

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 430  
State and Local Government Committee Substitute Adopted 5/12/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S430-PCS65091-RN-55

Short Title: Wilmington Civil Service/Amendments.

(Local)

Sponsors:

Referred to:

March 5, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT TO PROVIDE THAT  
3 THE SITTING MEMBERS OF THE CIVIL SERVICE COMMISSION, BY MAJORITY  
4 VOTE, SHALL NAME ONE MEMBER OF THE COMMISSION AND TO PROVIDE  
5 FOR THE REPLACEMENT OF THE MEMBER PREVIOUSLY NAMED BY THE  
6 WILMINGTON MINISTERIAL ASSOCIATION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Section 11.1 of Article XI of the Charter of the City of Wilmington,  
9 being Chapter 495 of the 1977 Session Laws, as amended by Chapter 342 of the 1981 Session  
10 Laws, reads as rewritten:

11 "ARTICLE XI. CIVIL SERVICE.

12 "Sec. 11.1. Civil Service Commission established. There is created a Civil Service  
13 Commission consisting of five members. Each member must be a citizen and a resident of the  
14 City of Wilmington. No member shall be an officer or employee of the city, or be a member of  
15 the immediate family of an employee of the city or a former employee of the police or fire  
16 department. Applicants to the Civil Service Commission shall complete the City of Wilmington  
17 Boards and Commissions application process.

18 The employees of the City of Wilmington Fire Department who are subject to this Article,  
19 by a majority vote, shall name one member. The employees of the City of Wilmington Police  
20 Department, who are subject to this Article, by a majority vote, shall name one member. The  
21 City Council of the City of Wilmington, by a majority vote, shall name one member. The New  
22 Hanover County Medical Society governing board, by a majority vote, shall name one member.  
23 ~~The Wilmington Ministerial Association governing body, The sitting members of the Civil~~  
24 ~~Service Commission,~~ by a majority vote, shall name one member.

25 The members of the commission shall serve a term of three years unless removed by the  
26 appointing authority. A member may be removed by a majority vote of all members of the  
27 agency appointing that member.

28 A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled  
29 by the agency authorized to name the member causing the vacancy. If the agency fails to fill the  
30 vacancy within 60 days after notification, the resident senior superior court judge of the judicial  
31 district that includes New Hanover County shall immediately fill the vacancy. Members  
32 appointed to fill a vacancy serve for the remainder of the unexpired term. Notwithstanding any  
33 other provision in this section, the member previously named by the Wilmington Ministerial



1 Association governing body, shall be replaced with another member chosen by a majority vote  
2 of the sitting members of the Civil Service Commission. The member, who must complete the  
3 City of Wilmington Boards and Commissions application process, shall fill an at-large seat for  
4 a one-year term to run from August 1, 2010, through August 1, 2011.

5 The city council shall set the compensation for allowances, if any, to be paid the members  
6 of the commission. In November of each year, the commission shall elect a chairman and may  
7 elect other officers. A majority of the members of the commission constitutes a quorum. The  
8 commission may determine its own rules of procedure.

9 The city clerk shall be designated as permanent recording secretary to the Civil Service  
10 Commission. The recording secretary shall maintain the minutes of commission meetings and  
11 hearings, keep custody of commission records and notify members of meetings. The director of  
12 personnel shall act as an ex officio member of the commission representing the city on  
13 personnel matters to be handled by the commission. The commission shall within a reasonable  
14 time, supply the director of personnel with notification of any actions, reports, or  
15 recommendations made by the commission. The personnel office shall notify affected police  
16 and fire department members of actions, reports and recommendations made by the  
17 commission."

18 **SECTION 2.** This act is effective when it becomes law.