

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**HOUSE BILL 1004
RATIFIED BILL**

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

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Troutman is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF TROUTMAN.

"ARTICLE I.

"Incorporation and Corporate Powers.

"Sec. 1.1. Incorporation and general powers. The Town of Troutman shall continue to be a body politic and corporate under the name of the "Town of Troutman," hereinafter referred to as the "Town." The Town shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Sec. 1.2. Powers. The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now or hereafter may be conferred, either expressly or by implication, upon the Town specifically by this Charter or upon municipal corporations generally by the State Constitution, or by general or special statute. The Town shall be authorized to participate in all federal programs not contrary to the Constitution of the State of North Carolina and not explicitly denied to municipalities by the North Carolina General Statutes.

"ARTICLE II.

"Corporate Boundaries.

"Sec. 2.1. The corporate limits of the Town shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as such limits may be altered from time to time in accordance with law. An official map of the Town, showing the current municipal boundaries, shall be maintained permanently in the office of the Town 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 Iredell County Register of Deeds, and the Iredell County Board of Elections.

"ARTICLE III.

"Mayor and Town Council.

"Sec. 3.1. Town Governing Body. The Town Council and the Mayor shall be the governing body of the Town.

"Sec. 3.2. Composition of Town Council. The Town Council shall consist of five members to be elected by the qualified voters of the Town voting at large in the manner provided in Article IV of this Charter.



"Sec. 3.3. Mayor. The Mayor shall be elected by the qualified voters of the Town voting at large in the manner provided in Article IV of this Charter. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. When there is an equal division on a question, the Mayor shall resolve the deadlock by his or her vote, but shall vote in no other case.

"Sec. 3.4. Mayor Pro Tempore. At its first regular meeting following the certification of election results in the municipal election by the Iredell County Board of Elections, the Town Council shall choose one of its members to act as Mayor Pro Tempore, and he or she shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office but shall serve in such capacity at the pleasure of the remaining members of the Town Council.

"Sec. 3.5. Terms; qualifications; vacancies. The Mayor shall serve a four-year term of office, and members of the Town Council shall serve staggered four-year terms of office.

"Sec. 3.6. Organization of Town Council. The Town Council shall meet and organize for the transaction of business at the first regularly scheduled meeting of the Town Council following each municipal election.

"Sec. 3.7. Meetings of Town Council. The Town Council shall fix a suitable time and place for its regular meetings, which shall be held at least once monthly. Special meetings may be held according to the procedures and requirements designated by the general laws of North Carolina pertaining to special meetings of city councils.

"Sec. 3.8. Ordinances and resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered in the minutes of the Town Council. The enacting clause of all ordinances shall be: "Be it ordained by the Town Council of the Town of Troutman." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"ARTICLE IV.

"Elections.

"Chapter 1. Municipal Elections.

"Sec. 4.1. Regular municipal elections. Regular municipal elections in the Town shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results shall be determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Sec. 4.2. Election of Mayor. In the regular municipal election in 2023 and quadrennially thereafter, a Mayor shall be elected to serve a four-year term.

"Sec. 4.3. Election of Town Council. In the regular municipal election in 2023, and quadrennially thereafter, two Town Council members shall be elected to serve four-year terms in those positions whose terms are then expiring. In the regular municipal election in 2025, and quadrennially thereafter, three Town Council members shall be elected to serve four-year terms in those positions whose terms are then expiring.

"Chapter 2. Recall of Elected Officials.

"Sec. 4.4. Removal of officeholders. The Mayor and the Town Council members may be removed at any time by the registered voters of the Town pursuant to this Chapter. The Mayor or a Town Council member is removed upon the filing of a sufficient recall petition as provided in this Chapter and the affirmative vote of a majority of those voting on the question of removal at a recall election.

"Sec. 4.5. Filing of recall petition. (a) Any registered voter of the Town may file a sworn affidavit with the Iredell County Board of Elections containing the name of the Mayor or Town Council member whose removal is sought and a general statement of the grounds alleged for removal. The Iredell County Board of Elections shall provide the registered voter submitting the

request with the official recall petition form that demands the removal of the Mayor or Town Council member. The petition form shall comply with all of the following:

- (1) Be signed by the Iredell County Director of Elections.
- (2) Contain the date of issuance.
- (3) Be addressed to the Iredell County Board of Elections.
- (4) Contain the name of the person to whom the form is issued.
- (5) Contain the name or names of the Mayor or Town Council member whose removal is sought.
- (6) Provide a general statement of the grounds on which the removal is sought, as alleged in the affidavit.
- (7) Provide a place for signatures.

(b) To be sufficient, a recall petition must be returned to the Iredell County Board of Elections within 30 days after the issuance of the recall petition form and must bear the signatures of at least twenty-five percent (25%) of the registered voters of the Town as shown by the registration records as of January 1 of the year immediately before the recall petition is being filed. The signatures to the petition must be handwritten ink signatures. The signatures need not all be appended to one paper. Each signer shall add his or her printed name, signature, and the signer's residential address.

(c) Upon receipt of a filed recall petition, the Iredell County Board of Elections shall conduct an investigation to verify the petition signatures by confirming that the signatures and addresses listed belong to a registered voter of the Town as shown by the registration records as of January 1 of the year immediately before the recall petition is filed. The Iredell County Board of Elections shall complete its investigation and issue its certification of the results of the investigation within 30 days after the filing of any petition. That period of 30 days shall be tolled for any period of time that is also either two weeks before or one week after a primary or election being conducted by the Iredell County Board of Elections. If, by the Iredell County Board of Elections' certification, the petition is shown to be insufficient, it may be amended within 10 days from the date of the certification. The Iredell County Board of Elections shall, within 10 days after any amendment, complete an investigation to verify the petition signatures of the amended petition. If the certification of the results of the investigation shows the amended petition to be insufficient, a copy of the petition shall be returned to the person filing the petition, who may then choose to file a new petition.

