

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1602

Short Title: Rowland Charter Revision.

(Local)

Sponsors: Representatives Bonner; Sutton and Yongue.

Referred to: Local and Regional Government I, if favorable, Finance.

May 28, 1998

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ROWLAND.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Rowland is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF ROWLAND.

"ARTICLE 1. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

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

"Section 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Town of Rowland 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 Boundaries.** The corporate boundaries shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as they may be altered from time to time in accordance with law. An official

1 map of the Town, showing the current municipal boundaries, shall be maintained in the
2 office of the Town Clerk and shall be available for public inspection. Upon alteration of
3 the corporate limits pursuant to law, the appropriate changes to the official map shall be
4 made, and copies shall be filed in the office of the Secretary of State, the Robeson County
5 Register of Deeds, and the appropriate board of elections.

6 "ARTICLE 2. GOVERNING BODY.

7 "Section 2.1. **Identification.** The Town Board of Commissioners hereinafter referred
8 to as the 'Board', shall be the governing body of the Town.

9 "Section 2.2. **Composition; Terms of Office.** The Town Board shall be composed
10 of four Commissioners to be elected by all the qualified voters of the Town voting at
11 large for terms of four years, or until their successors are elected and qualified, and the
12 Mayor.

13 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
14 qualified voters of the Town for a term of two years or until a successor is elected and
15 qualified. The Mayor shall be the official head of the Town government and shall preside
16 at meetings of the Board, shall have the right to vote only when there is an equal division
17 on any question or matter before the Board, and shall exercise the powers and duties
18 conferred by law or as directed by the Board.

19 "Section 2.4. **Qualifications for Office; Compensation; Vacancies.** The
20 qualifications and compensation of the Mayor and Commissioners shall be in accordance
21 with general law. In addition, no Mayor or Commissioner shall be qualified to hold
22 office if that person: (i) is more than 30 days delinquent in the payment of any sum of
23 money owed by that person to the Town of Rowland, (ii) has been convicted of any
24 felony by any court of competent jurisdiction, (iii) has failed to attend more than three
25 meetings of the Town Board of which that person has had proper notice. If the Town
26 Board determines that one of the above-listed qualifications has been violated by a
27 Commissioner or the Mayor and that such violation was within the control of the violator
28 or that the violation can reasonably be expected to continue for an additional three
29 months, the Board shall declare the position of the violator vacant and shall proceed to
30 fill the vacancy. Vacancies shall be filled as provided below.

31 "Section 2.5. **Mayor Pro Tempore.** The Board shall elect one of its members as
32 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or
33 disability, in accordance with general law. While presiding at meetings of the Board, the
34 Mayor Pro Tempore shall be entitled to cast his vote as a Commissioner, but shall not
35 cast an additional deciding vote in the case of a tie vote. The Mayor Pro Tempore shall
36 serve in such capacity at the pleasure of the Board.

37 "Section 2.6. **Meetings.** In accordance with general law, the Board shall establish a
38 suitable time and place for its regular meeting. Special and emergency meetings may be
39 held as provided by general law. The quorum provisions of G.S. 160A-74 shall apply.
40 Official action of the Board shall in every instance be by majority vote, provided that a
41 quorum, consisting of a majority of the actual membership of the Board, is present.
42 Vacant seats are to be subtracted from the normal Board membership to determine the
43 actual membership.

1 "Section 2.7. **Quorum.** A majority of the actual membership of the council plus the
2 Mayor (or the Mayor Pro Tempore), excluding vacant seats, shall constitute a quorum. A
3 member who has withdrawn from a meeting without being excused by majority vote of
4 the remaining members present shall be counted as present for purposes of determining
5 whether or not a quorum is present. Any number of commissioner(s) attending a duly
6 called meeting or public hearing may, by majority vote, with or without the presence of a
7 presiding officer, recess the meeting or hearing to another time, without the necessity for
8 additional publicity of the meeting or hearing.

9 "ARTICLE 3. ELECTIONS.

10 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
11 held in each odd-numbered year in accordance with the uniform municipal election laws
12 of North Carolina. Elections shall be conducted on a nonpartisan basis and the results
13 determined using the nonpartisan election and runoff election method as provided in G.S.
14 163-279(a)(4) and G.S. 163-293.

15 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in each regular municipal
16 election.

17 "Section 3.3. **Election of Commissioners.** Two Commissioners shall be elected in
18 each regular municipal election.

19 "Section 3.4. **Special Elections to Fill Vacancies.** If there is a vacancy in the office
20 of Mayor or Commissioner after qualification or because of a refusal to qualify, a special
21 election shall be called by the Town Board and shall be held to fill the vacancy.
22 However, if the vacancy occurs after the opening date for filing of candidacy under the
23 General Statutes in the year in which the term is to expire, no special election shall be
24 held. In such case, the provisions of G.S. 160A-63 shall control. Candidates in any
25 special election may file their notices of candidacy no earlier than noon on the tenth
26 Friday preceding the special election and no later than noon on the seventh Friday
27 preceding the special election.

28 "Section 3.5. **Other Special Elections and Referenda.** Except as specified above,
29 special elections and referenda may be held only as provided by general law or applicable
30 local acts of the General Assembly.

