



Legislation Text

File #: 13-0486, **Version:** 1

TITLE:

A Discussion of the Process for Filling the Alderman Seat Vacated by the Election of Mayor Lavelle

PURPOSE: The purpose of this item is to allow the Board of Aldermen to discuss, and possibly decide, which method they will use to fill the upcoming vacancy on the Board.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Wilson, 919-918-7309

INFORMATION: Alderman Lydia Lavelle was sworn in as Mayor of the Town of Carrboro. At the time of her swearing in, her seat on the Board of Aldermen became vacant with an unexpired term of November 2015. Pursuant to Section 2-2 (f) of the Town's Charter, as authorized by the North Carolina General Assembly, the Board has the authority to fill that vacant seat by an appointment process or by calling a special election.

Previous Boards have used both the appointment and election process. When those options were used, the Town's charter only authorized the use of that particular option to fill the seat. The decision before the Board to appoint or hold an election has never before been discussed by a governing Board in Carrboro and those options were authorized by the General Assembly during the 2013 session.

In 2006, the Board filled the vacancy through an appointment process. The appointment process began on December 13, 2005 and ended on February 1, 2006, with the following timeline adopted:

December 14th - December 20th Aldermen Haven-O'Donnell and Broun to prepare a list of six questions to accompany the advisory board application form for candidates to complete.

December 20th - Application and questionnaire available on the Town's website and at Town Hall

January 11th - Applications due to Town Clerk

January 13th - Town Clerk distributes applications to Mayor and Board of Aldermen

January 19th - Public Forum to Interview Candidates

January 31st - Board of Aldermen makes appointment

The actual process included:

- January 19th - Interviewed twelve candidates
- January 31st - Through 6 rounds of ballot voting, twelve candidates were narrowed to two: Dan Coleman and current Mayor, Lydia Lavelle
- February 1st - Dan Coleman was appointed to the vacant seat.

In 2013, the Board filled the vacancy of Dan Coleman's seat via special election, as that was the only authorized method of doing so based on the particularities of that situation. During that election, current Alderman Damon Seils, ran unopposed.

Option 1: Filling the Vacancy by Appointment

If the Board fills the vacancy by appointment, it shall be in accordance with the provisions of G.S. 160A-63. Since the vacant seat's term of office will expire immediately following the Town's next regular election, scheduled for November 2015, the appointee shall serve the remainder of Alderman Lavelle's unexpired term.

If the Board fills the vacancy by appointment, they can direct staff on the process in which they would like to follow. Previous appointments were filled after a call for applications and an interview process.

Option 2: Filling the Vacancy by Election

If the Board fills the vacancy by calling a special election, staff recommends that the Board schedule it to run concurrently with the May primary schedule. The Primary Election is scheduled for May 6, 2014.

If the Board fills the vacancy by election, staff will provide an item to the Board during the January 14, 2014 meeting that includes all information necessary for an election to be called.

FISCAL & STAFF IMPACT:

Option 1: Filling the Vacancy by Appointment

This process would require additional staff time in developing, posting, and accepting applications. The appointment process would also most likely require that the Board schedule additional meetings that would require staff time and attendance. There would be no additional fiscal impact associated with staff time. However, if the meetings were broadcast and recorded, there may be an additional cost associated with those contractual services.

Option 2: Filling the Vacancy by Election

This process would require contracting with Orange County Board of Elections to organize and operate the election. The estimated cost associated to the Town of Carrboro is \$1,500. That cost would cover programming and ballot layouts specific to the Town.

RECOMMENDATION: Staff asks that the Board of Aldermen discuss the processes outlined above and provide direction to staff on which method they will use to fill the vacancy.