

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 265*

Short Title: Creedmoor Charter Revised & Consolidated. (Local)

Sponsors: Senator McKissick (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 16, 2017

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
CREEDMOOR.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Creedmoor is revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF CREEDMOOR

"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES

"Section 1.1. Incorporation. The City of Creedmoor, North Carolina, in Granville County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name of the "City of Creedmoor," hereinafter at times referred to as the "City."

"Section 1.2. Powers. The City shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the City of Creedmoor specifically by this Charter or upon municipal corporations by general law. The term "general law" is employed herein as defined in G.S. 160A-1.

"Section 1.3. Corporate Limits. The corporate limits shall be those existing at the time of ratification of this Charter, as set forth on the official map of the City and as they may be altered from time to time in accordance with law. An official map of the City, showing the current municipal boundaries, shall be maintained permanently in the Office of the City Clerk and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the Office of the Secretary of State, the Granville County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY

"Section 2.1. City Governing Body. The Board of Commissioners, hereinafter referred to as the "Board," and the Mayor shall be the governing body of the City.

"Section 2.2. Composition; Terms of Office. The Board of Commissioners shall be composed of five members, to be elected by all the qualified voters of the City voting at large in the manner provided in Article III of this Charter. The members shall serve four-year staggered terms as provided in Section 3.3 of this Charter or until their successors are elected and qualified.

"Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by all the qualified voters of the City voting at large in the manner provided in Article III of this Charter for a term of two years or until a successor is elected and qualified. The Mayor shall be the official head of the City government and shall preside at meetings of the Board, shall have the right to vote only when there is an equal division on any question or matter before the Board, and shall exercise the powers and duties conferred by law or as directed by the Board.



1 "Section 2.4. Mayor Pro Tempore. In accordance with general law, the Board shall elect from
2 among its members a Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's
3 absence or disability.

4 "Section 2.5. Meetings. In accordance with general law, the Board shall establish a suitable
5 time and place for its regular meetings. Special and emergency meetings may be held as provided
6 by general law.

7 "Section 2.6. Quorum; Voting. Official actions of the Board and all votes shall be taken in
8 accordance with the applicable provisions of general law. The quorum provisions of G.S. 160A-74
9 shall apply.

10 "Section 2.7. Vacancies. Vacancies that occur in any elective office of the City shall be filled
11 in accordance with the applicable provisions of general law.

12 "ARTICLE III. ELECTIONS

13 "Section 3.1. Regular Municipal Elections. Regular municipal elections shall be held in each
14 odd-numbered year in accordance with the uniform municipal election laws of North Carolina.
15 Elections shall be conducted on a nonpartisan basis and the results determined using the
16 nonpartisan plurality method as provided in G.S. 163-292.

17 "Section 3.2. Election of Mayor. A Mayor shall be elected in the regular municipal election in
18 2017 and every two years thereafter.

19 "Section 3.3. Election of Commissioners. The Commissioners serving on the date of
20 ratification of this Charter shall serve until the expiration of their terms or until their successors are
21 elected and qualified. In the regular municipal election in 2017, and quadrennially thereafter, two
22 Commissioners shall be elected to serve four-year terms in those positions whose terms are then
23 expiring. In the regular municipal election in 2019, and quadrennially thereafter, three
24 Commissioners shall be elected to serve four-year terms in those positions whose terms are then
25 expiring.

26 "Section 3.4. Special Elections and Referenda. Special elections and referenda may be held
27 only as provided by general law or applicable local acts enacted by the General Assembly.

28 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION

29 "Section 4.1. Form of Government. The City shall operate under the council-manager form of
30 government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

31 "Section 4.2. City Manager; Appointment; Powers and Duties. The Board shall appoint a City
32 Manager who shall be responsible for the administration of all departments of the City
33 government. The City Manager shall have all the powers and duties conferred by general law,
34 except as expressly limited by the provisions of this Charter, and shall have the additional powers
35 and duties conferred by the Board as authorized by general or local law.

36 "Section 4.3. City Attorney. The Board shall appoint a City Attorney to represent the City,
37 advise City officials, and perform other duties required by law or directed by the Board.

