

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 236

Short Title: Trinity Incorporated.

(Local)

Sponsors: Representatives Dockham; and Culp.

Referred to: Local & Regional Government II, if favorable, Finance.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE CITY OF TRINITY.

The General Assembly of North Carolina enacts:

Section 1. (a) The Randolph County Board of Elections shall conduct an election on July 8, 1997, for the purpose of submission to the qualified voters of the area described in Section 2-1 of the Charter of the City of Trinity, the question of whether or not such area shall be incorporated as the City of Trinity. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, the question on the ballot shall be:

"[] FOR [] AGAINST

INCORPORATION OF THE CITY OF TRINITY".

Section 2. In the election, if a majority of the votes are cast "FOR Incorporation of the City of Trinity", Sections 3 through 5 of this act become effective on the date of the certification of the results of the election. Otherwise, Sections 3 through 5 of this act have no force and effect.

Section 3. A Charter of the City of Trinity is enacted as follows:

"THE CHARTER OF THE CITY OF TRINITY.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

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1 "Section 1-1. The inhabitants of the City of Trinity are a body corporate and politic
2 under the name 'City of Trinity'. Under that name they have all the powers, duties,
3 rights, privileges, and immunities conferred and imposed on cities by the general law of
4 North Carolina.

5 **"CHAPTER II.**

6 **"CORPORATE BOUNDARIES.**

7 "Section 2-1. **City Boundaries.** Until modified in accordance with the law, the
8 boundaries of the City of Trinity are as follows:

9 That area set out as the corporate limits of the City of Trinity on a boundary map
10 recorded at Book 47, Page 98, Randolph County Registry.

11 **"CHAPTER III.**

12 **"GOVERNING BODY.**

13 "Section 3-1. **Structure of the Governing Body; Number of Members.** The
14 governing body of the City of Trinity is the City Council which has eight members.

15 "Section 3-2. **Manner of Electing Council.** The city is divided into four wards, each
16 with two members, and the qualified voters of the entire city elect candidates who reside
17 in that ward for the seats apportioned to that ward. Each ward shall have the same
18 number of persons as nearly as practicable.

19 "Section 3-3. **Term of Office of Council Members.** Members of the Council are
20 elected to four-year terms. In 1997, two persons shall be elected for each ward. The
21 candidate in each ward receiving the highest number of votes is elected to a four-year
22 term, and the candidate receiving the next highest number of votes is elected to a two-
23 year term. In 1999 and biennially thereafter, one member shall be elected from each ward
24 for a four-year term.

25 "Section 3-4. **Mayor; Term of Office.** In 1997, the Mayor shall be selected by the
26 qualified voters of the city for a two-year term. In 1997 and quadrennially thereafter, the
27 Mayor shall be selected by the qualified voters of the city for a four-year term.

28 "Section 3-5. **Vacancies.** Notwithstanding G.S. 160A-63, any person appointed to fill
29 a vacancy in the City Council or as Mayor shall serve for the remainder of the unexpired
30 term.

31 **"CHAPTER IV.**

32 **"ELECTIONS.**

33 "Section 4-1. Election of the Mayor and Council members shall be elected on a
34 nonpartisan plurality basis and the results determined in accordance with G.S. 163-292.

35 "Section 4-2. Election results shall be determined by the Randolph County Board of
36 Elections according to Chapter 163 of the General Statutes.

37 **"CHAPTER V.**

38 **"ADMINISTRATION.**

39 "Section 5-1. **Mayor-Council Plan.** The City of Trinity shall operate under the
40 Mayor-Council Plan as provided in Part 3 of Article 7 of Chapter 160A of the General
41 Statutes.

42 **"CHAPTER VI.**

43 **"OTHER PROVISIONS.**

1 "Section 6-1. **Open Meetings.** Notwithstanding Article 33C of Chapter 143 of the
2 General Statutes, the City Council may not hold a closed session.

3 "Section 6-2. **Council Votes.** The ayes and noes shall be recorded upon all
4 ordinances and resolutions and entered upon the minutes of the Council. The ordaining
5 clause of all ordinances shall be 'Be it ordained by the City Council of the City of
6 Trinity.'"

7 Section 4. From the effective date of this Charter until the organizational
8 meeting of the City Council after the 1997 municipal election, the members of the
9 Council shall be: Paul Guthrie, Jerry Royals, Barbara Ewings, Larry Overcash, Kenneth
10 Orr, Pam Goins, and Dean Spinks. They shall elect from among their membership a
11 Chairman, who shall have the powers of the Mayor until a Mayor is elected and qualifies
12 at the organizational meeting after the 1997 municipal election.

13 Section 5. (a) The City Council shall, no later than August 8, 1997, adopt a plan to
14 divide the city into four wards for the purpose of elections as provided in Section 3-2 of
15 the Charter. The plan shall immediately be transmitted to the Randolph County Board of
16 Elections.

17 (b) Notwithstanding G.S. 163-294.2, the filing period for Mayor and City
18 Council for the 1997 municipal election shall open at 12:00 noon on the business day
19 after the plan required by subsection (a) of this section is adopted and shall close at 12:00
20 noon on the third Friday thereafter.

21 Section 6. (a) From and after the effective date of the Charter, the citizens and
22 property in the City of Trinity shall be subject to municipal taxes levied for the year
23 beginning July 1, 1997, and for that purpose the City shall obtain from Randolph County
24 a record of property in the area herein incorporated which was listed for taxes as of
25 January 1, 1997; and the businesses in the City shall be liable for privilege license tax
26 from the effective date of the privilege license tax ordinance.

27 (b) The City may adopt a budget ordinance for fiscal year 1997-98 without
28 following the timetable in the Local Government Budget and Fiscal Control Act, but shall
29 follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal
30 year 1997-98, ad valorem taxes may be paid at par or face amount within 90 days of
31 adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S.
32 105-360 as if the taxes had been due and payable on September 1, 1997.

33 Section 7. This act is effective when it becomes law.