

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**HOUSE BILL 383\***

Short Title:   Topsail Beach Charter/Board Vacancies. (Local)

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Sponsors:    Representative C. Smith.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

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Referred to:   State and Local Government, if favorable, Rules, Calendar, and Operations of the House

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March 20, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO PROVIDE FOR THE FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

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

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

Provided, however, that Louis Orr is hereby appointed and named as mayor, and Forrist McCullen, J. A. Godwin, Tom Humphrey, Herbert Williams, and Dewey Justice are hereby appointed and named as commissioners to serve as the first mayor and Board of Commissioners



1 of the Town of Topsail Beach. Their terms of office shall begin upon ratification of this Act and  
2 shall terminate at the time their successors are elected and qualified as provided for in this  
3 Charter."

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