

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 509
SENATE BILL 287

AN ACT TO PROVIDE FOR AN ELECTION IN THE CITY OF SHELBY, NORTH
CAROLINA, UPON THE QUESTION OF ADOPTING THE CITY MANAGER
FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Shelby shall, within one year from the date of ratification of this Act cause to be submitted to the qualified voters of the City of Shelby at a special election called by the governing body of said city for that purpose, the following amendment to the City Charter, being Chapter 194, Private Laws of North Carolina, Session 1901:

"(a) The Charter of the City of Shelby, Chapter 194, Private Laws of North Carolina, Session 1901, Cleveland County, be and the same is hereby amended by adding thereto the following: The board of aldermen shall appoint a city manager who shall be the administrative head of the city government and shall be responsible for the administration of all departments of the city government. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed, but during his tenure of office, he shall reside within the city. He shall hold office during the pleasure of the board of aldermen and shall receive such compensation as it shall fix by ordinance.

"The city manager so appointed shall (1) act as director of finance and purchasing; (2) see that within the city the laws of the State and the ordinances, resolutions and regulations of the governing body are faithfully executed; (3) attend all meetings of the governing body, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the governing body from time to time upon the affairs of the city, keep the governing body fully advised of the city's financial condition and its future financial needs; (5) appoint and remove all employees of the city, not including, however, the city attorney, the city clerk and treasurer, the city auditor, members of committees and commissions, now appointed by the board of aldermen in conformity with the Charter and present ordinances of the city; (6) and perform all other duties as may be required by the board of aldermen."

Sec. 2. The said election shall be called and conducted and the result thereof determined and declared by the Board of Aldermen of the City of Shelby as is now provided by law for the election of the mayor and members of the board of aldermen, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the Mayor and

Board of Aldermen of the City of Shelby. At such election ballots shall be provided for the voters containing the words "For Amendment Providing For City Manager Form of Government", and "Against Amendment, Providing For City Manager Form of Government". If a majority of the votes cast in said election shall be in favor of said "Amendment Providing For City Manager Form of Government", the same shall become effective and be operative in the City of Shelby from and after the first day of July, 1963. If a majority of the votes cast shall be "Against Amendment Providing For City Manager Form of Government", said amendment shall be null and void and shall not become a part of the Charter of the City of Shelby.

Sec. 3. All ordinances, resolutions, orders, or other lawful regulations of the City of Shelby, and any duly authorized commission, committee or other body thereof, existing at the time said Amendment Providing For City Manager Form of Government is adopted and becomes effective shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Sec. 4. That Chapter 418 of Session Laws of 1959 is hereby amended by striking out in line four of Section 1 thereof the words and figures "Ten thousand dollars (\$10,000.00)" and substituting in lieu thereof the words and figures "Two thousand four hundred dollars (\$2,400.00)". This Section and amendment shall be null and void and shall not become a part of the Charter of the City of Shelby if a majority of the votes cast at the election provided for by this Act shall be against "Amendment Providing For City Manager Form of Government".

Sec. 5. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, the General Assembly expressly declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1961.