

CHAPEL HILL CODE OF ORDINANCES

CHAPTER 2, ARTICLE II. APPOINTMENTS TO VACANCIES

Sec. 2-23. Applicability.

This article shall govern the filling of vacancies in the offices of mayor and town council members.

(Ord. No. 86-2-24/O-4a, § 1)

Sec. 2-24. Provisions pursuant to the charter and general statutes.

A vacancy in the council which occurs in the first year of a four-year term of office, or during the portion of the second year which ends on the third day before the end of the filing period for that office as provided by the General Statutes, shall be filled by appointment of the town council only until the next general election, at which time the candidate receiving the fifth highest number of votes (and, if necessary, the sixth, seventh and eighth highest number) shall be declared elected for the remainder of the unexpired term. A vacancy occurring at any other time shall be filled for the remainder of the term.

A vacancy in the office of mayor shall be filled for the remainder of the term.

If the number of vacancies is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum and the council shall fill the remaining vacancies; and, if the office of mayor is also vacant, the governor may fill the vacancies, as provided by North Carolina General Statute Section 160A-63.

(Ord. No. 86-2-24/O-49, § 1; Ord. No. 95-9-11/O-4, § 1)

Sec. 2-25. Announcement of vacancy; publication of notice.

When a vacancy occurs, the mayor shall announce the vacancy at the next regular or special meeting of the council. The council shall at the same meeting set a deadline for applications for the vacant seat, which deadline shall be no less than seven (7) days and no more than thirty (30) days after publication of a notice of the vacancy. The mayor shall direct the clerk to have the notice of the vacancy published in a newspaper of general circulation by the seventh day after the date on which the mayor announced the vacancy. If the office of the mayor is vacant, the mayor protempore shall perform the duties of the mayor under this section.

The notice of a vacant office shall invite residents who are registered voters and otherwise qualified to hold the office to file an application with the town clerk by the deadline set by the council. If the mayor fills the vacancies under North Carolina General Statute Section 160A-63 because a quorum of the council cannot be obtained, the mayor shall determine an application deadline which shall be no less than seven (7) and no more than thirty (30) days after publication of the notice of vacancy.

(Ord. No. 86-2-24/O-49, § 1)

Sec. 2-26. Applications.

Applications for a vacancy shall include the name, residence address, and signature of the applicant. The applicant may include information in support of the application if the applicant wishes. The application may but need not be on a form provided by the town clerk. Applications shall be submitted to the clerk's office.

(Ord. No. 86-2-24/O-4a, § 1)

Sec. 2-27. Consideration of applications; nominations.

Promptly after the deadline for applications, the mayor shall cause copies of the applications to be distributed to the council.

At the next regular meeting of the council, or at a special meeting which may be called at the discretion of the council, the council shall review the applications and council members may make nominations. All nominations under this article shall be made only from applications received by the application deadline.

(Ord. No. 86-2-24/O-4a, § 1)

Sec. 2-28. Appointments.

At the next regular meeting or at a special meeting which shall be at least six (6) days after the meeting at which nominations may have been made as provided in section 2-27, the council may make additional nominations and may make an appointment to fill the vacancy. If the council does not make the appointment at such a meeting, the council shall make nominations and vote on the appointment at each subsequent meeting, whether regular or special, in which the appointment may be made under the council's rules of procedure.

(Ord. No. 86-2-24/O-4a, § 1)

Secs. 2-29--2-48. Reserved.