

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1615

Short Title: China Grove Charter Revision.

(Local)

Sponsors: Representatives McCombs; and Coates.

Referred to: Local Government II.

June 12, 2002

A BILL TO BE ENTITLED

1 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
2 CHINA GROVE.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the Town of China Grove is revised and
6 consolidated to read as follows:

7 "THE CHARTER OF THE TOWN OF CHINA GROVE.

8 "ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

9 "Section 1.1. **Incorporation.** The Town of China Grove, North Carolina, in Rowan
10 County and the inhabitants thereof shall continue to be a municipal body politic and
11 corporate, under the name of the 'Town of China Grove', hereinafter at times referred to
12 as the 'Town'.

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

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

25 "ARTICLE II. GOVERNING BODY.

26 "Section 2.1. **Town Governing Body; Composition.** The Town Board of
27 Aldermen, hereinafter referred to as the 'Board', and the Mayor shall be the governing
28 body of the Town.

1 "Section 2.2. **Town Board of Aldermen; Composition; Terms of Office.** The
2 Town Board shall be composed of five members, to be elected by all the qualified
3 voters of the Town, for staggered terms of four years or until their successors are elected
4 and qualified.

5 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
6 qualified voters of the Town for a term of four years or until his or her successor is
7 elected and qualified. The Mayor shall be the official head of the Town government and
8 preside at meetings of the Town Board, shall have the right to vote only when there is
9 an equal division on any question or matter before the Town Board, and shall exercise
10 the powers and duties conferred by law or as directed by the Town Board.

11 "Section 2.4. **Mayor Pro Tempore.** The Town Board shall elect one of its members
12 as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or
13 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
14 capacity at the pleasure of the Town Board.

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

18 "Section 2.6. **Quorum; Voting.** Official actions of the Town Board and all votes
19 shall be taken in accordance with the applicable provisions of general law, particularly
20 G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

21 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The
22 compensation and qualifications of the Mayor and Aldermen shall be in accordance
23 with general law. Vacancies shall be filled as provided in G.S. 160A-63.

24 "ARTICLE III. ELECTIONS.

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

29 "Section 3.2. **Election of Aldermen.** The Town shall continue to have staggered
30 terms for its Aldermen. Two Aldermen shall be elected at the regular municipal election
31 in 2003 to four-year terms and quadrennially thereafter. Three Aldermen shall be
32 elected at the regular municipal election in 2005 to four-year terms and quadrennially
33 thereafter.

34 "Section 3.3. **Election of Mayor.** A Mayor shall be elected in the regular municipal
35 election in 2003 and quadrennially thereafter.

36 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda
37 may be held only as provided by general law or applicable local acts of the General
38 Assembly.

39 "ARTICLE IV. TOWN MANAGER.

40 "Section 4.1. **Form of Government.** The Town shall operate under the
41 council-manager form of government, in accordance with Part 2 of Article 7 of Chapter
42 160A of the North Carolina General Statutes.

43 "Section 4.2. **Town Manager; Appointment; Powers and Duties.** The Town
44 Board shall appoint a Town Manager who shall be responsible for the administration of

1 all departments of the Town government. The Town Manager shall have all the powers
2 and duties conferred by general law, except as expressly limited by the provisions of
3 this Charter, and the additional powers and duties conferred by the Town Board, so far
4 as authorized by general law.

5 "ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

6 "Section 5.1. **Town Attorney.** The Town Board shall appoint a Town Attorney
7 licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to
8 represent the Town, advise Town officials, and perform other duties required by law or
9 as the Town Board may direct.

10 "Section 5.2. **Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a
11 journal of the proceedings of the Town Board, to maintain official records and
12 documents, to give notice of meetings, and to perform such other duties required by law
13 or as the Town Manager may direct.

14 "Section 5.3. **Tax Collector.** The Town shall have a Tax Collector to collect all
15 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such
16 other duties as prescribed by law or assigned by the Town Manager. Notwithstanding
17 the contrary provisions of G.S. 105-349, the Town Manager is authorized to appoint the
18 Tax Collector.

19 "Section 5.4. **Other Administrative Officers and Employees.** The Town Board
20 may authorize other positions to be filled by appointment by the Town Manager and
21 may organize the Town government as deemed appropriate, subject to the requirements
22 of general law.

23 "Section 5.5. **Town Manager's Authority; Role of Elected Officials.** As chief
24 administrator, the Town Manager shall have the power to appoint, suspend, and remove
25 all nonelected officers, department heads, and employees of the Town, except the Town
26 Attorney, who shall be appointed as provided in Section 5.1 of this Charter. Neither the
27 Mayor nor the Town Board nor any of its committees or members shall take part in the
28 appointment or removal of officers, department heads, and employees in the
29 administrative service of the Town, except as provided by this Charter. Except for the
30 purpose of inquiry, or for consultation with the Town Attorney, the Mayor and the
31 Town Board and its members shall deal with officers and employees in the
32 administrative service of the Town only through the Town Manager, Acting Manager,
33 or Interim Manager, and neither the Mayor nor the Town Board nor any of its members
34 shall give orders or directions to any subordinate of the Town Manager, Acting
35 Manager, or Interim Manager, either publicly or privately."

36 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of
37 China Grove and to consolidate certain acts concerning the property, affairs, and
38 government of the Town. It is intended to continue without interruption those provisions
39 of prior acts which are expressly consolidated into this act, so that all rights and
40 liabilities which have accrued are preserved and may be enforced.

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

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

3 Chapter 180, Private Laws of 1889

4 Chapter 292, Private Laws of 1901

5 Chapter 309, Private Laws of 1903

6 Chapter 190, Private Laws of 1909

7 Chapter 68, Private Laws of 1925

8 Chapter 278, Public-Local Laws of 1937

9 Chapter 2, Public-Local Laws of 1939

10 Chapter 433, Session Laws of 1983

11 S.L. 1999-7

12 S.L. 2000-10.

13 **SECTION 5.** The Mayor and Aldermen serving on the date of ratification of
14 this act shall serve until the expiration of their terms or until their successors are elected
15 and qualified. Thereafter, those offices shall be filled as provided in Articles II and III
16 of the Charter of the Town of China Grove as contained in Section I of this act.

17 **SECTION 6.** This act does not affect any rights or interests that arose under
18 any provisions repealed by this act.

19 **SECTION 7.** All existing ordinances, resolutions, and other provisions of
20 the Town of China Grove not inconsistent with the provisions of this act shall continue
21 in effect until repealed or amended.

22 **SECTION 8.** No action or proceeding pending on the effective date of this
23 act by or against the Town or any of its departments or agencies shall be abated or
24 otherwise affected by this act.

25 **SECTION 9.** If any provision of this act or application thereof is held
26 invalid, such invalidity shall not affect other provisions or applications of this act that
27 can be given effect without the invalid provision or application, and to this end the
28 provisions of this act are declared to be severable.

29 **SECTION 10.** Whenever a reference is made in this act to a particular
30 provision of the North Carolina General Statutes, and the provision is later amended,
31 superseded, or recodified, the reference shall be deemed amended to refer to the
32 amended law or the law which most clearly corresponds to the statutory provision that is
33 amended, superseded, or recodified.

34 **SECTION 11.** This act is effective when it becomes law.