

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 430
State and Local Government Committee Substitute Adopted 5/12/09
House Committee Substitute Favorable 6/30/10

Short Title: Wilmington Civil Service/Amendments.

(Local)

Sponsors:

Referred to:

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT TO PROVIDE THAT THE SITTING MEMBERS OF THE CIVIL SERVICE COMMISSION, BY MAJORITY VOTE, SHALL NAME ONE MEMBER OF THE COMMISSION AND TO PROVIDE FOR THE REPLACEMENT OF THE MEMBER PREVIOUSLY NAMED BY THE WILMINGTON MINISTERIAL ASSOCIATION.

The General Assembly of North Carolina enacts:

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

"ARTICLE XI. CIVIL SERVICE.

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

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

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

A vacancy is caused by death, resignation, disqualification, or removal. A vacancy is filled by the agency authorized to name the member causing the vacancy. If the agency fails to fill the vacancy within 60 days after notification, the resident senior superior court judge of the judicial district that includes New Hanover County shall immediately fill the vacancy. Members appointed to fill a vacancy serve for the remainder of the unexpired term. Notwithstanding any other provision in this section, the member previously named by the Wilmington Ministerial Association governing body, shall be replaced with another member chosen by a majority vote of the sitting members of the Civil Service Commission. The member, who must complete the



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1 City of Wilmington Boards and Commissions application process, shall fill an at-large seat for
2 a one-year term to run from August 1, 2010, through August 1, 2011.

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

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

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