

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 383
PROPOSED SENATE COMMITTEE SUBSTITUTE H383-PCS40482-BK-19

Short Title: Topsail Beach Charter/Board Vacancies.

(Local)

Sponsors:

Referred to:

March 20, 2019

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO
3 PROVIDE FOR THE FILLING OF VACANCIES ON THE BOARD OF
4 COMMISSIONERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 4 of the Charter of the Town of Topsail Beach, being Chapter
7 67 of the 1963 Session Laws, as amended by Chapter 272 of the 1977 Session Laws, Ordinance
8 No. 03-001, §1, June 11, 2003, and S.L. 2011-77 reads as rewritten:

9 "Sec. 4. Creation and Composition of Mayor and Board of Commissioners. Except as
10 otherwise provided in this Charter all powers of the town shall be vested in a board of
11 commissioners of five members and a mayor nominated and elected from the town at large in the
12 manner hereinafter provided. The term of office of the mayor shall be for four years effective the
13 November 2003 election and until his successor is elected and qualified. Beginning with the
14 election held in November 1977, the commissioners shall serve staggered terms. The three
15 candidates receiving the most votes in the November 1977 election shall be elected to serve
16 four-year terms. The two candidates placing fourth and fifth in the number of votes received in
17 the November 1977 election shall be elected to serve two-year terms. Thereafter, all
18 commissioners elected shall serve four-year terms. The terms of the commissioners and the
19 mayor shall begin at noon on the next business day following the certification of the election
20 results by the Pender County Board of Elections. If a vacancy occurs in the office of the mayor
21 or commissioner, it shall be filled ~~for the remainder of the unexpired term~~ by a majority vote of
22 the remaining members of the board of commissioners. If the next regular Town election will be
23 held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve
24 the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly
25 scheduled Town election that is held more than 90 days after the vacancy occurs, and the person
26 appointed to fill the vacancy shall serve only until the elected successor takes office. The elected
27 successor shall then serve the remainder of the unexpired term, or if the office was slated in that
28 election for a full term of office, for a four-year term. The mayor and members of the board of
29 commissioners shall be qualified electors of the town. A member of the board of commissioners
30 or the mayor ceasing to possess any of the qualifications specified in this ~~Section, or convicted~~
31 ~~of crime while in office~~ Section shall immediately forfeit ~~his~~ office.

32 Provided, however, that Louis Orr is hereby appointed and named as mayor, and Forrist
33 McCullen, J. A. Godwin, Tom Humphrey, Herbert Williams, and Dewey Justice are hereby
34 appointed and named as commissioners to serve as the first mayor and Board of Commissioners
35 of the Town of Topsail Beach. Their terms of office shall begin upon ratification of this Act and



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1 shall terminate at the time their successors are elected and qualified as provided for in this
2 Charter."

3 **SECTION 2.** This act is effective when it becomes law and applies to vacancies
4 existing on or after that date.