



**DRAFT**  
**TOWN OF APEX**  
**GOVERNING BODY POLICIES &**  
**RULES OF PROCEDURE**

**CHAPTER xx | SECTION xx – Resignation of Mayor or Member of Town Council**

Resignation of members of the Town Council or in the Office of the Mayor shall be in writing and shall specify the date that the resignation becomes effective. A resignation that fails to specify an effective date shall be effective when accepted by the Town Council. The written resignation shall be filed with the Town Clerk who shall record the date and time the resignation is filed. The Town Clerk shall present the resignation to the next regular meeting of the Town Council. At such meeting or at such later time as the Town Council may decide, the Town Council shall vote on the question of accepting the resignation. A resignation may be withdrawn by the maker at any time prior to the time the Town Council votes to accept it. A resignation may not be withdrawn, once it has been accepted by the Town Council, except by an approving vote of the Town Council.

**CHAPTER xx | SECTION xx – Filling Vacancies**

The Town Council shall identify and appoint a qualified person to fill an existing vacancy in the office of the Mayor or Council Member. The individual who has resigned or announced their intention to resign shall not participate in the process of filling their vacancy. The Mayor, Mayor Pro-Tempore, or other presiding officer will serve as the chairperson over this process.

The Town Clerk shall give public notice of the vacancy. The notice shall invite applications from persons who are interested in filling the vacancy. The form of the application shall be as prescribed by the Town Council and shall be provided by the Town Clerk. Completed applications shall be filed with the Town Clerk on or before the date specified in the application. All applications and candidate information are public records and subject to release pursuant to North Carolina Public Records Act.

The Town Clerk shall investigate the tax records and voting records of each applicant to ensure that all Wake County taxes are current and that the applicant is a qualified voter in the Town of Apex Corporate Limits. The Town Clerk shall also determine that each applicant satisfies all residency requirements to fill the vacancy. The applications and the information gathered by the Town Clerk with respect to applicant tax records, voting records and residency shall be provided to the Town Council.

The Town Council shall develop criteria to be used as a basis for evaluating the applications. The Town Council shall evaluate the applications based on the criteria and shall narrow the field of applicants to such number as the Town Council deems appropriate.



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The Town Council shall use the responses to the questionnaire as a basis for further narrowing the field of applicants to a final field of not less than three nor more than seven candidates. These candidates shall be invited to appear before the Town Council to be interviewed.

The Council shall schedule all meetings of the Town Council for the purpose of filling a vacancy under this subsection. All such Town Council meetings shall be called and held consistent with the State's Open Meetings Law. The Mayor or presiding officer shall attempt to obtain livestreaming or television coverage of the interviews.

Following the conclusion of the interviews and in an open meeting, the Town Council shall proceed to fill the vacancy by nomination and ballot method. Each Council member may nominate a candidate to fill the vacancy. Following the nominations, each Council member will vote by secret ballot for the person they would like to fill the vacancy. Although, the ballots may be marked secretly, each ballot must contain the Council member name for the record. The person who receives a majority of votes will be selected to fill the vacancy. If no candidate receives a majority of votes, those candidates who receive zero votes will be removed from consideration and the Council members will take a second vote. If no candidate receives a majority of votes in the second round of votes, the two candidates who received the most votes will remain on the ballot for the remaining rounds until a candidate receives a majority vote.

The Town Council is authorized to modify the procedure prescribed by this section (consistent with the general spirit and intent thereof) to address unexpected situations or to make timely progress.