION:** It is recommended that the Board of Aldermen discuss the options listed above and adopt the attached resolution pursuant to that decision.