

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 544
Apr 3, 2013
HOUSE PRINCIPAL CLERK

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HOUSE DRH10208-LM-114A (03/12)

Short Title: Wilmington Charter/Civil Service Commission. (Local)

Sponsors: Representatives Hamilton and Davis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO DELETE
3 LANGUAGE THAT RESTRICTED THE LENGTH OF THE TERM OF A MEMBER OF
4 THE CIVIL SERVICE COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 11.1 of the Charter of the City of Wilmington, being Chapter
7 495 of the 1977 Session Laws, as amended by S.L. 2010-73, reads as rewritten:

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

14 The employees of the City of Wilmington Fire Department who are subject to this Article,
15 by a majority vote, shall name one member. The employees of the City of Wilmington Police
16 Department, who are subject to this Article, by a majority vote, shall name one member. The
17 City Council of the City of Wilmington, by a majority vote, shall name one member. The New
18 Hanover County Medical Society governing board, by a majority vote, shall name one member.
19 The sitting members of the Civil Service Commission, by a majority vote, shall name one
20 member.

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

24 A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled
25 by the agency authorized to name the member causing the vacancy. If the agency fails to fill the
26 vacancy within 60 days after notification, the resident senior superior court judge of the judicial
27 district that includes New Hanover County shall immediately fill the vacancy. Members
28 appointed to fill a vacancy serve for the remainder of the unexpired term. Notwithstanding any
29 other provision in this section, the member previously named by the Wilmington Ministerial
30 Association governing body, shall be replaced with another member chosen by a majority vote
31 of the sitting members of the Civil Service Commission. The member, who must complete the
32 City of Wilmington Boards and Commissions application process, shall fill an at-large seat ~~for~~
33 ~~a one-year term to run from August 1, 2010, through August 1, 2011.~~ ~~seat.~~

34 The city council shall set the compensation for allowances, if any, to be paid the members
35 of the commission. In November of each year, the commission shall elect a chairman and may



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1 elect other officers. A majority of the members of the commission constitutes a quorum. The
2 commission may determine its own rules of procedure.

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

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