

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**SESSION LAW 2011-77  
HOUSE BILL 194**

AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR SHALL VOTE ONLY IN THE CASE OF A TIE.

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, and Ordinance No. 03-001, §1, June 11, 2003, reads as rewritten:

"Sec. 4. ~~Creation, Salary~~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 next following their election 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. 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 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 of the Town of Topsail Beach. Their terms of office shall begin upon ratification of this Act and shall terminate at the time their successors are elected and qualified as provided for in this Charter."

**SECTION 2.** Section 5 of the Charter of the Town of Topsail Beach, being Chapter 67 of the 1963 Session Laws, reads as rewritten:

"Sec. 5. Meetings of the Board of Commissioners. At noon on the next business day following a regular municipal election the board of commissioners shall assume the duties of office the certification of election results for the mayor or board of commissioners by the Pender County Board of Elections, the newly elected mayor or newly elected members of the board of commissioners shall take the oath of office as provided in Section 23 of this Charter. The oath shall be administered by a person authorized by the laws of this State to administer oaths. Upon the taking of the oath, the mayor or members of the board of commissioners shall assume all the duties of their respective office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution. Special meetings may be called upon the written request of the mayor or two members of the board of commissioners. All meetings of the board of commissioners shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat."



**SECTION 3.** Section 8 of the Charter of the Town of Topsail Beach, being Chapter 67 of the 1963 Session Laws, reads as rewritten:

"Sec. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. ~~The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinance, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present.~~ No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved. The mayor shall preside at all meetings of the board of commissioners, but shall have the right to vote only when there are equal numbers of votes in the affirmative and in the negative."

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

In the General Assembly read three times and ratified this the 16<sup>th</sup> day of May, 2011.

s/ Walter H. Dalton  
President of the Senate

s/ Dale R. Folwell  
Speaker Pro Tempore of the House of Representatives