

CITY OF HAVELOCK CHARTER

Sec. 3. Governing body generally; elections and terms of office for mayor and board of commissioners; vacancies in office.

(a) The government of the City shall be vested in a mayor and a board of commissioners made up of five members. Regular elections shall be held biennially to elect, as their terms expire, commissioners for terms of four years and, until the regular election in 2001, a mayor for a term of two years. Beginning with the regular election in 2001, a mayor shall be elected for a term of four years. In the regular election in 1977, and quadrennially thereafter, there shall be elected two commissioners; and in the regular election in 1979, and quadrennially thereafter, there shall be elected three commissioners. Voters in each regular election shall be entitled to as many votes for the offices of commissioner as there are full terms for commissioner to be filled pursuant to this subparagraph, and to one vote for the office of mayor in the year in which the term of the mayor expires. The candidate for mayor who receives the highest number of votes shall be declared elected; and candidates for commissioner, equal in number to the number of offices to be filled, who receive the highest number of votes, shall be declared elected.

(b) Any vacancy in the office of mayor shall be filled by appointment of the board of commissioners for the remainder of the unexpired term.

(c) If a vacancy, for any reason, occurs on the board of commissioners, the remaining members shall, within thirty (30) days, appoint a qualified person to fill the vacancy as provided herein. If the vacancy occurs in the first two years of a four-year term, and more than three days before the end of the filing period for that office as provided by the General Statutes prior to the regular municipal election, the person appointed shall serve until the next statutory organizational meeting of the board after the election. At the regular municipal election, the candidate for commissioner who receives the next highest number of votes after the candidates for commissioner who are elected for full terms pursuant to subsection (a) of this section is elected to the unexpired term, said term to begin on the date of the organizational meeting. A voter may vote for no more than the number of full and unexpired terms to be filled at the election. A vacancy occurring otherwise shall be filled for the unexpired term.

(d) The board of commissioners, in acting pursuant to subparagraph (c) of this section to fill a vacancy, shall make its appointment from among those unelected candidates for commissioner in the immediately preceding regular election, who each received total votes in excess of one-half of the average number of total votes cast in such election for those candidates who were elected, appointment to be made of the first then eligible candidate as taken in the order of the highest number of votes received in the foregoing election; and provided that if there is no candidate so eligible for appointment that the board of commissioners shall make its appointment to fill the vacancy from among all eligible citizens. (Acts 1981, ch. 94, § 1; Acts 1977, ch. 152, § 1; Acts 1998, HB 1540, § 1; HB 811, § 1)

HAVELOCK CODE OF ORDINANCES

§ 30.01 COMPOSITION AND ELECTION OF GOVERNING BODY.

The governing body shall consist of a Mayor and a Board of Commissioners of five members and shall be elected in accordance with the provisions of the City Charter and the applicable provisions of the North Carolina General Statutes.

(1989 Code, § 2-1) (Ord. passed 7-19-1971)

CHAPTER 31: BOARD OF COMMISSIONERS

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GENERAL PROVISIONS

§ 31.01 OATH OF MEMBERS.

Each Commissioner, before entering upon the duties of his or her office, shall take and subscribe before some person lawfully entitled to administer oaths an oath or affirmation to support the Constitution of the United States and the Constitution of the state and the laws made pursuant thereto and to faithfully perform the duties of his or her office, which oath or affirmation shall be entered upon the minutes of the Board, subscribed as provided in this section and attested by the officer administering the oath.

(1989 Code, § 2-15) (Ord. passed 7-19-1971)

Statutory reference:

Oath of office, see G.S. § 160A-61

Similar provisions, see Constitution Art. 6, § 7

§ 31.02 SELECTION AND DUTIES OF MAYOR PRO TEMPORE.

At the first meeting after their election, the Board of Commissioners shall select one of their members to act as Mayor Pro Tempore at the pleasure of the Board. The Commissioner selected shall exercise the duties of the Mayor upon the conditions set forth in G.S. § 160A-70.

(1989 Code, § 2-16) (Ord. passed 7-19-1971)

§ 31.03 Filling of Vacancy

Any vacancy that occurs in an elective office of the City shall be filled by appointment of the Board of Commissioners pursuant to the Charter and G.S. § 160A-63.

(1989 Code, § 2-17) (Ord. passed 7-19-1971)

§ 31.04 DISQUALIFICATION OF MEMBERS ON REMOVAL FROM CITY.

If any member of the Board of Commissioners, including the Mayor, moves his or her residence from within the corporate limits of the City, his or her office shall at once be declared vacant, and shall be filled as provided in § [31.03](#).

(1989 Code, § 2-18) (Ord. passed 7-19-1971)

§ 31.05 SUBMISSION AND CONSIDERATION OF RESIGNATIONS OF MEMBERS.

Resignation of any member of the Board of Commissioners shall be in writing, and the resignation shall lie on the table until the next regular meeting unless considered by a unanimous consent.

(1989 Code, § 2-19) (Ord. passed 7-19-1971)

MEETINGS

§ 31.20 REGULAR MEETINGS.

The regular meeting of the Mayor and the Board of Commissioners shall be held on the second and fourth Monday of each month at the City Hall or at any other places which may be designated by the Board.

(1989 Code, § 2-20) (Ord. passed 7-19-1971)

Statutory reference:

State law authorizing Board of Commissioners to fix the time and place of regular meetings, see G.S. § 160A-71

§ 31.21 SPECIAL MEETINGS.

The Mayor, the Mayor Pro Tempore, or any two members of the Board of Commissioners may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Commissioner or left at his or her usual dwelling place at least forty-eight (48) hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice. In addition to the notice procedures set out in this section, a person or persons calling a special meeting of the Board of Commissioners shall comply with the notice requirements of G.S. Ch. 143, Art. 33C. Special meetings may be held at any time when the Mayor and all members of the Board of Commissioners are present and consent thereto, or when those not present have signed a written waiver of notice. During any regular meeting, or any duly called special meeting, the Board of Commissioners may call or schedule a special meeting, provided that the motion or resolution calling or scheduling any such special meeting shall specify the time, place, and purpose or purposes of the meeting and shall be adopted during an open session.

(1989 Code, § 2-21) (Ord. passed 7-19-1971; Ord. passed 8-12-1991)

Statutory reference:

Notice requirements, see G.S. § 143-318.12

Similar provisions, see G.S. § 160A-71

§ 31.22 ADJOURNED MEETINGS.

Any regular or special meeting may be recessed or adjourned to reconvene pursuant to G.S. § 160A-71.

(1989 Code, § 2-22) (Ord. passed 7-19-1971)

§ 31.23 MAYOR TO PRESIDE.

The Mayor shall preside at all meetings of the Board of Commissioners.

(1989 Code, § 2-23) (Ord. passed 7-19-1971)

Statutory reference:

Similar provisions, see G.S. § 160A-69

31.24 VOTE OF MAYOR.

The Mayor shall not vote on any question before the Board of Commissioners, except in the case of a tie where it is necessary for him or her to vote to break the same.

(1989 Code, § 2-24) (Ord. passed 7-19-1971)

Statutory reference:

Voting of Mayor, see G.S. § 160A-69

§ 31.25 WHEN MAYOR MAY APPOINT COMMITTEES.

The Mayor may appoint committees for special purposes.

(1989 Code, § 2-25) (Ord. passed 7-19-1971)

§ 31.26 RULES OF PROCEDURE.

Robert's Parliamentary Rules of Order shall apply to all meetings held by the Board of Commissioners.

(1989 Code, § 2-26) (Ord. passed 7-19-1971)

Statutory reference:

State law authorizing Board of Commissioners to adopt its own rules of procedure, see G.S. § 160A-71

§ 31.27 QUORUM; VOTE REQUIRED TO ADOPT MOTIONS AND THE LIKE.

(A) A majority of the actual membership of the Board of Commissioners plus the Mayor, excluding vacant seats, shall constitute a quorum and no official business shall be transacted by the Board unless a quorum is present.

(B) Except as otherwise provided by statute or the Code, a majority vote of all members present and not excused from voting shall be necessary to adopt any motion, resolution, or take other action.

(1989 Code, § 2-27) (Ord. passed 7-19-1971; Ord. passed 1-27-1986)

MAYOR

§ 32.01 OATH.

The Mayor, before entering upon the duties of his or her office, shall take and subscribe before some person lawfully entitled to administer oaths an oath or affirmation to support the Constitution of the United States and the Constitution of the state and the laws made pursuant thereto and to faithfully perform the duties of his or her office, which oath or affirmation shall be entered upon the minutes of the Board, subscribed as provided in this section and attested by the officer administering the oath.

(1989 Code, § 2-29) (Ord. passed 7-19-1971)

Statutory reference:

Oath of office, see G.S. § 160A-61

Similar provisions, see Constitution Art. 6, § 7

§ 32.02 Mayor TO BE OFFICIAL HEAD OF CITY.

The Mayor shall be the official head of the City for all ceremonial purposes.

(1989 Code, § 2-30) (Ord. passed 7-19-1971; Ord. passed 2-9-1987)

Statutory reference:

Compensation of Mayor, see G.S. § 160A-64

Powers of Mayor generally, see G.S. § 160A-67