

## ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

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### § 3.1 COMPOSITION OF BOARD OF COMMISSIONERS.

The board of commissioners shall consist of five (5) commissioners to be elected by the qualified voters of the town voting at large in the manner provided in Article IV.

(Am. Ord. 2011-09, passed - -11)

### § 3.2 MAYOR AND MAYOR PRO TEMPORE.

The mayor shall be elected by and from the qualified voters of the town voting at large in the manner provided in Article IV. The mayor shall be the official head of the town government and shall preside at all meetings of the board of commissioners. Where there is an equal division on a question, the mayor shall determine the matter by his vote, but he shall vote in no other case. The mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this charter and by the ordinances of the town and such authority shall specifically include the power to perform the marriage ceremony. The board of commissioners shall choose one (1) of its number to act as mayor pro tempore, and he shall perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the board.

(Ch. 561, Sess. L. 1971, Ch. 8, Sess. L. 1973)

### § 3.3 TERMS; QUALIFICATIONS; VACANCIES.

(A) The mayor shall serve for a term of four (4) years and members of the board of commissioners shall serve for terms of four (4) years or two (2) years, as provided in Section 4.1, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this charter; provided, they shall serve until their successors are elected and qualify. (Amended 1977)

(B) No person shall be eligible to be a candidate or be elected as mayor or as a member of the board of commissioners or to serve in such capacity, unless he is a resident and a qualified voter of the town.

(C) In the event a vacancy occurs in the office of mayor or commissioner, the board shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

(Am. Ord. 2009-11, passed 5-19-09; Am. Ord. 2011-09, passed - -11)

#### **Statutory reference:**

*Residency requirements, N.C. Constitution Art. VI; vacancies, see G.S. §§ 160A-63*

*Qualifications, see G.S. § 160A-59*

### § 3.4 COMPENSATION OF MAYOR AND COMMISSIONERS.

The mayor shall receive for his services such salary as the Board of Commissioners shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Board may establish a salary for its members which may be increased or reduced.

#### **Statutory reference:**

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

### **§ 3.5 ORGANIZATION OF BOARD; OATHS OF OFFICE.**

The Board of Commissioners shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to January 1. Before entering upon their offices, the Mayor and each commissioner shall take, subscribe and have entered upon the minutes of the Board the following oath of office: "I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of \_\_\_\_\_, on which I am about to enter, according to my best skill and ability; so help me, God."

(Amended November 10, 1988)

#### **Statutory reference:**

*Organizational meeting of Board is to be held at first regular meeting in December after election results are certified, see G.S. § 160A-68*

### **§ 3.6 MEETINGS OF COUNCIL.**

(A) The Board of Commissioners shall fix suitable times for its regular meeting, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Board, and those not joining in the call shall be notified in writing. Any business may be transacted at a regular meeting.

(B) All meetings of the Board shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

#### **Statutory reference:**

*Regular and special meeting, see G.S. § 160A-71*

*Open meetings statute, see G.S. § 143-318.9*

### **§ 3.7 QUORUM; VOTES.**

(A) A majority of the members elected to the Board of Commissioners shall constitute a quorum for the conduct of business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(B) Three (3) affirmative votes, which may include the vote of the Mayor in case of equal division among the board, shall be necessary to adopt any ordinance or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

(Am. Ord. 2011-09, passed - -11)

#### **Statutory reference:**

*Quorum requirements, see G.S. § 160A-74*

### **§ 3.8 ORDINANCES AND RESOLUTIONS.**

The adoption, amendment, repeal, pleading or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the board. The enacting clauses of all ordinances shall be: "Be it Ordained by the Board of

Commissioners of the Town of Swansboro.” All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.