

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 342*
Committee Substitute Favorable 3/29/17

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

Sponsors:

Referred to:

March 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
3 CREEDMOOR.

4 The General Assembly of North Carolina enacts:

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

7 "THE CHARTER OF THE CITY OF CREEDMOOR

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

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

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

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

24 "ARTICLE II. GOVERNING BODY

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

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

32 "Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by all the
33 qualified voters of the City voting at large in the manner provided in Article III of this Charter
34 for a term of two years or until a successor is elected and qualified. The Mayor shall be the
35 official head of the City government and shall preside at meetings of the Board, shall have the



1 right to vote only when there is an equal division on any question or matter before the Board,
2 and shall exercise the powers and duties conferred by law or as directed by the Board.

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

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

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

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

14 "ARTICLE III. ELECTIONS

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

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

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

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

30 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION

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

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

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

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

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

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

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

7 "ARTICLE V. ORDINANCES

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

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

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

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

23 **SECTION 4.** Section 1 of Chapter 826 of the 1969 Session Laws having served the
24 purpose for which it was enacted or having been consolidated into this act, is expressly
25 repealed.

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

29 Chapter 610 of the 1987 Session Laws.

30 S.L. 2012-55.

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

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

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

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

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

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

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