"Sec. 4.6. Recall election. (a) Upon a determination that a sufficient recall petition has been submitted, the Iredell County Board of Elections shall notify the Mayor or Town Council member whose removal is sought. The Iredell County Board of Elections shall order and fix a date for holding a recall election. Subject to the remaining provisions of this section, an election shall not be held less than 90 nor more than 120 days after the petition has been certified as sufficient.

(b) The Iredell County Board of Elections shall provide legal notice of the recall election by publication. The notice shall include the general statement of the grounds on which the recall is sought as alleged in the petition. The notice must also include arrangements for holding the recall election in accordance with general law. The recall election shall be conducted, returned, and the results declared as in other elections in Iredell County.

(c) The question of recalling the Mayor or any number of the Town Council members may be submitted at the same election, provided that a separate petition is filed and there is an entirely separate question on the ballot for each Town Council member and the Mayor.

(d) The ballots used in a recall election shall submit the following proposition:

"[] FOR [] AGAINST

The recall of [name and title of the Mayor or Town Council member]."

"Sec. 4.7. Effect of recall election; removal of officeholder. If less than a majority of the votes cast on the question of recalling the Mayor or Town Council member are for recall, the Mayor or Town Council member shall continue in office for the remainder of the unexpired term. If a

majority of votes are for the recall of the Mayor or Town Council member designated on the ballot, the Mayor or Town Council member shall be deemed removed from office and a vacancy shall be declared on the date the Iredell County Board of Elections certifies the results of the recall election. The vacancy shall be filled as provided in G.S. 160A-63. The Mayor or Town Council member removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by the removal or resignation of that Mayor or Town Council member.

"Sec. 4.8. Limitation on recall petitions. No recall petition shall be filed against a Mayor or Town Council member who has been subjected to a recall election, but not removed, until at least 12 months after that recall election is certified. No recall petition shall be filed against the Mayor or Town Council member during the first six months of his or her respective term. No recall petition shall be filed against a Mayor or Town Council member six months prior to the end of his or her respective term.

"ARTICLE V.

"Organization and Administration.

"Sec. 5.1. Council-manager form of government. The Town shall operate under the council-manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 5.2. Town Manager. The Town Council shall appoint a Town Manager, who shall be the administrative head of Town government and shall be responsible for the administration of all departments of Town government. The Town Manager shall be appointed with regard to his or her executive and administrative abilities and does not have to be a resident of the Town when appointed but shall, during his or her tenure as Town Manager, reside within the corporate limits of the Town. The Town Manager shall hold office at the pleasure of the Town Council and shall receive the compensation established by the Town Council from time to time. The Town Manager shall have all the powers and duties conferred by general law and shall have the additional powers and duties conferred by the Town Council as authorized by general or local law.

"Sec. 5.3. Town Attorney. The Town Council shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his or her tenure. The Town Attorney shall serve at the pleasure of the Town Council and shall receive compensation as determined by the Town Council. The Town Attorney shall perform all duties required by law or directed by the Town Council. The Town Council may also employ other attorneys as it deems advisable in order to provide legal advice and assistance to the Town.

"Sec. 5.4. Town Clerk and Deputy Town Clerk. The Town Manager shall appoint a Town Clerk and may appoint a Deputy Town Clerk to keep minutes of the proceedings of the Town Council, to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform other duties as may be required by law or as the Town Council may direct.

"Sec. 5.5. Tax Collector. The Town Manager shall appoint a Tax Collector and may appoint a Deputy Tax Collector to collect all taxes, licenses, fees, and other moneys due the Town, subject to the provisions of State law and ordinances of the Town. The Tax Collector shall diligently comply with and enforce all the general laws of North Carolina relating to the collection of taxes by municipalities and shall perform other duties as the Town Council may direct.

"Sec. 5.6. Finance Officer. The Town Manager shall appoint a Finance Officer and may appoint a Deputy Finance Officer to perform the duties of the Finance Officer as required by the Local Government Budget and Fiscal Control Act and to perform other duties as the Town Council may direct.

"Sec. 5.7. Other officers and employees. The Town Council may authorize other offices and positions to be filled by appointment of the Town Manager and may organize the Town

government and combine offices as deemed appropriate, subject to the requirements of general law."

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

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

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

Chapter 44 of the Private Laws of 1905
Chapter 158 of the Session Laws of 1973
Chapter 144 of the Session Laws of 1981
Chapter 104 of the Session Laws of 1983
Chapter 123 of the Session Laws of 1983
Chapter 75 of the Session Laws of 1987.

SECTION 5. The Mayor and members of the Town Council serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified. Thereafter, those offices shall be filled as provided in Articles III and IV of the Charter, as enacted by this act.

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

SECTION 7. Whenever a reference is made in this act to a particular provision of the General Statutes and the provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute or to the General Statute that most clearly corresponds to the statutory provision that is superseded or recodified.

SECTION 8. If any provision of this act or application thereof is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application and, to this end, the provisions of this act are declared to be severable.

SECTION 9. This act is effective when it becomes law. No action or proceeding pending on the effective date of this act by or against the Town of Troutman or any of its departments or agencies shall be abated or otherwise affected by this act.

In the General Assembly read three times and ratified this the 29th day of June, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives