

BOARD OF ALDERMEN

ITEM NO. (3)

AGENDA ITEM ABSTRACT

MEETING DATE: April 11, 2006

TITLE: Consideration of Charter Amendment on Filling Board Vacancies

DEPARTMENT: Town Attorney	PUBLIC HEARING: NO
ATTACHMENTS: Attachment A: 3/7/06 Memo from Town Attorney Attachment B: 11/4/05 Memo from Town Attorney Attachment C: Resolution	FOR INFORMATION CONTACT: Mike Brough 929-3905

PURPOSE

At the retreat, the Board asked the town attorney to investigate whether other municipalities had adopted charter amendments requiring that vacancies on governing bodies be filled by appointing the person who had received the highest number of votes among the unsuccessful candidates at the last election. In response, the attorney provided the Board with the memo attached as Attachment A. The purpose of this item is to provide an opportunity for the Board to consider the information contained in that memo and to decide whether it wants to pursue an amendment to the town charter that would require that vacancies that occur on the Board of Aldermen be filled by appointing the person who received the fourth highest number of votes in the last prior election.

INFORMATION

Under current state statutes, vacancies that occur in the Board of Aldermen are to be filled by the Board, with no requirement that any preference be given to persons who competed in the last prior election. For a more complete discussion of the status of the existing applicable law, see the November 4, 2005 memo from the town attorney, attached as Attachment B. The issue that has arisen is whether the town charter should be amended (by a local bill passed by the General Assembly) to require that the person who received the fourth highest number of votes in the last previous election be appointed to fill a vacancy.

Should the Board wish to consider any charter amendment addressing this issue, several possibilities exist, among them the following:

1. Require that, whenever a Board vacancy occurs, the unsuccessful candidate in the last prior election who received the highest number of votes must be appointed to fill the vacancy.
2. Require that, whenever one or more Board members who has two years remaining on his or her term is a candidate for the office of Mayor, such that it is known during the campaign that there is at least a possibility that a vacancy on the Board will be created following the election, the unsuccessful candidate in the last prior election who received the highest number of votes be appointed to fill the vacancy.
3. Adopt either #1 or #2 above as a requirement, but add the stipulation that by a supermajority vote (5, 6, or 7) the Board can choose to appoint someone else.

FISCAL IMPACT

None

RECOMMENDATION

The staff recommends that the Board discuss this issue and provide instructions on whether a charter amendment should be drafted for submission to the General Assembly.