31 "ARTICLE 4. ORGANIZATION AND ADMINISTRATION.

32 "Section 4.1. **Form of Government.** The Town of Rowland shall operate under the
33 Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General
34 Statutes.

35 "Section 4.2. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal
36 of the proceedings of the Board, to maintain official records and documents, to give
37 notice of meetings, and to perform such other duties as may be prescribed by law or
38 assigned by the Town Board.

39 "Section 4.3. **Finance Officer.** The Town Board shall appoint a Finance Officer to
40 perform the duties designated in G.S. 159-25 and such other duties as may be prescribed
41 by law or assigned by the Town Board, subject to general law.

1 "Section 4.4. **Tax Collector.** The Board shall appoint a Tax Collector pursuant to
2 G.S. 105-349 to collect all taxes owed to the Town and to perform such other duties as
3 may be prescribed by law or assigned by the Town Board, subject to general law.

4 "Section 4.5. **Town Attorney.** The Board of Commissioners shall appoint a Town
5 Attorney who shall be an attorney-at-law licensed to engage in the practice of law in
6 North Carolina and who need not be a resident of the Town during his tenure.

7 "Section 4.6. **Other Administrative Officers and Employees.** The Board may
8 authorize other positions, subject to the requirements of general law.

9 "Section 4.7. **Consolidation of Functions.** The Board may consolidate any two or
10 more of the following positions: Clerk, Tax Collector, Finance Officer, and officers and
11 employees authorized under Section 4.6, or may assign the functions of any one or more
12 of these positions to the holder or holders of any other of these positions, subject to the
13 Local Government Budget and Fiscal Control Act.

14 "Section 4.8. **Bond of Officers.** The Finance Officer, Tax Collector, and all other
15 employees of the Town whose duties require them to handle any funds of the Town, and
16 such other officers and employees of the Town as the Board may by resolution
17 determine, shall give bonds for the faithful performance of their duties. The Town Board
18 shall require by resolution the giving and maintenance of all such bonds in amounts
19 adequate to protect the Town from loss. The premiums on such bonds shall be paid by
20 the Town.

21 "ARTICLE 5. MISCELLANEOUS.

22 "Section 5.1. **Town Departments.** The Board of Commissioners may establish such
23 departments to serve the Town as they deem appropriate.

24 "Section 5.2. **Conflicts of Interest.** Any officer, employee, Commissioner or Mayor
25 who has a financial interest, direct or indirect, in any proposed contract with the Town or
26 in a proposed sale of any land, material, supplies, or services to the Town or to a
27 contractor supplying the Town, shall make known that interest and shall refrain from
28 voting upon or otherwise participating in the making of such a contract or sale. If the
29 Town Board determines that any officer, employee, Commissioner, or Mayor has
30 willfully violated the requirements of this section, that person shall be removed by the
31 Town Board from his office or position. Violation of this section with knowledge,
32 expressed or implied, by the person or corporation contracting with or making a sale to
33 the Town shall render the contract void.

34 "Section 5.3. **Construction Outside Corporate Limits.** In addition to any authority
35 granted by general law, the Town is authorized to construct or reconstruct water and
36 sewer lines and facilities outside the corporate limits of the Town as the Board may deem
37 appropriate, to furnish water and sewer services to homeowners and industries outside the
38 Town limits, and to make such charges for the services as the Board may deem
39 reasonable.

40 "Section 5.4. **Severability of Provisions.** If any of this act or the application thereof
41 to any person or circumstance is held invalid, such invalidity shall not affect other
42 provisions or applications of this act which can be given effect without the invalid

1 provision or application, and to this end the provisions of this act are declared to be
2 severable."

3 Section 2. The following acts, having served the purposes for which they were
4 enacted or having been consolidated into this act, are expressly repealed:

5 Chapter 266, Private Laws of 1889

6 Chapter 149, Private Laws of 1909

7 Chapter 155, Private Laws of 1909

8 Chapter 51, Private Laws, Extra Session of 1913

9 Chapter 217, Private Laws of 1915

10 Chapter 46, Private Laws, Extra Session of 1920

11 Chapter 74, Private Laws, Extra Session of 1920

12 Chapter 110, Private Laws of 1925

13 Chapter 135, Private Laws of 1933

14 Chapter 66, Private Laws of 1935

15 Chapter 123, Private Laws of 1935

16 Chapter 306, Public-Local Laws of 1937

17 Chapter 864, Session Laws of 1951

18 Chapter 867, Session Laws of 1961, except for Section 1.

19 Section 3. This act does not repeal or affect any rights or obligations, nor any
20 actions or proceedings previously established or currently pending. All existing
21 ordinances, resolutions, and other provisions of the Town of Rowland shall continue in
22 effect until repealed or amended.

23 Section 4. Whenever a reference is made in this act to a particular provision of
24 the General Statutes, and such provision is later amended, superseded, or remodified, the
25 reference shall be deemed amended to refer to the amended General Statute or to the
26 General Statute which most clearly corresponds to the statutory provision which is
27 superseded or modified. No change in the General Statutes which conflicts with the
28 provisions of this Charter shall supersede any provision of this Charter unless an
29 intention to do so is expressly stated.

30 Section 5. This act is effective when it becomes law.