38 "Section 4.4. City Clerk. The City Manager shall appoint a City Clerk, subject to confirmation
39 by a majority vote of the Board. The City Manager shall direct and supervise the City Clerk and
40 shall have authority to take disciplinary action regarding the City Clerk, including removal, in
41 accordance with general personnel rules, regulations, policies, or ordinances adopted by the Board.
42 The City Clerk shall keep a journal of the proceedings of the Board, maintain official records and
43 documents, give notice of meetings, and perform other duties required by general or local law or
44 directed by the City Manager.

45 "Section 4.5. Finance Director. The City Manager shall appoint a Finance Director to perform
46 the duties prescribed in G.S. 159-25 and to perform other duties required by law or assigned by the
47 City Manager.

48 "Section 4.6. Tax Collector. The Board shall appoint a Tax Collector as provided in
49 G.S. 105-349 to collect all taxes owed to the City and to perform the duties specified in
50 G.S. 105-350 and any other duties prescribed by general or local law.

1 "Section 4.7. Other Administrative Officers and Employees. The Board may authorize other
2 positions to be filled by appointment by the City Manager and may organize the City government
3 as deemed appropriate, subject to the requirements of general or local law.

4 "ARTICLE V. ORDINANCES

5 "Section 5.1. Adoption and Effective Date. The adoption, amendment, repeal, pleading, or
6 proving of ordinances shall be in accordance with general law unless otherwise provided for by
7 this Charter. All ordinances and resolutions shall take effect upon adoption unless otherwise
8 provided for by general or local law or this Charter.

9 "Section 5.2. Effect of Ordinances on City Property. All applicable ordinances of the City shall
10 have full force and effect upon and within all property and facilities owned by the City, whether
11 located within or outside the corporate limits."

12 **SECTION 2.** The purpose of this act is to revise the Charter of the City of Creedmoor
13 and to consolidate certain acts concerning the property, affairs, and government of the City. It is
14 intended to continue without interruption those provisions of prior acts that are expressly
15 consolidated into this act, so that all rights and liabilities which have accrued are preserved and
16 may be enforced.

17 **SECTION 3.** This act does not repeal or affect any acts concerning the property,
18 affairs, or government of public schools or any acts validating official actions, proceedings,
19 contracts, or obligations of any kind.

20 **SECTION 4.** The following act, having served the purposes for which it was enacted
21 or having been consolidated into this act, is expressly repealed:

22 Chapter 826 of the 1969 Session Laws, except Section 4.

23 **SECTION 5.** Notwithstanding any other provision of this act, the following acts
24 (including any amendments thereto) are not repealed, and the provisions of these acts remain
25 effective as to the City of Creedmoor as if this act had not been enacted:

26 Chapter 610 of the 1987 Session Laws.

27 S.L. 2012-55.

28 **SECTION 6.** The Mayor and Commissioners serving on the date of ratification of this
29 act shall serve until the expiration of their terms or until their successors are elected and qualified.
30 Thereafter, those offices shall be filled as provided in Articles II and III of the Charter of the City
31 of Creedmoor, as enacted in Section 1 of this act.

32 **SECTION 7.** This act does not affect any rights or interests that arose under any
33 provisions repealed by this act.

34 **SECTION 8.** All existing ordinances, resolutions, and other provisions of the City of
35 Creedmoor not inconsistent with the provisions of this act shall continue in effect until repealed or
36 amended.

37 **SECTION 9.** No action or proceeding pending on the effective date of this act by or
38 against the City or any of its departments or agencies shall be abated or otherwise affected by this
39 act.

40 **SECTION 10.** If any provision of this act or application thereof is held invalid, such
41 invalidity shall not affect other provisions or applications of this act that can be given effect
42 without the invalid provision or application, and to this end, the provisions of this act are declared
43 to be severable.

44 **SECTION 11.** Whenever a reference is made in this act to a particular provision of
45 the General Statutes, and that provision is later amended, superseded, or recodified, the reference
46 shall be deemed amended to refer to the amended General Statute, or to the General Statute that
47 most clearly corresponds to the statutory provision which is superseded or recodified.

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