

BOARD OF ALDERMEN

ITEM NO. F(3)

AGENDA ITEM ABSTRACT

MEETING DATE: January 15, 2013

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

DEPARTMENT: Town Clerk	PUBLIC HEARING: NO
ATTACHMENTS: A. Resolution B. Budget Amendment C. Draft Charter Amendment	FOR INFORMATION CONTACT: Cathy Wilson, Town Clerk 918-7309

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.

INFORMATION:

Dan Coleman resigned the Carrboro Board of Aldermen on January 5, 2013. Pursuant to the Town Charter, the Town of Carrboro requires 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, that such seat shall be filled by a special election. The special election shall be called by the Board of Aldermen by the adoption of a resolution pursuant to G.S. 163-287 at the next regular meeting of the Board after the vacancy occurs. The election shall not be scheduled during July or August.

Option 1 – Calling a Special Election

The special election must be called via resolution during this meeting. A special election requires a 45 day legal notice. The Board is required to set the date of the special election, the filing fee, the filing period, the early voting location (if they choose a location other than the Board of Elections office), and the early voting period. The current filing fee, during a regular election, is \$10.00 for the office of Alderman. The current filing period begins on a Friday at noon and runs for exactly two weeks, ending on a Friday at noon.

Orange County Board of Elections will be at a statewide elections conference April 7th-9th and May 28th is the day after a holiday and precinct officials may be in short supply around the holiday. There are 14 Tuesdays available that meet the timing requirements:

Tuesdays available for the election are:

- March 5th, 12th, 19th
- April 2nd, 16th, 23rd, 30th
- May 7th, 14th, 21st
- June 4th, 11th, 18th, 25th

Option 2 – 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 2013 Municipal Election is Tuesday, November 5, 2013.

Option 3 – Charter Amendment

There is also the option of amending the Town's Charter by asking the General Assembly to allow the Town of Carrboro Board of Aldermen to have the *option* of filling a vacancy by making an appointment, in accordance with the provisions of G.S. 160A-63, or by calling a special election. When the Charter was last amended, the option for appointment was removed. If the Board would like to request a Charter amendment, this could possibly be accomplished by February.

FISCAL IMPACT:

Option 1 – Calling a Special Election

\$18,000 - Currently, the Town has \$10,000 budgeted for the Special Election. A budget amendment would be required to transfer \$8,000 for the special election.

Option 2 – Calling a Special Election to be Held During the Regular Municipal Election

\$10,000 – There is no additional cost associated with the filling of the vacant seat.

Option 3 – Charter Amendment

No Cost

RECOMMENDATION:

It is recommended that the Board of Aldermen discuss the options above and provide direction to staff. Regardless of the Board's decision on seeking a Charter amendment, per the Town Charter, the resolution calling a special election must be adopted. The budget amendment, attachment B, must also be adopted. If the Board selects option 3, the Board shall direct Town staff to seek a Charter amendment as shown as Attachment C. If the Charter amendment becomes law, and the Board wishes to make an appointment to the Board, the Board may cancel the special election via resolution.